

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**
441 4th Street, N.W.
Washington, D.C. 20001

Appeal of Lawrence and Kathleen Ausubel

Appeal No. 18577

DISTRICT OF COLUMBIA'S PRE-HEARING STATEMENT

The Appellee, the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"), by and through undersigned counsel, respectfully submits its Pre-Hearing Statement in opposition to the appeal filed by Lawrence and Kathleen Ausubel ("Appellants") on April 10, 2013.

The Appellants are appealing the Zoning Administrator's determination that the location of an electrical cabinet installed at 2750 32nd St., NW (the "Property") does not violate the side yard requirement of the Zoning Regulations. Appellants live at 2744 32nd St., NW, which is adjacent to the Property. The appeal must be denied because the Zoning Administrator correctly concluded that the electrical cabinet is located in the front yard of the Property and is not located in a required side yard.

FACTS

The Property is owned by the 2750 32nd Street Trust ("the Trust").¹ In 2011, the Trust began making substantial renovations to the Property, including the construction of a 'guest house' addition near the property line shared with the Appellants. The guest house addition was

¹ The Property is zoned TSP/R-1-A.

approved by DCRA under Building Permit no. B1103986 issued on July 13, 2011. The construction of the addition proposed the removal of several trees, which drew the ire of the Ausubels and resulted in the filing of BZA appeal no. 18300 and litigation in D.C. Superior Court. BZA appeal no. 18300 was dismissed as untimely and the Superior Court litigation was resolved in favor of the Trust.

Subsequently, the Trust added another addition to the existing house that was also adjacent to the Ausubels property. This addition was constructed to house an elevator and machine room. It was permitted by DCRA under Building Permit no. B1111543 issued on January 6, 2012. *See Exhibit A* attached hereto. The Ausubels did not appeal the issuance of that permit.

The Trust also installed a generator and emergency switch box on the Property. The switch box is a component of the generator, whose purpose is to provide power to the house in the event of a power outage. The emergency switch box is located inside of an electrical cabinet. The cabinet is approximately 3 feet wide and 7 feet in height. It sits on a concrete pad and is bolted to a retaining wall in the front yard of the Property.

The generator and switch box were permitted by DCRA under Electrical Permit no. E1202865 issued on January 24, 2012. *See Exhibit B* attached hereto. The construction of the electrical cabinet was completed by the beginning of July 2012 and was inspected and approved by the Trust's third party electrical inspector. While the electrical equipment was installed pursuant to an electrical permit and passed inspection, the electrical cabinet was not shown on the site plan and thus never was reviewed by the Office of the Zoning Administrator for compliance with the Zoning Regulations.

In July 2012, Ausubels met with a member of the Office of the Zoning Administrator's staff to lodge a complaint that the electrical cabinet was only a few feet from their property line. When DCRA learned of the location of the box, it conducted its own inspection. Following this inspection, the Zoning Administrator ("ZA") concluded that the electrical cabinet was improperly located in the required side yard of the house. DCRA then issued Notice of Violation no. CEL1300001 (the "NOV") to the Trust, which ordered the lowering or relocation of the electrical cabinet. *See* Appellants' Appeal dated April 10, 2013 ("Appeal") at Exhibit 2.

The Trust appealed the NOV to the Board, which resulted in BZA appeal no. 18525. After the appeal was filed, the ZA met with counsel for the Trust. After re-reviewing the location of the cabinet and the applicable regulations, the ZA determined that the electrical cabinet was not located in the side yard of the house, but was located in the front yard. Consequently, DCRA withdrew the NOV and the Trust withdrew its BZA appeal.

The ZA explained the basis of his decision to the Ausubels in an email on February 13, 2013. *See Exhibit C* attached hereto. The Ausubels filed this appeal on April 10, 2013.

DISCUSSION

Appellants make two specific arguments as to why the location of the electrical cabinet is in violation of the Zoning Regulations. First, Appellants argue that the electrical cabinet is located in the required side yard of the house located on the Property. The Appellants also allege that even if the cabinet is not located in the side yard of the house, it is located in the required side yard of the retaining wall.

Appellants are wrong on both points. The electrical cabinet is located in the front yard of the house, thus it is not located in the required side yard. Further, the retaining wall does not require its own side yard.

The Zoning Regulations define a yard as:

Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

See 11 DCMR §199.1.

This definition makes a distinction between a “yard” and a “yard required by this title” (aka a “required yard”). Where a yard is required by the Zoning Regulations it must be unoccupied by “any building or structure.” Section 2503 provides exceptions to this rule. Specifically, structures less than 4 feet in height, fences and retaining walls, and stairs leading to the principal entrance of a building may be located in a required yard. *See* 11 DCMR §§2503.2-4. These exceptions are limited by the rule tucked into the third sentence of the definition of yard that “no building or structure shall occupy in excess of 50% of a required yard.” *See* 11 DCMR §199.1. Thus, when these provisions are read together, a structure less than 4 feet in height is allowed in a required yard, provided it does not occupy more than 50% of that yard. *See BZA Appeal no. 17285 of Patrick J. Carome* (March 24, 2006) at p.7.

Buildings and structures are permitted in non-required yards and are not subject to the 4 foot height limit of §2503.2. The Board explained the distinction between yards and required yards in *Appeal no. 17414*, where the Board determined that a two-story detached garage could be built in the rear yard of the principal dwelling, but could not be built in the required rear yard.² *See Appeal no. 17414 of Geraldine Rebach and Jeffrey Schonberger* (November 16, 2006)

² A rear yard is defined as:

Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

aff'd Schonberger v. District of Columbia Bd. of Zoning Adjustment, 940 A.2d 159 (D.C. 2008).

In that case, the Board agreed with DCRA that the required rear yard begins at the rear wall of the principal dwelling and runs a length of 25 feet towards the rear property line. *Id.* at p.6. The garage could be built in the remaining space between the end of the required rear yard and the rear property line. *Id.* This, the Board reasoned, would result in 25 foot rear yard buffer space between the principal dwelling and the accessory garage. *Id.*

Sections 404 and 405 set forth the required rear and side yards for principal buildings in residential districts. In the R-1-A district, the minimum required rear yard is 25 ft. and the minimum required side yard is 8 ft. *See* 11 DCMR §§404.1, 405.9. In the R-1-A district no minimum front yard required.³ *See Appeal no. 17414* at p.6.

1) The electrical cabinet is located in the front yard and not the side yard of the Property

Appellants essentially argue that the ZA was initially right that the electrical cabinet is located in the required side yard of the house and thus the NOV should have not been withdrawn. However, this conclusion is simply not supported by the facts or the regulations and the ZA was correct to reverse his error.

A side yard is defined as:

Yard, side - a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure.

See 11 DCMR §199.1.

To determine the side yards of the Property, the ZA drew perpendicular lines from the side property line to the side corners of the building. These lines are shown on Exhibit D

See 11 DCMR §199.1.

³ The only exception being in the Wesley Heights Overlay, which is not applicable here. *See* 11 DCMR §1543.4.

attached hereto. Under §404.1, an 8 foot area between the side property line and the building must be unoccupied by buildings or structures (with the limited exceptions discussed above). The site plan showing the ZA's interpretation clearly shows that the electrical cabinet is not located in the required side yard. It is located forward of the required side yard and thus is in the front yard of the Property. The Exhibit D also shows that the electrical cabinet is located closer to the front property line than any part of the house and that there is no portion of the house that is parallel to any portion of the electrical cabinet. Since side yards by definition extend "for the full depth of the building", and the cabinet is located beyond the length of the building it is not in the building's side yard.

The Appellants' basis for objection seems to be that they think the side yard should be measured by drawing a perpendicular line from the side lot line to the corner of the pre-existing house instead of the corner of the elevator addition.⁴ Appellants provide no support for this interpretation. The elevator addition was permitted by DCRA as an addition and not has a detached structure, it is attached to the pre-existing house, and it has a roof. It is by all means a part of the "building" as contemplated by the definition of "side yard". Since the corner of the elevator addition is the closest to the side lot line, the ZA was correct to draw the line from the side lot line to that corner.

Accordingly, the ZA was correct to determine that the electrical cabinet is located in the front yard and not the required side yard of the Property.

⁴ This line is also drawn on Exhibit D.

2) The Zoning Regulations do not require the retaining wall and the electrical cabinet to have their own side yards

Appellants alternatively argue that even if the cabinet is not located in the side yard of the house, it is located in the required side yard of the retaining wall. Essentially, Appellants argue that all structures (even retaining walls) must have a required side yard. *See Appeal at p. 10.*

Requiring an accessory structure like a retaining wall (or the electrical cabinet itself) to have its own 8 foot side yard is both contrary to the language of the Zoning Regulations and the way the regulations have been historically interpreted and applied.

When looking at the Zoning Regulations as a whole, it is clear that when a lot has a principal building/structure on it, that structure must have required rear and side yards, but the regulations do not contemplate that accessory structures have their own required yards.

By definition, all structures have can have a yard, but a structure is only required to have a yard when the Zoning Regulations specifically provide for it. *See* 11 DCMR §199.1 (definition of “Yard”). Respectively, sections 404.1 and 405.9 state, “a rear yard shall be provided for each structure located in a Residence District” and “side yards shall be provided on lots in Residence Districts”. While it is not specifically stated there, the clear intent of the Zoning Regulations is that only principal buildings and principal structures are required to have minimum side and rear yards. Accessory buildings and structures do not need their own side and rear yards.

First, in looking at both sections 404 pertaining to rear yards and 405 pertaining to side yards, it becomes clear that these sections only apply to principal buildings. The table in §404.1, states that the minimum depth of the rear yard in certain zone districts will be measured in relation to the “highest point of the main roof or parapet wall”. Similarly, the table in §405.9 states that the minimum width of a side yard in a R-5-A district will be measured “3 inches per foot of height of building, but not less than 8 ft.”. Both of these provisions can only apply to

buildings. Accessory structures, like a retaining wall, do not have roofs and are not buildings, thus it is clear that these sections were not intended to apply to accessory structures.

Section 2500 of the Zoning Regulations sets forth the requirements for accessory uses and buildings. This section has regulations concerning the placement of accessory buildings in the required side and rear yards of a principal building, but there is no regulation stating that an accessory building must have its own required side or rear yards. Under §2500.6, a two story accessory building, “shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located.” Section 2300.2, is a similar rule that applies when an accessory garage is located beside a principal building. If an accessory building was required to have its own side yard under §405.9, those provisions would be unnecessary. Thus, we can conclude that §405.9 does not require accessory buildings to have their own required yards.

The same is true about accessory structures. Section 2503 provides for exceptions for certain structures to be located in a required yard. As discussed above these exceptions are: structures less than 4 feet in height, fences and retaining walls, and stairs leading to the principal entrance of a building. *See* 11 DCMR §§2503.2-4. However, just like section 2500, this section is silent as to whether accessory structures require their own yards. Similarly, section 2502 allows for certain structures to project into a required yard, but is silent as to whether these projections require their own yards.

While the regulations are silent, the only reasonable interpretation of these provisions is that accessory structures are regulated only in terms of their location in the required yards of principal buildings, but they are not required to have their own yards. For example, it would be completely illogical for the Zoning Regulations to allow a fence in the required side yard of a

principal building (like a detached single family house), but then require the fence to have its own 8 foot side yard from the property line. Historically, fences are constructed along property lines. Clearly, the Zoning Regulations did not contemplate that a fence must be set back 8 feet from a property line.

The Board previously addressed this question in *Appeal no. 17414*. There the Board considered whether an accessory building like a garage must have its own rear yard. *See Appeal no. 17414* at p.5-6. In considering this issue, the Board acknowledged that §404.1 must be read in harmony with the other Zoning Regulations. *Id.* The Board found that the garage did not require its own rear yard, stating “The point of situating a garage abutting an alley is to create easy alley access. It would make no sense to require the garage to have a rear/front yard of 25 feet between it and the alley, necessitating a paved driveway of 25 feet to reach the alley.” *Id.*

Likewise in *Appeal no. 16764*, the Board considered a tennis court and a fence that were alleged to be in violation of the Zoning Regulations. *See Appeal no. 16764 of Darrel J. Grinstead* (May 22, 2002) at p.16. The Board determined that both the tennis court and the fence were structures, but they were allowed in the rear yard of the house (the tennis court allowed by §2503.2 and the fence allowed by §2503.3). *Id.* Most notably, the Board did not say that the fence and the tennis court required their own yards.

The same is true about any number of other accessory structures. DCRA has not found any precedent for air conditioning compressors, lamp posts, swimming pools (including above ground)⁵, retaining walls, mail boxes, or flag poles being required under the Zoning Regulations to have their own required rear or side yards.

⁵ Appellants cite *Appeal no. 17054*, which concerned a swimming pool, but that appeal does not support their argument. In that case, the subject swimming pool had one portion that was 6 feet above grade and a second portion that was 4 feet above grade. The Board found that since the

All of these things are structures, but they are accessory to a principal structure/building and thus do not require their own side or rear yards. Additionally, §2503.2 tells us that when these structures are not located in a required yard of the principal building, they can exceed 4 feet in height.

Common sense bears this point out. Where there is a 5 foot lamp post lighting the front walk way to a principal building, the Zoning Regulations simply do not require the lamp post to have its own 25 foot rear yard setback and side yards. Likewise, there is no rule in the Zoning Regulations that the lamp post cannot exceed 4 feet in the front yard of the principal building.

The retaining wall and the electrical cabinet in this case are no different. Both are structures, but both are accessory to the principal building. The Zoning Regulations do not require either structure to have their own side yards.⁶ Further, where the structures are not located in a required yard, they may exceed 4 feet in height.

Accordingly, the ZA did not err in concluding that neither the retaining wall nor the electrical cabinet must have their own required side yards and the Board must deny this appeal.

rear wall of the portion of the pool that was 6 feet above grade was over 25 feet from the rear property line, the pool was not in the required rear yard. The Board noted that the 4 foot portion of the pool was permitted in the required rear yard under §2503.2 because it did not exceed 4 feet in height. In that case the Board apparently considered the rear lot line as the starting point for measuring the required rear yard. This is understandable because that case predated *Appeal no. 17414 of Geraldine Rebach and Jeffrey Schonberger*, which established that rear yards are measured from the rear wall of the principal building out towards the rear lot line.

Appeal no. 17054 does not stand for the proposition that swimming pools must have their own rear yards. This is evidenced by the fact that the Board specifically states that the lower portion of the swimming pool is a structure, but the Board does not require the lower pool to have its own rear yard. Instead, the Board was only concerned that the lower pool did not exceed 4 feet in height in the required yard (which the Board incorrectly measured from the rear property line). See *Appeal no. 17054* at p. 7.

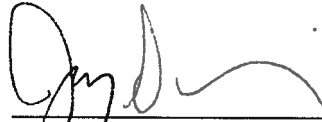
⁶ Although Appellants do not make this point, the logical extension of their position is that the retaining wall and electrical cabinet would also require their own 25 foot rear yards. This further highlights the absurdity of Appellants' argument as there is no conceivable regulatory purpose in requiring a retaining wall or electrical cabinet to have a 25 foot rear yard.

Respectfully Submitted,

IRVIN B. NATHAN
Attorney General for the District of Columbia

MELINDA M. BOLLING
General Counsel for the Department of Consumer
and Regulatory Affairs

July 25, 2013



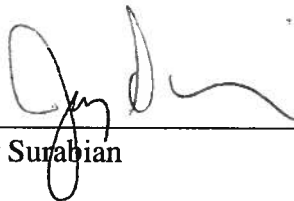
JAY A. SURABIAN (DC Bar # 977657)
Assistant Attorney General
Department of Consumer and Regulatory Affairs
Office of the General Counsel
1100 4th Street, SW, 5th Floor
Washington, DC 20024
(202) 442-8403 (office)
(202) 442-9447 (fax)
jay.surabian@dc.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served by email, this 25th day of July 2013, to the following:

Christopher Collins, Esq.
Holland & Knight
2099 Pennsylvania Ave., NW
Washington, DC 20006
chris.collins@hklaw.com

Dorene M. Haney, Esq.
P.O. Box 15011, 700 E St., SE
Washington, DC 20003
dhaney@dhaneylaw.com



Jay Surabian

EXHIBIT A

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862

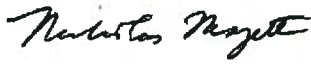
TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

B**BUILDING PERMIT**THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 01/06/2012

PERMIT NO. B1111543

Expiration Date: 01/06/2013

Address of Project: 2750 32ND ST NW		Zone: TSP/R-1-A	Ward: 3	Square: 2119	Suffix:	Lot: 0025
Description Of Work: ADDITION TO EXISTING HOUSE REPLACEMENT OF EXISTING RETAINING WALL AND LANDSCAPE STEPS						
Permission Is Hereby Granted To: 2750 32nd St Trust		Owner Address: 2750 32ND ST NW WASHINGTON, DC 20008-2712			PERMIT FEE: \$4,693.00	
Permit Type: Addition Alteration Repair	Existing Use: Other (Specify)		Proposed Use: Other (Specify)		Plans:	
Agent Name: Kim Mitchell	Agent Address: 1629 K Street, NW Suite 300 Washington, DC 20006	Existing Dwell Units:	Proposed Dwell Units:	No. of Stories:	Floor(s) Involved:	
Conditions/ Restrictions: This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit. Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.						
Director: Nicholas A. Majett 		Permit Clerk James DeVaughn				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

White Oak Tree removed
7/2011 Permit 11-03-013

EXHIBIT B

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557



ELECTRICAL PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Bldg Permit: B1103930

Issue Date: 01/24/2012

Expiration Date: 01/24/2013

PERMIT NO. E1202865

Address of Project: 2750 32ND ST NW		Zone: TSP/R-1-A	Ward: 3	Square: 2119	Suffix:	Lot: 0025
Permission Is Hereby Granted To: Colonial Electric Company, Inc.		Electrical Contractor Address: COLONIAL ELECTRIC CO., INC., 4444 SOLOMON, HARWOOD, MD 20776		Electrical Contractor Phone No.: (410) 867-7702		PERMIT FEE: \$709.50
Permit Type: Electrical		Existing Use: Single Family Dwelling - R-3		Proposed Use: Single Family Dwelling - R-3		Plans:
Owner Name: 2750 32nd St Trust	Owner Address: 2750 32ND ST NW WASHINGTON, DC 20008-2712	Existing Dwell Units:	Proposed Dwell Units:	No. of Stories:	Floor(s) Involved: 2	
Master Electrician Name: Robert T. Katski	Master Electrician Lic.No. DM901380	Master Electrician Address: COLONIAL ELECTRIC CO., INC., 4444 SOLOMON, HARWOOD, MD 20776				
Agent Name: Robert T. Katski	Agent Address: COLONIAL ELECTRIC CO., INC., 4444 SOLOMON HARWOOD MD 20776					
Description Of Work: 88 Group 01 - Wiring Only (Receptacle & Switch Outlets) 70 Group 02 - Fixtures and Lamp Holders 1 Group 13 - Central A/C System Up through 5 tons (Residential) 1 Group 13 - Clothes Dryer (Residential) 1 Group 13 - Dishwasher (Residential) 1 Group 06 - Over 1 HP through 5 HP range 2 Group 06 - 1/4 HP Through 1 HP range 1 Group 08 - 401 through 800 Amp range 1 Group 08 - Up through 200 Amp range 1 Group 09 - 11 through 75 kVa range 1 Group 05 - Appliance 1 - 8 kW range 8 Group 13 - Telephone / Data						
Conditions/ Restrictions: INSTALL 1-600AMP SERVICE; 1-200AMP PANEL. 1 30AMP 5HP ELEVATOR; 1-1.5 HP SEWER EJECTORS; 1-1/4 HP FURNACE. 1-60KW GENERATOR; 1-6KW ARMING TABLE; This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.						
Director: Nicholas A. Majett		Permit Clerk: Erika King				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557						

EXHIBIT C

Surabian, Jay (DCRA)

From: LeGrant, Matt (DCRA)
Sent: Wednesday, February 13, 2013 10:07 AM
To: 'Ausubel, Lawrence M.'; 'Kathy Ausubel'
Cc: Reid, Rohan (DCRA); Cheh, Mary (COUNCIL); Hubbard, Judy (Council); Whitescarver, Clarence (DCRA)
Subject: RE: Transformer box - 2750 32nd St NW

Larry and Kathy Ausubel:

I wanted to inform you that after further review by my office I have determined that the electrical equipment cabinet which was constructed on the subject property is not in violation of the zoning regulations. Initially, when the matter was brought to my attention, I believed that the electrical equipment cabinet was located in the required side yard, and was subject to the four foot height limitation set forth in 11 DCMR 2503.2. On that basis, DCRA had issued a Notice of Violation dated 10-24-12 seeking a correction. However, upon further review, it is now my determination that the cabinet is not sited within the required side yard setback, but is located in the front yard. Accordingly, since under the zoning regulations there is no limitation for structures in a front yard, there is no zoning violation. Therefore, DCRA has canceled the Notice of Violation.

As a result of this action, the property owner for 2750 32nd St NW, has withdrawn their appeal to the Board of Zoning Adjustment [BZA] of my prior decision regarding the Notice of Violation.

Please feel free to contact me if you have any questions on this matter.

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>

From: Ausubel, Lawrence M. [<mailto:larry@ausubel.com>]
Sent: Thursday, December 20, 2012 10:08 AM
To: Whitescarver, Clarence (DCRA)
Cc: Reid, Rohan (DCRA); LeGrant, Matt (DCRA); Cheh, Mary (COUNCIL); Hubbard, Judy (Council); Kathy Ausubel
Subject: Re: Transformer box - 2750 32nd St NW

EXHIBIT D

2750 32ND STREET
ZONING ADMINISTRATOR'S
INTERPRETATION OF
SIDE YARD REQUIREMENT

