

18376

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D.C. OFFICE OF ZONING
2012 JUN 25 AM 9:51

From: Jorge Granados
3455 Holmead Place, N.W.
Washington, D.C. 20010

TO: Richard S. Nero, Jr.
Deputy Director of Operations
441 4th St. NW, Suite 200/210 South
Washington DC 20001
June 2012

Dear Mr. Nero,

I am writing to make objections to the application, pursuant to 11 DCMR § 3103.2, for a variance from the building height requirements under section 400, and a variance from the open court requirements under section 406, for an addition to an existing apartment building in the R-4 District at premises 3453 Holmead Place, N.W. (Square 2834, Lot 73). The variance requested by the Applicant does not comply with the existing building and zoning regulations. In addition, the Applicant has a history of operating outside of the scope and authority of the Office of Zoning and is only now trying to obtain permits for an existing permit-less structure that is a hazard to the community, the tenants and the neighboring structures.

History -- The premises at 3453 Holmead Place, N.W. has a long history of complaints and non-compliance with building codes and zoning regulations as evidence in the attached printout of complaints spanning back many years. I, the owner of the premise at 3455 Holmead Place, N.W., have spent many years attempting to have the property of Cornelle Smith (hereinafter referred to as "Applicant") inspected for code violations and for building additions without a permit. It is our belief that the Applicant is seeking to "retroactively" obtain permits for additions already made, without a permit, that are not up to code, and that pose safety hazards to the tenants at 3453 Holmead Place, N.W. and the neighboring structures.

Context and Height -- The proposed height variance appears to be a thinly veiled attempt to retroactively obtain permits for a premise that has already been modified outside of the height limit. See attached photos. The photos clearly demonstrate that the premise at 3453 Holmead Place, N.W. has already been modified in height, towering over my property structures, with no attempt to integrate with the surrounding houses. The addition at 3453 Holmead Place, N.W., has been in the same unfinished state since 2006. (See 3455 Holmead Place, N.W. affidavit). The Applicant has not made any attempts to properly install exterior fire rated material on the exterior of the building, instead leaving plywood and weatherized wrapping material exposed to the weather and elements. This is unsightly and poses a fire hazard to the neighboring properties. Moreover, the addition has not been properly fitted with gutters causing weather spillage directly onto the neighboring property. Furthermore, this permit-less addition by the Applicant has encroached on my property 3455 Holmead Place, N.W.

BOARD OF ZONING ADJUSTMENT
District of Columbia Board of Zoning Adjustment
District of Columbia
CASE NO. 18376 CASE NO. 18376
EXHIBIT NO. 22 EXHIBIT NO. 22

Materials and building design – The proposed building materials are also entirely inappropriate and insensitive to the surroundings. The surrounding buildings are all built of stone, brick, painted siding or stucco. The Applicant has covered his addition in worn plywood. This plywood is by no means a “temporary” fix as the premise has been in the state shown in the photos since 2006.

The addition also eliminates tenant’s access to an exterior egress which has lead to the placement of trash in the front of the property, not the alley as designated, leading to an excess and overabundance of rats in and around the front portion of the Applicant’s property. The lack of egress, and the subsequent placement of the tenants’ waste in the front of the home, is unsightly, a health hazard, and does not conform to the neighboring structures. Furthermore, surely, the lack of windows or an exterior egress for all tenants is a safety or fire hazard and not up to code. This issue should be inspected by the Office of Zoning.

Effect on existing community – The Applicant, and the tenants, that occupy the property have a blatant disregard for the health, safety and the appearance of the neighborhood. The Applicant’s request for a variance is an egregious attempt to obtain permits for a structure that was already modified outside of the zoning regulations and built in a haphazard manner not up to code. The property is a safety hazard to the neighboring houses. The inadequate building material is an eyesore, not up to code and seemingly a fire hazard. Additionally, the Applicant does not maintain the property in a similar condition to the neighboring houses. Any additions or variance would arguably be kept in the same state of disrepair that the Applicant currently maintains the property in now. Furthermore, the Applicant’s permit-less additions have created a rodent nuisance in the front of the property due to improper trash removal and storage practices.

If in fact this application is an attempt to make further additions to the premise, the history of the property, including complaints and permits, should be thoroughly reviewed in light of the existing structure. It is our contention that the permits that have previously been issued do not support the structure at 3453 Holmead Place, N.W. as it currently stands.

I therefore request that the Board of Zoning Adjustment deny the application of Cornelle Smith.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jorge Granados', written in a cursive style.

Jorge Granados

FACT SHEET PROPERTY ADDRESS

BACKGROUND

- **Address** : **3453 Holmead Place NW**
- **Lot** : **2834**
- **Square** : **0073**
- **Cluster** : **2**
- **Ward** : **1**
- **Councilmember** :
- **Owner** : **Cornelle B. Smith**
- **Type of Building** :
- **Apt., Room, or Unit** :
- **Number of Units** :
- **Occupied Units** :
- **Vacant Units** :
- **Fine Amount** : **\$**
- **Number of HVN** :
- **Comments** :
- **Inspector(s)** : **Juan Scott, Olgie Antoine, Neil Letren, Anthony Sanders, Jahdal McKenzie, Martin Olsen, and Ruben Legaspi**

Background, to include issue description:

On March 28, 2006, ICU received a complaint of work being done without the proper permits on the property listed above. A SWO was issued by Chief inspector **Juan Scott** on March 29, 2006 for working beyond the scope of the building permit, no electrical and no plumbing permit, a fine of \$10,000 was considered but never written up.

On September 21, 2006 ICU received another complaint of excessive noise. Inspector **Olgie Antione** visited the property and issued a SWO for working beyond the scope of the building permit, no fine was issued.

On March 28, 2007, ICU received another complaint of illegal construction on the property listed above. This time, Inspector **Neil Letren** visited the property on March 30, 2007 and issued a SWO for exceeding the scope of the building permit and installing a scaffold without permit fine issued were \$6,000 (I700537). Additionally, after receiving a complaint of work continuing with a SWO still in place, Inspector **Anthony Sanders** visited the property and issued another SWO for Unauthorized removal of the SWO issued by Neil Letren and a fine of \$2,000 (I700587) was issued. Both cases were sent to the Office of Civil Infractions (OCI) on September 4, 2007 for further processing. A hearing was held in the Office of Administrative Hearing (OAH) on January 29th 2008, ICU received a Final Order, where both cases (I700537 and I700587) were consolidated and Audrey Jenkins (Admini. Law Judge) decided to reduce the fines from \$8,000 to \$2,000. The owner paid the fine of \$2,000 on March 12, 2008.

After review of the cases by then Supervisor Malcolm Avant on August 29, 2008, he decided to remove all previous SWO's and allow the owner to proceed with obtaining all the permits.

However on June 7, 2009, ICU received another complaint of illegal construction, this time Inspector **Jahdal McKenzie** visited the property on June 9, 2009 and issued a SWO for building encroachment on the adjacent property with a fine \$500. Subsequently, the case was review by new Supervisor (back then) Ira Neff on June 12, 2009 who decided the SWO was issued in error and informed ICU to remove all holds on property.

Consequently, on May 11, 2010, Inspector **Jahdal McKenzie** visited the property again and issued a SWO with a fine of \$2,500(I702446) for operating without a housing residential license and failure to have housing business license. This case was sent to OCI for further processing on June 3, 2010. ICU received another Final Order from OAH, where they found the owner to be liable for the violation and ordered him to pay the \$2,500 within 20 days of September 1, 2010.

Then, on August 2, 2010 Inspector **Martin Olsen** visited the property and issued another SWO with a fine of \$10,000 for working without the proper building, mechanical, plumbing and electrical permit, however after review of the cases again by the inspector and supervisor, it was determined that the SWO was issued in error again. Inspector Martin Olsen sent ICU an email on August 16, 2010 at 4:11 pm, requesting SWO to be removed from the system. Thus, the SWO was removed.

Additionally, on December 8, 2010, Inspector **Ruben Legaspi** visited the property again and issued a Notice of Violation (NOV) for eight different violations, the owner was given 15 days to correct the issues. A follow-up inspection was conducted on January 7, 2011 where it was determined that violations 1, 6, 7, and 8 were abated, however, violations 2-5 were unabated, per Ruben Legaspi, the Chief Building Official at that time, Don Masoero, decided to hold the case until thirty days after the owner has his BZA hearing.

Current Status:

We are currently waiting for the BZA hearing to be held, as instructed by BCO on January 7, 2011. However, Tamika Jones contacted the Owner (Cornelle Smith) on May 17, 2011 at 11:14 am, to inquire about the BZA hearing. According to Mr. Smith, he stated he paid a representative (Diane Reed) \$4,000 to submit his documentation to the board (he has a signed contract and a copy of his check) but, has not heard from her and she would not answer his calls, he stated, he would try his best to take care of this issue today and will contact ICU by the COB to let us know the status.

Jorge Granados

From: Reyes, Jakeline (Council) [jreyes@DCCOUNCIL.US]
Sent: Wednesday, February 22, 2012 2:38 PM
To: Jorge Granados
Subject: FW: 3453 Holmead Place NW
Attachments: 3453 Holmead PI NW.PDF

FYI-

From: Scott-Cooper, Barbara (DCRA) [mailto:barbara.scott-cooper@dc.gov]
Sent: Tuesday, May 17, 2011 3:02 PM
To: Reyes, Jakeline (Council); Majett, Nicholas (DCRA); Pugh, Phillip (DCRA); Fimbres, Francisco (EOM); jorgeg@mrisc.com
Cc: Jim Graham; Barragan, JuanCamilo (EOM); Glaude, Steve (EOM); Muhammad, Sedrick (EOM)
Subject: RE: 3453 Holmead Place NW

To All,

I am responding for Mr. Pugh, who is out of the office. I have attached a background sheet of the history of 3453 Holmead Pl. NW. At the end of the second page you will see that we are awaiting the decision of the BZA which has apparently not been scheduled. I have a call in to the Deputy Zoning Administrator to verify the status of the hearing. I will follow up with that information.

Barbara Scott-Cooper, CBO
Department of Consumer and Regulatory Affairs
Specialty Inspections Program
1100 4th St SW, 4th Floor
Washington, DC 20024
202. 442-4385 Office
202. 439-2391 Cell
www.dcradcr.gov

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Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcdcr.gov/operationtipp>.

From: Pugh, Phillip (DCRA)
Sent: Saturday, May 14, 2011 11:06 AM
To: Scott-Cooper, Barbara (DCRA)
Subject: Fw: 3453 Holmead Place NW

From: Fimbres, Francisco (EOM)
To: Reyes, Jakeline (Council) <jreyes@DCCOUNCIL.US>; jorgeg@mrisc.com <jorgeg@mrisc.com>; Majett, Nicholas (DCRA); Pugh, Phillip (DCRA)
Cc: Jim Graham <Jim@grahamwone.com>; Barragan, JuanCamilo (EOM); Glaude, Steve (EOM); Muhammad, Sedrick (EOM)
Sent: Thu May 12 16:15:05 2011
Subject: RE: 3453 Holmead Place NW

Thank you, Ms. Reyes. I am sure DCRA's responsive team will try to assist Mr. Granados.

Best,

Francisco Fimbres

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To learn more, visit <http://www.mpdcc.dc.gov/operationtipp>.

From: Reyes, Jakeline (Council) [mailto:jreyes@DCCOUNCIL.US]
Sent: Thursday, May 12, 2011 4:12 PM
To: jorgeg@mrisc.com; Majett, Nicholas (DCRA); Pugh, Phillip (DCRA)
Cc: Jim Graham; Barragan, JuanCamilo (EOM); Fimbres, Francisco (EOM); Glaude, Steve (EOM); Muhammad, Sedrick (EOM)
Subject: FW: 3453 Holmead Place NW
Importance: High

Mr. Granados, per your request,

I am bringing this matter to the new DCRA director Nick Majett and looping the Mayor's office new administration.

Please see below.

Gracias!

Jackie M. Reyes
Director of Latino Affairs and Community Outreach
Councilmember Jim Graham, Ward 1
John A. Wilson Building
1350 Pennsylvania Ave. NW Suite 105
Washington, DC 20004

202.724.8181 (phone)
202.724.7133 (fax)

www.grahamwone.com Committee: www.dccouncil.us/publicworksandtransportation

From: Reyes, Jakeline (Council)
Sent: Thursday, May 20, 2010 5:09 PM

To: Masoero, Don (DCRA); Pugh, Phillip (DCRA); Neff, Ira (DCRA)

Cc: jim@grahamwone.com; jorgeg@mrisc.com; amfenty@hotmail.com; Latterner, Sarah (EOM); Taylor, Chris (EOM); Cook, Sybongile (DOES); andrew.hopkins@dc.gov

Subject: 3453 Holmead Place NW

Importance: High

Dear Don –

Mr. Granados would like to know if there has been any progress with the investigation regarding 3453 Holmead Place NW rear illegal construction that happened back in 2006. At this point he is so frustrated with the Government slow response that he considering taking the wall that was built on his property himself. As you can see the history in the attached report and below STOP WORK ORDERS were place on the property and none of them were honored. Please take immediate action before Mr. Granados takes matters into his own hands. Mr. Granados can be reach at 301.806.1080.

Commercial Inspections : No. of Records = 12

Address	Unit	SSL	Id	Type	Completion Status	Completion Date	Detailed Description
- 3453 HOLMEAD PL NW		2834 0073	CIC0900887	Follow Up	No Cause	2010/05/07	please check for any illegal construction per your supervisor Ira Neff
- 3453 HOLMEAD PL NW		2834 0073	CIC0900887	Follow Up	Rescheduled	2010/04/30	please check for any illegal construction per your supervisor Ira Neff
- 3453 HOLMEAD PL NW		2834 0073	CIC0900887	Follow Up	Abated	2009/05/20	please check for any illegal construction per your supervisor Ira Neff
- 3453 HOLMEAD PL NW		2834 0073	CIC0900887	Initial Inspection	Stop Work Order	2009/05/20	please check for any illegal construction per your supervisor Ira Neff
- 3453 HOLMEAD PL NW		2834 0073	ECC228599	Other (see remarks) Zoning	Cause	2008/07/11	ROMMING HOUSE ILLEGAL.
- 3453 HOLMEAD PL NW		2834 0073	ECC211180	Site Test Plumbing	Cause	2008/01/10	(BCW)
- 3453 HOLMEAD PL NW		2834 0073	ECC208504	Illegal Construction Plumbing	Stop Work Order	2008/01/09	According to Mr. Granados, part of the property was built on his property. He is asking that this illegal structure be removed. Mr. Granados is concerned that this structure was built, regardless of the Stop Work Orders and lack of

- 3453 HOLMEAD PL NW	2834 0073	ECC191201	Site Test Construction	Abated	2007/07/24	appropriate permits. TJ Follow-up from NOV on 4-5-07 (BCW) Scaffolding in yard-see e-mail for more detailed information. Inspect for code violations and forward a copy of the report w/pictures to the Scheduling Unit (Gwen) and Heather. (BCW)
- 3453 HOLMEAD PL NW	2834 0073	ECC179627	Complaint Construction	Cause	2007/04/05	ILLEGAL CONSTRUCTION INSPECTION DATE 10/16/06 APPROVED PENDING FURTHER INVESTIGATION
- 3453 HOLMEAD PL NW	2834 0073	ECC163628	Complaint Zoning	No Cause	2006/11/05	WORKING OUT OF SCOPE OF PERMIT. TJ
- 3453 HOLMEAD PL NW	2834 0073	ECC134164	Illegal Construction Construction	Stop Work Order	2006/03/29	PERMITS ARE POSTED ON SITE (DS
- 3453 HOLMEAD PL NW	2834 0073	ECC102133	Other (see remarks) Electrical	No Cause	2005/05/12	

Gracias!

Jackie M. Reyes
Director of Latino Affairs and Community Outreach
Councilmember Jim Graham, Ward 1
John A. Wilson Building
1350 Pennsylvania Ave. NW Suite 105
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