



CITIZENS ASSOCIATION
of GEORGETOWN

May 14, 2012

Lloyd Jordan, Esquire
Chairperson
D.C. Board of Zoning Adjustment
One Judiciary Square
441 4th Street, N.W.
Suite 210 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2012 MAY 15 AM 8:50

Re: BZA Appeal No. 18321 of the Citizen's Association of Georgetown

Dear Chairperson Jordan:

The Appellant, Citizen's Association of Georgetown, respectfully opposes DCRA's Motion to Dismiss and asks the Board to grant this Appeal based on DCRA's Notice to Revoke Building Permit No. B1010202 signed May 2, 2012, but not effective until August 31, 2012 ("Notice to Revoke"), attached as Exhibit A.

The Notice to Revoke sets forth DCRA's findings that numerous zoning and other violations currently exist related to Building Permit No. B1010202 and the illegal and unauthorized construction completed at the Property. Despite numerous prior directives from DCRA, these violations have not been corrected. Giving the offending property owner until August 31, 2012 – more than three and half months – to correct the self-inflicted violations is unwarranted regulatory generosity and does not in any manner moot the established violations or this Appeal.

The Appellant, as investigated and admitted by DCRA, has fully met the burden of proof in this Appeal. To blindly assume that the offending property owner will come into compliance by August 31, 2012, or ever, is the only "premature and speculative" issue currently before the Board.

The Board should adopt the findings set forth in the Notice to Revoke and invalidate that building permit effective immediately. Alternatively, the Board should continue this matter until after August 31, 2012 subject to DCRA completing an updated investigation and report to the Board of the then current status of remedial actions, if any, completed by the property owner.

Very truly yours,

Outerbridge Dorsey

Outerbridge Dorsey
Citizen's Association of Georgetown

Enclosure

cc: Jay A. Surabian, Esq., DCRA
Dey Dreams LLC
Ronald Lewis, Esq., ANC 2E

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18321 Board of Zoning Adjustment
District of Columbia

EXHIBIT NO. 22 CASE NO. 18321
EXHIBIT NO. 22

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

Inspection and Compliance Administration

Dey Dreams, LLC
c/o Sara Mokhtari
1525 Wisconsin Ave., NW
Washington, DC 20007

Re: 1525 Wisconsin Ave., NW ("the Property")

NOTICE TO REVOKE BUILDING PERMIT NO. B1010202

This is official notice that the Department of Consumer and Regulatory Affairs ("DCRA") will revoke Building Permit No. B1010202, effective August 31, 2012, unless you take the corrective action specified herein. The grounds for revocation are found under 12A DCMR § 105.6(6), which authorizes DCRA to revoke a building permit when "the code official determines that the permit has been issued in error or on the basis of incorrect information supplied[.]" Specifically, your building plans failed to provide the information necessary to determine compliance with the Zoning Regulations as required by 12A DCMR § 106.1.12.

DCRA believes Permit No. B1010202 was issued in error because the plans submitted (dated 11/10/10) in support of that permit contain the following omissions and inconsistencies:

- 1) Before construction, the building had a 1.5 story feature that formed an "L" shape in the rear of the building. The U.S. Commission of Fine Arts has referred to this feature as the "historic ell". The plans show that the historic ell will remain, but do not depict the height of the ell above the 2nd floor court. Without this information it is not possible to determine if the ell will be in excess of 4 feet above the court and thus create a substandard sized court in violation of 11 DCMR § 776.1.
- 2) One sheet in the plan set indicates that the 2nd floor of the existing building will be used as retail space; however, a floor plan submitted with the same plan set indicates that the use of that space will be residential. Due to this inconsistency, it is not possible to determine if the approved plans exceed the allowable lot occupancy under 11 DCMR § 772.1.
- 3) The scale of the plans (given as 3/16" = 1') is inconsistent with the dimensions given on the plan sheets. Since the dimensioned numbers and scale are inconsistent, is impossible to accurately determine the size of the building and thus it is impossible to calculate the floor area ratio. Commercial floor area ratio is limited to 1.5 in a C-2-A zone under 11 DCMR § 771.2.

Additionally, during construction you deviated from the approved plans. Specifically, you illegally demolished the historic ell and reduced the size of the addition. On December 5, 2011, DCRA issued a Stop Work Order and a Notice of Infraction citing you for the illegal demolition of the ell. Because approved plans contained the inconsistencies specified above and the work had deviated from the approved plans, DCRA allowed you to submit revised plans in order to obtain a revised building permit.

The revised plans you submitted (dated 1/19/12) showed a design where the ell would not be rebuilt. These plans were then reviewed by the various divisions of DCRA and its sister agencies. Although DCRA determined that this proposed design complied with the Zoning Regulations, a revised permit could not be issued because the design was rejected by the U.S. Commission of Fine Arts ("CFA"). On February 21, 2012, the CFA issued a letter to you informing you that your revised plans did not meet their approval and recommended that you return to the design that was previously approved by CFA on November 19, 2010, which includes the restoration of the ell.

Because the plans (dated 11/10/10) contain the inconsistencies specified above and you have not obtained a revised building permit, **DCRA is revoking Building Permit No. B1010202, effective on August 31, 2012, unless you take the following corrective actions:** 1) submit revised plans for the construction of the rear addition that meet the approval of the divisions of DCRA and its sister agencies, including CFA, and 2) after obtaining a revised permit, complete construction of the work under that plan by August 31, 2012.

If you fail to comply with these conditions, Permit No. B1010202 and any temporary certificates of occupancy issued for the Property will be deemed revoked by DCRA. Any extension of this deadline can only be approved in writing by the Chief Building Official.

Any questions about this notice or about how to come into compliance may be directed to Zoning Administrator Matthew LeGrant at matthew.legrant@dc.gov or Inspections Supervisor Clarence G. Whitescarver at clarence.whitescarver@dc.gov.

RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit. To appeal, you must mail or hand-deliver a request for a hearing to the Office of Administrative Hearings at 441 4th St., NW, Suite 450N, Washington, DC 20001 within ten (10) days of service of this notice.

Date: _____

5/2/12



Rabbiah Sabbakhan
Chief Building Official