

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

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June 1, 2012

VIA REGISTERED MAIL

Ifeanyichukwu Egbuniwe
26 T Street, N.E.
Washington, D.C. 20002

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18484
EXHIBIT NO. 15

Re: 26 T Street, N.E., Washington D.C. 20002; Square 3509, Lot 0039

Dear Ms. Egbuniwe:

It has come to the attention of the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") that you are the owner of a three-unit apartment building located at 26 T St., NE ("the Property"). This letter is to inform you that the Property is in violation of the District of Columbia Zoning Regulations.

On April 20, 2012, DCRA issued Notice to Revoke Certificate of Occupancy No. 1201201, which was served on you by mail. In that notice, DCRA explained that your certificate of occupancy would be revoked because a building permit was never obtained by you or a prior owner to convert the Property from a two unit building ("a flat") into a three unit building ("an apartment building").

Additionally, the Property has been structurally altered in violation of the Zoning Regulations. Specifically, buildings in an R-4 zone are limited to three stories and may not exceed 40 feet in height. *See* 11 DCMR § 400.1. In its current condition, the Property consists of five (5) stories. Further, DCRA's records show that no building permit was issued for the construction of the top story addition to the Property. Under 12A DCMR § 105.1, it is unlawful to construct or alter any building without first obtaining a building permit and inspections.

In light of these violations, DCRA will not issue a new certificate of occupancy for the Property until it is brought into compliance with the laws of the District of Columbia. Operating an apartment building without a certificate of occupancy is punishable by a fine of two thousand dollars (\$2,000.00) for the first offense. *See* 16 DCMR §§ 3201.1(a), 3312.1(a).

The first step in this process is to submit a full set of plans that depict the Property in its as-built condition to DCRA and apply for building permits for the previously un-permitted construction. Since construction occurred on the Property that was not permitted or inspected by DCRA, providing DCRA with as-built plans will assist in determining whether the construction is safe and in compliance with District law. Any construction that does not comply with District

law must be removed or otherwise brought into compliance. Bringing the Property into compliance may include obtaining relief from the District of Columbia Board of Zoning Adjustment.

If you do not respond to this request or fail to submit as-built plans to DCRA, within forty-five (45) days from receipt of this letter, DCRA will pursue enforcement action.

Enforcement action may include referring this matter to the Office of the Attorney General to compel closure of the Property or the removal of the illegal construction pursuant to D.C. Official Code § 6-1407, or DCRA may take corrective action pursuant to D.C. Code § 42-3131.01, in which case the costs of correcting the condition shall be assessed as a tax against the Property. Additionally, DCRA may assess civil fines for violations of the Zoning Regulations and Construction Codes.

If you have any questions about this notice or to receive information on how you may come into compliance with the laws of the District of Columbia, you may contact my office at (202) 442-4576.

Regards,

6-1-12

Date

Matthew LeGrant

Matthew LeGrant
Zoning Administrator

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