

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington D.C. 20001

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Appeal of Chris Otten and Gregg Edwards

Appeal No. 18152

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT SUPPLEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("Appellee" or "DCRA"), by and through undersigned counsel, respectfully submits this supplement to its pre-hearing statement filed on January 7, 2011.

In their appeal, the Appellants argue that the Zoning Administrator erred by allowing the District of Columbia Public Library ("DCPL") to designate the lot line abutting Lamont Street as the front of the Property. As explained in the District's Pre-Hearing Statement, in designating Lamont Street as the front of the Property, the Zoning Administrator relied on both guidance from the Zoning Regulations and the historical practices of DCRA. Accordingly, the Zoning Administrator properly exercised his discretion in interpreting and administering the Zoning Regulations.

The Zoning Administrator's decision is also consistent with the prior decisions of the Board. In *Appeal No. 15136*, the appellant argued that the Zoning Administrator erred in calculating the width of one of the lots in a subdivision. *See Appeal No. 15136 of Phil Mendelson on behalf of Advisory Neighborhood Commission 3C* (1989) at p. 7. The lot (lot 46) abutted two streets. *Id.* In making his calculations, the Zoning Administrator considered the side of the lot facing Rock Creek Drive as the front; however, the appellant argued that Woodland

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Drive should be considered the front. *Id.* In that case, the Zoning Administrator explained that when a lot is a corner lot he will use "whatever lot lines are most advantageous to the applicant." *Id.* at p. 8. There, the Board found the Zoning Administrator's calculation of the lot width to be "reasonable and not inconsistent with the Zoning Regulations." *Id.* at p. 10.

Similarly, in *Application No. 16071*, the applicant's property abutted more than one street. See *Application No. 16071 of the Washington International School* (1995) at p. 2. As the Zoning Regulations state the middle of the front of a building is the measuring point to be used in determining the height and number of stories of a building, the Board had to determine which side was the front. *Id.* The applicant's expert witness testified, "that when property fronts on more than one street, any front may be used to determine the building height." *Id.* The Board then deferred to the applicant's expert and used the point of measurement indicated on the applicant's plans. *Id.*

As the Zoning Administrator's interpretation was reasonable and consistent with both the Zoning Regulations and the Board's prior decisions, the appeal should be denied.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by email, this 25th day
of January 2011, to the following:

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