

Before the

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:)
Advisory Neighborhood Commission 6A for the)
Administrative Decision of DCRA to issue)
Building Permit # B1107494

Statement of the Applicant

Advisory Neighborhood Commission 6A (“ANC 6A”) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Building Permit #B1107494 (“the Permit”) at 1400 Maryland Ave NE and in support of its appeal states:

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (“DCRA”) erred in its decision to grant Building Permit # B1107494. The property which is subject to this appeal is located at 1400 Maryland Ave NE (Square 1049, Lots 803 and 21) and was zoned C-3-A at the time of the Board of Zoning Adjustments issued BZA Order #17825 (“the Order”). The requested reason is because DCRA approved the building permit in violation of 11 DCMR Section 3205.3, which requires building permits be issued only if each condition of a BZA order is satisfied. DCRA erred because it approved the Permit although the building plans do not close of the Maryland Ave. median strip as required by Condition #11 of BZA order #17825.

DISCUSSION

11 DCMR §§3205.4 states:

If a building permit or certificate of occupancy has been issued under the authority of a decision of the Board to approve a special exception or variance, then for purposes of §§ 3205.4 and 3205.5, each condition to the approval of the special exception or variance shall be treated as a condition to the issuance of the building permit or certificate of occupancy.

On January 26, 2010, the BZA granted a special exception to construct a gas station at 1400 Maryland Ave NE subject to 12 conditions enumerated in the Order. Condition #11 states:

The Applicant shall install, upon DDOT's request and pursuant to its standards, an unbroken, raised median in the center of Maryland Avenue for the length of the property's Maryland Avenue frontage.

Because the approved building plans do not show an unbroken median in the center of Maryland Avenue for the length of the property's Maryland Avenue frontage, the building permit was issued without complying with Condition #11 of the Order.

REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to revoke Building Permit #B1107494, because DCRA inappropriately granted the permit without complying with Condition #11 of BZA Order #17825 in violation of 11 DCMR §§3205.4.

**Certificate of Service for ANC 6A's Appeal of the Administrative Decision of DCRA to
issue Building permit # B1107494**

I certify that on June 29, 2012, I transmitted copies of the ANC 6A's appeal of administrative Decision of DCRA to issue building permit #B1107494 to the following parties:

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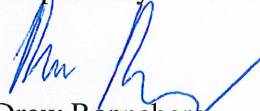
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Respectfully Submitted,


Drew Ronneberg
Commissioner, 6A02 and
ANC 6A representative for this appeal