



CITIZENS ASSOCIATION
of GEORGETOWN

March 5, 2012

Ms. Meredith Moldenhauer, Chairman
Board of Zoning Adjustment
441 4th Street, NW 2nd Floor
Washington, DC, 20001

RECEIVED
D.C. OFFICE OF ZONING
2012 MAR -6 AM 9:52

Re; BZA Case No. 18321 re Appeal of Building Permit No. B1010202 for the property at 1525 Wisconsin Avenue, NW

Dear Madam Chair:

On behalf of the Citizens Association of Georgetown, I respectfully request postponement of the March 6, 2012 hearing before the BZA in this matter for a term of 3 months.

OFFICERS

Jennifer M. Altemus
President

Gianluca Pivato
Vice President

Christopher Mathews
Secretary

Robert Laycock
Treasurer

DIRECTORS

Diane Colasanto
Rence Esfandiary Crupi
Karen Cruse
Hazel Denton
Barbara Downs
Brad Gray
Pamla Moore
Cynthia Pantazis

LEGAL ADVISOR

Richard de C. Hinds

EXECUTIVE DIRECTOR

Betsy Cooley

Simply stated since the time of the filing of the appeal on October 25, 2011, which resulted in the issuance of a Stop Work Order on the property, a revised building permit has yet to be issued and the project has yet to be brought into compliance with the Zoning Regulations.

As a brief review, following the filing of the initial appeal, the issue of non-conforming Percentage of Lot Occupancy which was the basis for the initial appeal and the initial Stop Work Order was seemingly resolved after several weeks, when the front portion of the second floor was converted to Commercial use from Residential use. The Stop Work Order was lifted.

Subsequent examination of the plans however, revealed that the conversion of the front portion of the second floor from Residential use to Commercial use had created a new non-conforming zoning condition in that the Commercial use now exceeded the allowable Floor Area Ratio. Another Stop Work Order was issued. This issue was eventually resolved by reducing the overall length of the building by 5 ft. at the rear (rear yard was increased from 15 ft. to 20 ft.). After another few weeks the SWO was lifted.

Unrelated to the zoning issues but important in the ongoing process, the property was subsequently cited for demolition of historic fabric without a permit as well as for non-conformance with the original plans approved by the Old Georgetown Board of the Commission of Fine Arts. A partial Stop Work Order was issued for work in the area of the affected demolition and non-conforming work. The owner was obliged to return to the Old Georgetown to seek approval for the changes made to the approved design.

In the latest plans (attached), which were presented to the Old Georgetown Board on February 2, 2012, there is a new non-conforming zoning condition in the proposed construction of a covered structure in the second floor open court. The applicant's architect stated at the OGB hearing that this structure is required by DCRA to provide a covered means of egress (please see attached transcript page 77, line 2 and following) from the rear portion of the second floor to the front portion where an egress stair is located. This covered structure would divide the existing court into two courts, at least one of which would be non-conforming and

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18321
EXHIBIT NO. 19

1365 Wisconsin Avenue NW
Suite 200
Washington DC 20007
202.337.7313
Fax: 202.333.1088
cagmail@cagtown.org
www.cagtown.org

Board of Zoning Adjustment
District of Columbia
CASE NO. 18321
EXHIBIT NO. 19

would require Variance relief from the Board were it to remain part of the revised permit plans (please see attached plan).

As of the late date of this letter, it is unclear how the owner of the property, Sara Moktari, intends to move forward to both address this potential zoning violation as well as to the address the matter of the extensive demolition with without permit and other necessary corrections to the construction stipulated by the Old Georgetown Board that need to be made at her property. Resolving the latter condition could possibly cause other non-conforming zoning issues to arise.

Given the current state of affairs, as we see it, the options for the property owner to move forward to bring the property into full regulatory compliance and the resulting zoning implications are as follow:

Option A: Follow the directives of the Old Georgetown Board and reconstruct the portions of the building demolished without a permit. Relating to the court area where the covered walkway is to be built, this would require the upper (old second floor) portion of the rear "ell" wing to be reconstructed.

Result: The proposed covered walkway would create two non-conforming courts (both less than 12 ft. wide), one on each side of the covered walkway.

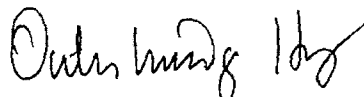
Option B: Appeal the Old Georgetown Board directives to the Mayor's Agent.

Result: The proposed covered walkway would create one non-conforming courts (less than 12 ft. wide) between the covered walkway and the property to the south.

Until these zoning and regulatory issues are satisfactorily resolved either by property owner and the Zoning Administrator or by the Board itself in response to a Variance application, the property will not conform to the zoning regulations and a revised permit cannot be issued. Thus the building permit that was originally appealed has yet to be revised and the property has yet to be brought into conformance with the Zoning and other regulations. Accordingly it is not possible at this time either to argue the matter before of the Board on the scheduled date of March 6, 2012. Nor is it possible to withdraw our appeal if all issues have been satisfied.

Thank you for you consideration.

Sincerely,



Outerbridge Horsey
Citizens Association of Georgetown

CC Jay Surabian, Assistant Attorney General
Sara Moktari, Property owner
Jennifer Altemus, President, CAG

1 CHAIRMAN VANZE: Okay.

2 MR. MARKUS: I had two questions.

3 One, regarding the canopy, obviously it's not
4 a typical condition in an historic building.
5 But it is a -- It was something that came up
6 for an egress for a building code issue. So
7 we were looking for a way to adapt this
8 building to make it work per a current
9 building code.

10 It needed a covered -- It's open
11 on the sides, but it needed some sort of
12 covered walkway in between the two sections.

13 CHAIRMAN VANZE: You can't go down
14 the stair and out. That's not --

15 MR. MARKUS: No. It has to do
16 with the back. It's supposed to have two
17 means of egress from this back area as a
18 commercial space. So there needs to be
19 something, some kind of covered connection.

20 If it's not an awning, is there
21 some other suggestion? We were trying to
22 create the lightest, simplest structure.

1 BOARD MEMBER LEWIS: Will that be
2 visible when the north wall is lowered?
3 That's going to be visible from Q Street. Is
4 that right?

5 MS. BARSOUM: I would think so.

6 BOARD MEMBER LEWIS: You do think
7 so.

8 MR. MARKUS: I don't think so.
9 Here are some photos.

10 BOARD MEMBER LEWIS: I would say
11 that if it is visible from Q we wouldn't have
12 approved it. And if it isn't visible from Q,
13 we would have approve it.

14 BOARD MEMBER COX: I think if it's
15 a code issue though this is kind of a unique
16 situation for us. We could still say no just
17 to be on record. But we may be overruled on
18 that.

19 SECRETARY LUEBKE: Well, the other
20 issue is I mean it's not really -- Our review
21 is historic in design. And if you're not in
22 favor of it, that's fine. If they can figure

1 out how to address these issues, they could
2 also get a waiver or come back later on when
3 it's not visible.

4 I mean it's not really concerned
5 with zoning. And strictly speaking you know
6 these code issues --

7 MR. MARKUS: I realize that. But
8 it's also I mean we're trying to adapt the
9 building for a new use. So we're just looking
10 for some --

11 CHAIRMAN VANZE: I think there are
12 ways you could do it where it wouldn't be
13 visible from Q Street.

14 MR. MARKUS: Yes.

15 CHAIRMAN VANZE: Because it looks
16 to me like this thing only has to be that high
17 and imagine the sight line. You'd needed to
18 get over parapet wall. So if it's not visible
19 from Q Street, it's okay.

20 SECRETARY LUEBKE: Let me ask a
21 question. Was this code, egress issues, not
22 understood at the time of the original permit

1 drawings?

2 MR. MARKUS: There has been some -
3 - Well, the original permit said actually when
4 it went to you, when it went to the Board, was
5 it hadn't gone through the full review. But
6 there has been some other questions about the
7 interior use and things had to be adjusted a
8 little bit.

9 CHAIRMAN VANZE: Okay. Thank you.

10 MR. SAMUEL: I'm not familiar.
11 Are we allowed to comment at all?

12 CHAIRMAN VANZE: You can but we're
13 actually -- It's done with your case. Quite
14 simply you've gotten -- We've reviewed all the
15 changes to the proposed design. You've gotten
16 the feedback from the OGB. It will be taken
17 to the Commission of Fine Arts. And that's
18 your feedback.

19 MR. SAMUEL: It's unfortunate.

20 SECRETARY LUEBKE: Well, this is a
21 Federal historic district and the
22 recommendations of the Board are not merely

1 suggested. But we -- I mean frankly the scale
2 of change is somewhat unprecedented in our
3 experience of someone taking virtually every
4 aspect of the design and changing it post
5 facto from the permit drawings.

6 We're sorry but the Board has
7 spoken. They spoke before. And you've
8 gotten some changes. Some things approved,
9 but the recommendation is to go back and fix a
10 lot of stuff that was done. Thank you. Off
11 the record.

12 (Whereupon, the above-entitled
13 matter was concluded.)
14
15
16
17
18
19
20
21
22

C E R T I F I C A T E

MATTER: Permit for 1525 Wisconsin Avenue

DATE:

I hereby certify that the attached transcription of pages 1 to 81 inclusive are to the best of my belief and ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording.

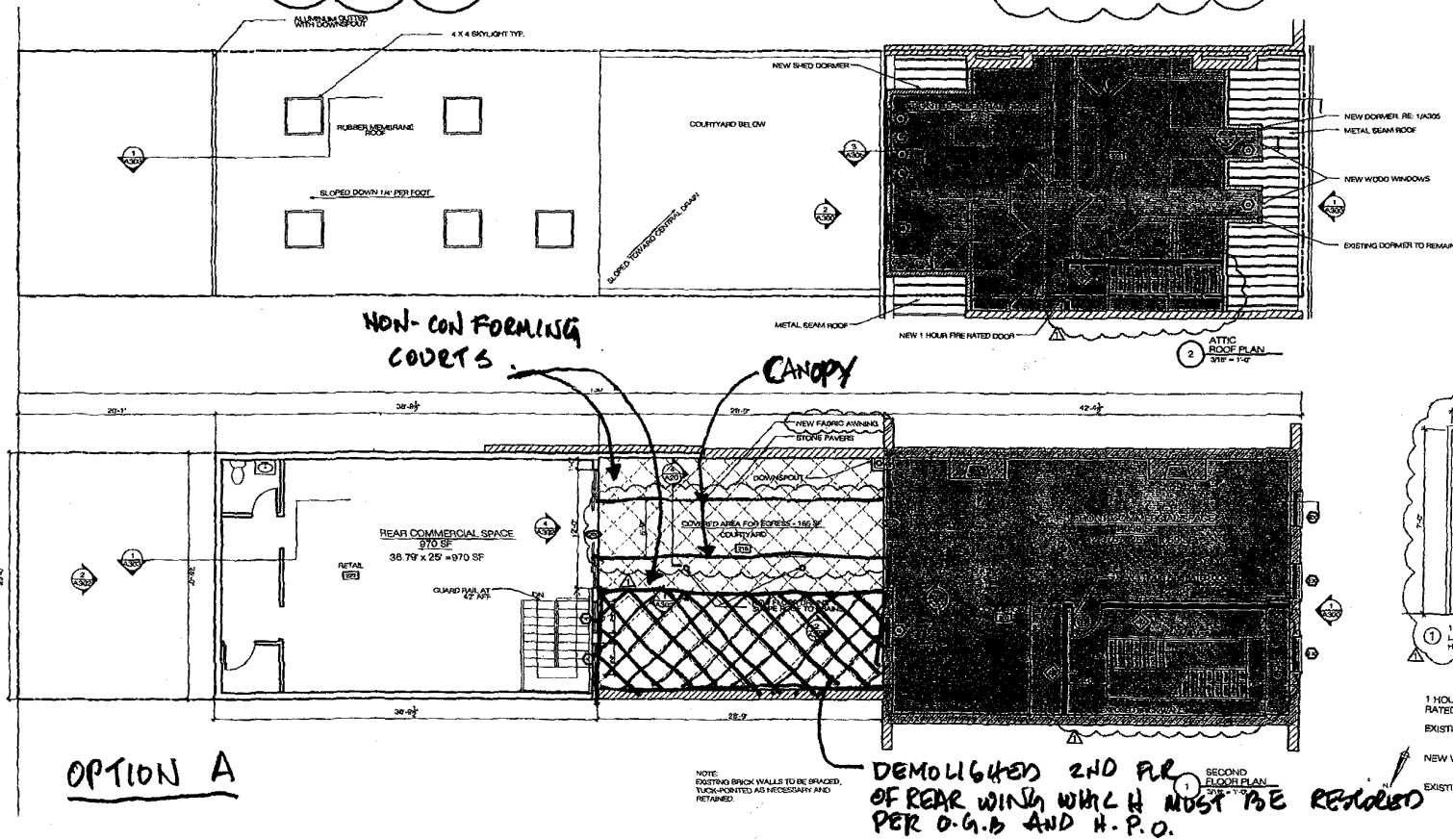
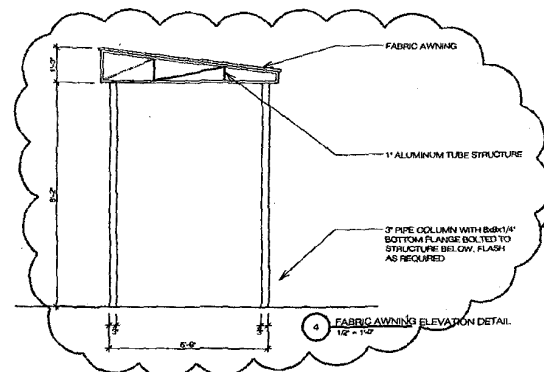
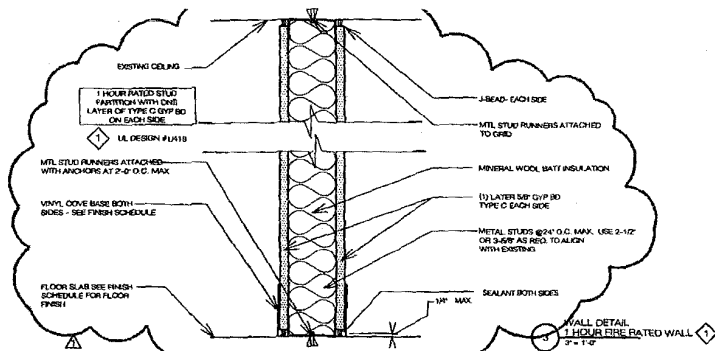
Neal R Gross

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



RICH MARKUS ARCHITECTS
2601 P STREET NW 2nd FL
WASHINGTON, DC 20007
202.333.2733
RICHMARKUSARCHITECTS.COM

1525 WISCONSIN AVE
Washington, DC 200

PROPOSED
SECOND FLOOR
AND ATTIC PLANS
WINDOW AND
DOOR SCHEDULE

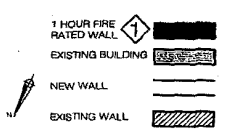
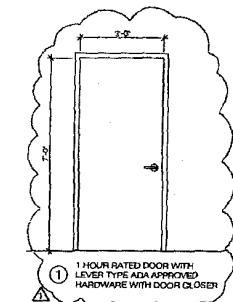
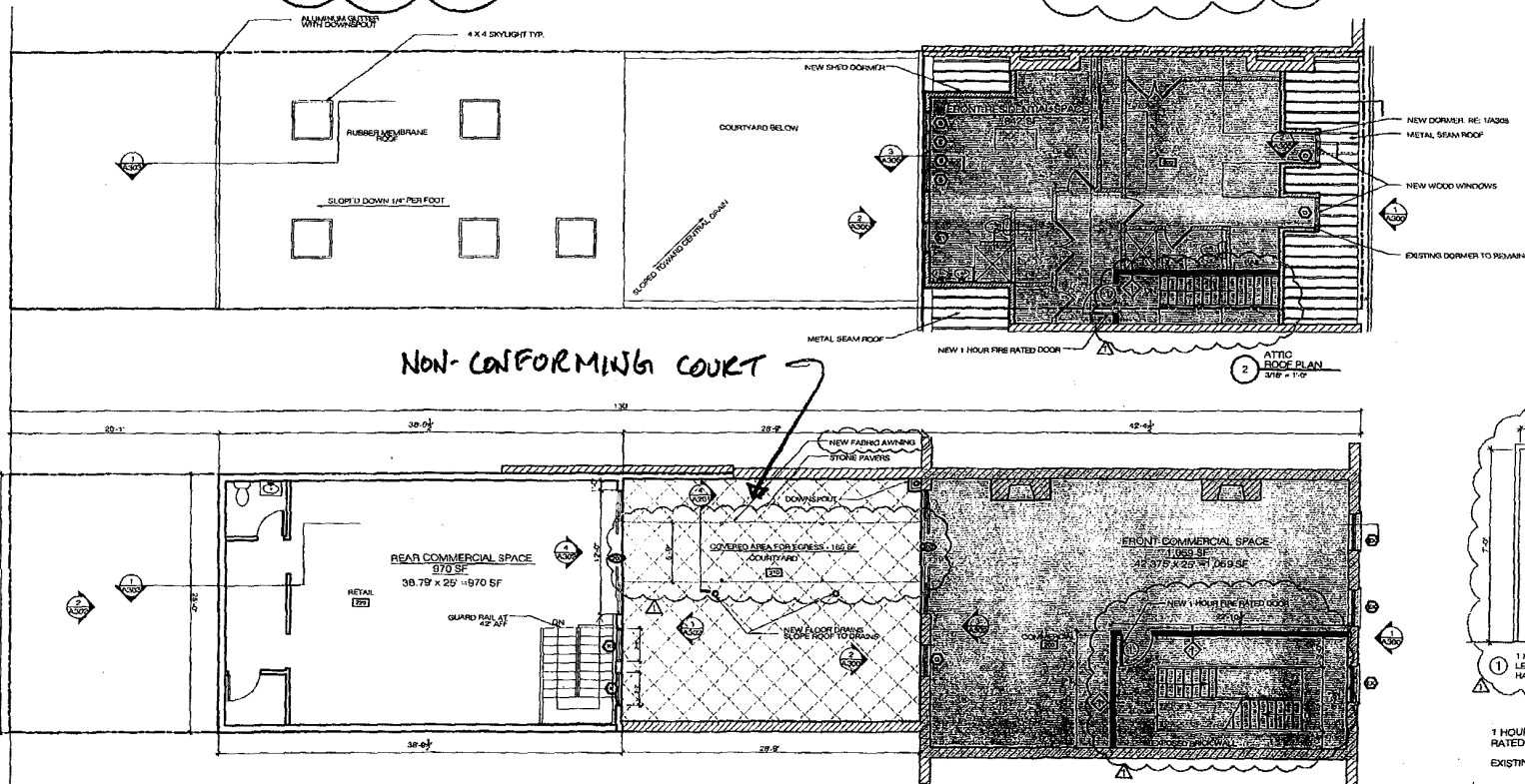
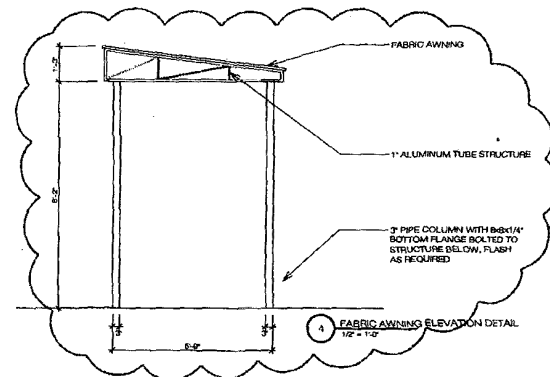
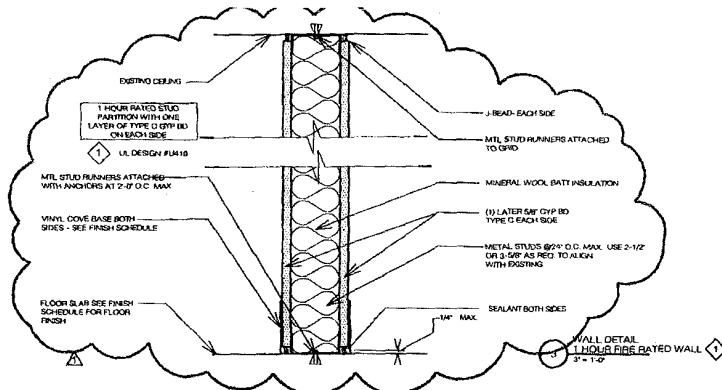
01-18-2012
REVISED

1/8\"/>

13 DEC 2011

A201

DRAWING NUMBER



NOTE:
EXISTING BRICK WALLS TO BE BRACKETED,
TUCK-POINTED AS NECESSARY AND
RETAINED.

OPTION B

RICH MARKUS ARCHITECTS
2601 P STREET NW 2nd FL
WASHINGTON, DC 20007
202.333.2733
RICH-MARKUSARCHITECTS.COM

1525 WISCONSIN, AVE
Washington, DC 20007

PROPOSED
SECOND FLOOR
AND ATTIC PLANS
WINDOW AND
DOOR SCHEDULE

11-9-2012
REVISED

1/8\"/>

13 DEC 2011

A201
DRAWING NUMBER