

BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18484	Case Name:	Request for Variance/Special Exception, 26 T Street NE		
Address or Square/Lot(s) of Property:		Square 3509S Lot 0039			
Relief Requested:	Height and Story Requirement and Lot Area Requirement; and Justice				

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	2	/	1	8	/	1	2	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Description of how notice was given: Notice was issued on December 10, 2012 via e-mail to all Commissioners and area residents.

The Notice was also posted on ANC website, various listserves and in strategic locations in 5C Ward area and similar notices were issued by all Commissioners within their respective SMDs. Reminder Notices were also issued on December 12, 2012 and December 17, 2012.

Number of members that constitutes a quorum:	7	Number of members present at the meeting:	12
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

ANC 5C strongly opposes any action to hold this home owner accountable for illegal transactions that were permitted to go unchecked for years, including the fact that this non-conforming property was permitted to be sold to the owner. To hold the current owner liable would be a serious injustice (see attached letter).

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

ANC 5C recommends approval of the variances requested and respectfully ask that an investigation be conducted to look into the failure of oversight on the part of the DC Department of Consumer and Regulatory Affairs (See attached Letter).

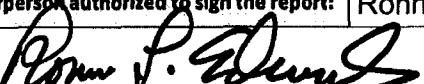
BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO. 18484

EXHIBIT NO. 33

AUTHORIZATION

ANC	5	C	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	12-0-0
Name of the person authorized by the ANC to present the report:			Ronnie L. Edwards; Mary Farmer-Allen; Mark Mueller	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Ronnie L. Edwards	
Signature of Chairperson/ Vice-Chairperson:			Date:	<u>12/18/12</u>

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment

District of Columbia

CASE NO.18484

EXHIBIT NO.33



RECEIVED
D.C. OFFICE OF ZONING
2013 JAN 14 AM 9:04

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5C
PO Box 26183 . Washington, DC 20001 . www.ANC5C.COM

January 14, 2013

Mr. Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: ANC 5C Report in Support of BZA Application #18484 Request for Variance/Special Exception, 26 T Street NE – Via Electronic Submission: zcsubmissions@dc.gov

Dear Chairman Jordan and Members of the Board:

The Advisory Neighborhood Commission (ANC) 5C hereby files the attached Report dated December 18, 2012 regarding the subject application. ANC 5C held its regular monthly meeting on December 18, 2012. The Applicant is requesting area variance relief to permit the continued use of an existing apartment building that does not comply with the Zoning Regulations with regard to the height and story requirement and lot area requirement.

Based on information provided by the Applicant this non-conforming use has been permitted for a number of years following inadequate negligent oversight and inspections on the part of DC Department of Consumer and Regulatory Affairs (DCRA). DCRA did not do its homework and the prior owners were permitted to renovate and operate illegally prior to selling the property to the Applicant. ANC 5C does not believe that the Applicant was responsible for or knowledgeable of the zoning problems when she purchased the property and enforcing the zoning law now will put an unfair burden on the applicant. There appears to have been a failure in issuing proper permits and a failure in inspections that allowed unlawful developers to evade the law passing the burden to an innocent home buyer. The failure of the City to prevent this unlawful conversion is unacceptable, negatively impacts our neighborhood, and we believe sends the wrong message to developers that they can operate illegally and profit while violating the law. Following a lengthy discussion, support of area Commissioner Farmer-Allen (SC06) and numerous letters of support from residents (attached), and for the reasons stated above, ANC 5C approved the following motion:

ANC5C disapproves of the prior illegal transactions which have gone unchecked, support the zoning variances as requested and therefore recommend approval of the application. Additionally, ANC 5C respectfully ask that this matter be referred to the Ward 5 Councilmember, the Attorney General and the Office of the Inspector General for further investigation.

ANC 5C is comprised of 12 Commissioners and therefore seven (7) Commissioners constitutes a quorum. On December 18, 2012, at a duly noticed public meeting of ANC 5C, twelve (12) Commissioners attended the meeting. At the time of voting on this application there were twelve (12) Commissioners present and voting. The ANC 5C voted unanimously to support the Application and the aforementioned Motion.

APPROVED: This 18th Day of December 2012

**RONNIE EDWARDS,
IMMEDIATE PAST CHAIRMAN**

**CHARITA BRENT,
SECRETARY**

Commissioners

SC01 Bradley Thomas
Vice Chairman
SC01@anc.dc.gov
202.670.0151

SC02 Sylvia Pinkney
SC02@anc.dc.gov
202.269.4180

SC03 Hugh Youngblood
SC03@anc.dc.gov
240.925.1079

SC04 Mark Mueller
SC04@gmail.com
202.200.3191

SC05 Tim Clark
SC05@anc.dc.gov
202.525.4670

SC06 Mary Farmer-Allen
Treasurer
SC06@anc.dc.gov
202.635.1401

SC07 James Fournier
SC07@anc.dc.gov
202.316.6316

SC08 Marshall Phillip
SC08@anc.dc.gov
202.529.1831

SC09 Silas Grant
SC09@anc.dc.gov
202.498.4196

SC10 Charita Brent
Recording Secretary
SC10@anc.dc.gov
202.387.3929

SC11 Ronnie Edwards
Chairman
SC11@anc.dc.gov
202.450.1449

SC12 Gigi Ransom
Financial Secretary
Corresponding Secretary
SC12@anc.dc.gov
202.529.0508

ANCSC meets on 3rd Tuesday of the month.

Next Meeting:
January 2013
Subject to the actions
of the newly
redistricted
Commission.

Date: 12-4-12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of Application No. 18484 – 26 T Street, NE

Dear Members of the Board:

I am writing to express my support for IfeanyiChukwu Egbuniwe's application for zoning relief at 26 T Street, NE to allow the continued use of an existing four-story, three-unit apartment building. I urge the Board to approve the application.

The structure at 26 T Street, NE does not have a substantially adverse effect on the use or enjoyment of our nearby home. Nor does it affect our light, air, or privacy. The project is comparable to other projects in our immediate vicinity, and will not visually intrude upon the character, scale, or pattern of the houses in our neighborhood.

Thank you for the opportunity to provide feedback.

Sincerely,

Bobbie Jean Toran (Signature)

Name:

Bobbie Jean Toran

Address:

15 T ST N.E.
Washington D.C.
20002

Date: 12/4/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Kenny L. Dudley (Signature)
Name: Kenny L. Dudley

Address: 18 T. ST. NE, Apt. #2
WASHINGTON, DC 20002-1537

(202) 609-2393 cell

Date: 12/4/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of Application No. 18484 – 26 T Street, NE

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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Alex Grant

Address:

35 Todd Pl NE #7
Washington DC
20002

Date: 12/5/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of Application No. 18484 – 26 T Street, NE

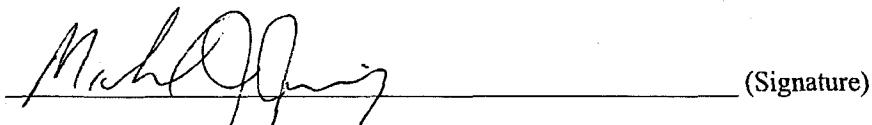
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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Michael J. Ternagin

Address: 25 T NE

Washington, DC 20002

(202) 870-8007

Date: 4-Dec-2012

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Name: _____

Address:

Address: 30 T st. NE Washington DC.

Date: 12-4-12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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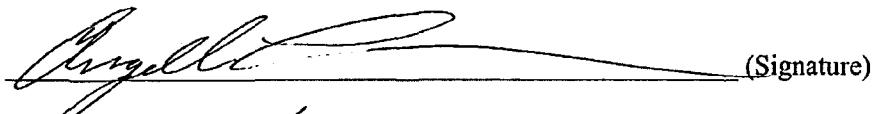
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Thank you for the opportunity to provide feedback.

Sincerely,


(Signature)

Name: Angela Tindal

Address: 15 T ST NE
WASH. DC 20002

Date: 12-4-12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Sinitta Dudley _____ (Signature)

Name: Sinitta Dudley

Address: 18 T Street NE #2
Washington, DC 20002

Date: 12-4-12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Charles Wilson

(Signature)

Name: Charles Wilson

Address: 29 Todd PL NE
Washington DC 20002

Date: 12.2.12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of Application No. 18484 – 26 T Street, NE

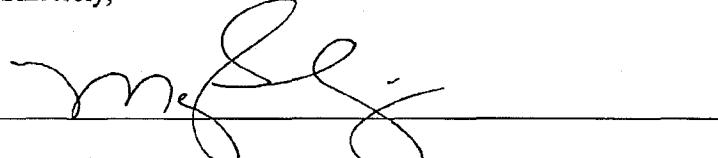
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Thank you for the opportunity to provide feedback.

Sincerely,


(Signature)

Name: Meghan + Jason Rano

Address: 32 T Street NE
Washington, DC 20002

Date: 12/2/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Claudette Bekoe (Signature)

Name: Claudette Bekoe

Address: 16 T. Street NE. Wash, DC 20002

Date: Dec 2 2012

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Latiqnia McRae (Signature)

Name: Latiqnia McRae

Address: 14 T Street NE
Apt 2
Washington DC 20009

Date: 12-4-12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Thomas Hedges

Address:

27 Todd Pl NE
Washington DC
20001

Date: _____

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of Application No. 18484 – 26 T Street, NE

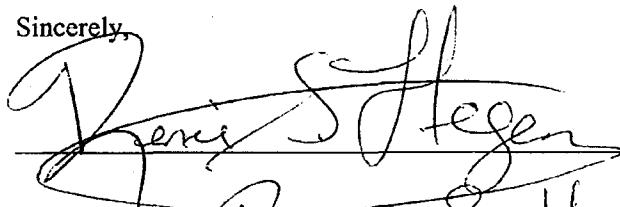
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: Renee S. Hegens

Address:

27 Todd Place NE
Washington, DC 20002

Date: 12/4/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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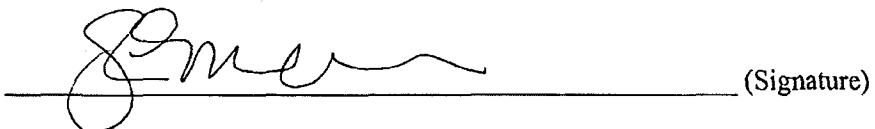
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Thank you for the opportunity to provide feedback.

Sincerely,


(Signature)

Name: JENNIFER MACK

Address: 23 T STREET NE
WASHINGTON, DC 20002

Date: 12-4-2012

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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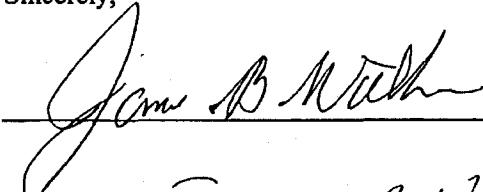
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: James B. Watkins

Address:

17 T ST NE
Wash., D.C. 20002

Date: 12-04-2012

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Charles Caldwell

(Signature)

Name: Charles Caldwell

Address: 9 T St. N.E.

Washington, DC 20002

Date: 12/09/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

William Jenkins (Signature)

Name: William Jenkins
Address: 1843 North Capital St NW
Washington DC 20002

Date: 2/04/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Sophie Beh _____ (Signature)

Name: SOPHIE BEHR

Address: 21 T. ST NE
Washington DC
20002

Date: 12/5/12

Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Catherine Dudley (Signature)

Name: CATHERINE DUDLEY

Address: 18T. ST. NE, Apt. #2

WASH, DC 20002-1537