

NOV 19

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18659

EXHIBIT NO. 36

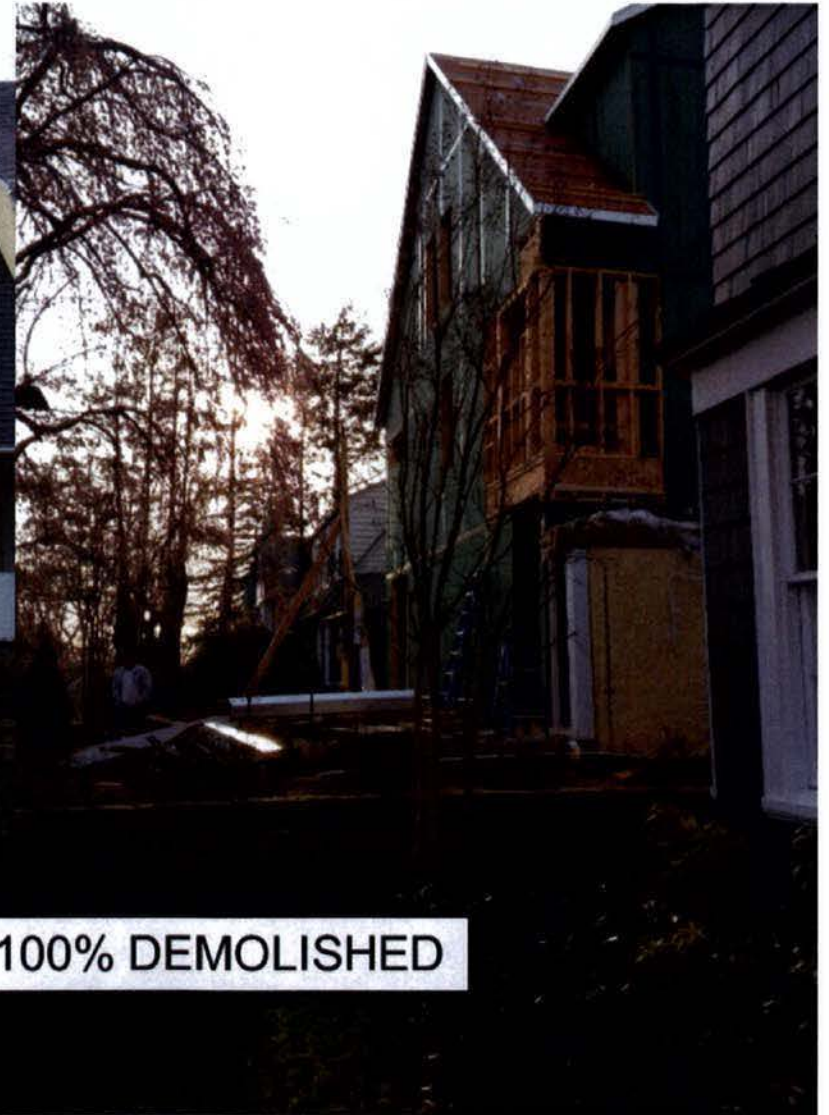
D.C. Board of Zoning Adjustment November 19, 2013 – 9:30 a.m.



Case No. 18659



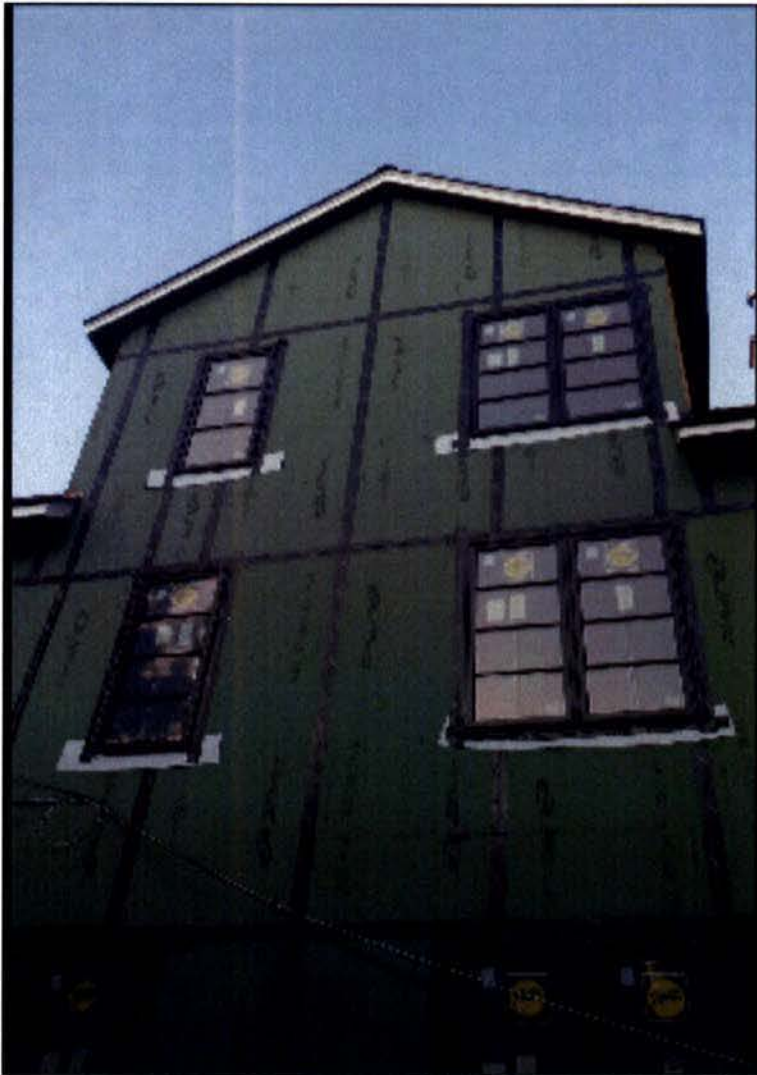
FRONT PORCH – BEFORE AND AFTER



PORCH 100% DEMOLISHED

SIDE YARD-WEST VIEW:

Impact to adjoining parcel is significant reduction in light & air.



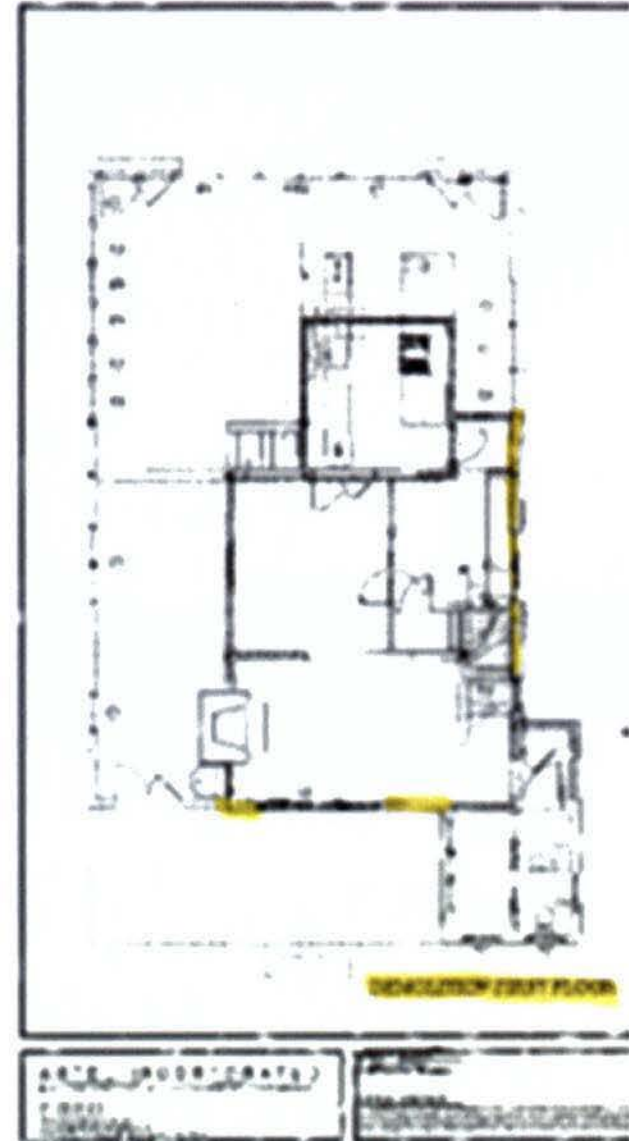
SIDE YARD-WEST VIEW: Side yard encroachment



DEMOLITION IN CONTEXT:

MAY 2010 – FIRST FLOOR DEMOLITION PLAN AS APPROVED:

- YELLOW HIGHLIGHT SHOWS EXTERIOR WALLS TO BE SAVED
- 30^{FT} (APPROX) OR 30% OF EXTERIOR
- **APPLICANT RETAINED 0^{FT}**
- APPLICANT WENT BEYOND SCOPE OF APPROVED PLANS
- NO CORRECTION TO PLANS HAS BEEN MADE TO DATE



WEST WALL TO RETAIN, PHOTO FEB 12, 2013



WEST WALL DEMO., PHOTO FEB 19, 2013



Timeline

► March - May 2013

- Adjacent property owners repeatedly notified DCRA of Applicant's illegal construction

► June 26, 2013

- DCRA issues a **Stop Work Order** (6.26.13)

GOVERNMENT OF THE DISTRICT OF COLUMBIA



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Inspections & Compliance Administration
1100 4th Street, SW - Fourth Floor
Washington, DC 20024

1301670

STOP WORK ORDER

4540 LUNCH ST. NW
(Address)

You are hereby ordered to IMMEDIATELY STOP all work at this building or structure.

☒ You are performing work that violates the Construction Code:
☒ You are performing work in an unsafe and dangerous manner:

Code Section (s)	Violation (s)	What You Must Do to Correct the Violation (s)
2A DCMR 105	Work performed without permits	Satisfy this Stop Work Order

Do NOT work at this address until you:

- ☒ Correct the violation(s)
- ☒ Pay the fine amount
- ☒ Obtain and post the required permit(s)
- ☐ Electrical ☐ Plumbing ☒ Construction ☐ Boiler ☐ Fire ☐ Elevator ☐ Other _____
- ☒ Receive approval from the Code Official to remove the Stop Work Order.

WARNING

Unauthorized removal of a posted Stop Work Order is a Construction Code violation, subject to penalties and injunctive relief under DC Official Code §§-1406 and §6-1407 and 12A DCMR §114.3.

A Stop Work Order for illegal construction under 12A DCMR §113.7 and §114.6 requires you to stop all work at the building or structure, whether or not the work requires building permits.

It is a Stop Work Order violation for an owner or agent to enter the site for any reason without the Code Official's approval. (The Building Official may allow temporary access to ensure the property's security and safety, under 12A DCMR §114.8.1.)

Anyone who continues any work in or around a structure posted with a Stop Work Order -- except to do work that the Building Official approves to remove a violation or unsafe condition -- is subject to penalties and injunctive relief under DC Official Code §§-1406 and 12A DCMR §105.8 and 12A DCMR §114.10.

RIGHT TO APPEAL

You have the right to appeal this Order to the Reviewing Official (Rabbiah Sabbakhan, Chief Building Code Official, Inspections and Compliance Administration) within 15 days of its posting, under 12A DCMR §114.11.1. You may call the Reviewing Official at (202) 442-7857. You may obtain a Stop Work Order Appeal Request Form at the address above or at dcra.dc.gov. If the Reviewing Official denies your appeal or takes no action within 10 working days of receiving it, you may appeal to the DC Office of Administrative Hearings (OAH). You may deliver your written request for a hearing to OAH at 441 4th Street, NW, Suite 1040B, Washington, DC 20002 or mail it to PO Box 77718, Washington, DC 20013-8713.

Signature of Issuing Official

Date 6/26/13 Time 1:10 PM

Badge Number 2009

Phone Number 202-492-5000

Timeline



GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Inspection and Compliance Administration &
Permits Operation Division

July 3, 2013

VIA FIRST CLASS MAIL

Elodie G. Goirand
4540 Lowell Street, NW
Washington, DC 20016

KC Price (agent)
1829 California Street, NW, #14
Washington, DC 20009

NOTICE TO REVOKE BUILDING PERMIT NOS. B1003061, B1107491, B1202735, and B1209664

This is official notice from the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") that Building Permit No. B1003061 is hereby revoked, effective ten (10) business days from the date of service of this notice. The grounds for revocation are found under 12A DCMR § 105.6(2), which authorizes DCRA to revoke a building permit when the construction does not comply with the permit or the approved plans.

Permit No. B1003061 was issued on June 4, 2010 and was valid for one year. It was then extended three times by the issuance of three extension permits: nos. B1107491 issued on May 31, 2011, B1202735 issued on December 8, 2011, and B1209664 issued on June 4, 2012.

Permit No. B1003061 allowed for the renovation of an existing single-family dwelling and a new, two-story addition at 4540 Lowell Street, NW (the "Property"). The approved plans show that some exterior walls of the existing dwelling were to remain; however, DCRA's inspection of the Property revealed that all of the exterior walls above grade were removed. Thus, DCRA has determined that the existing single family dwelling has been razed and that you have exceeded the scope of Permit No. B1003061.

- ▶ July 3, 2013
 - ▶ The Zoning Administrator issues a **Notice of Revocation of Building Permit** for Permit Nos. B1003061, B1107491, B1202735 & B1209664 (7.3.13)

- ▶ July 30, 2013
 - ▶ We filed a FOIA request to obtain documents in the case from OAH

Timeline

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



- ▶ July 3, 2013 – Present
 - ▶ Applicant continues construction in violation of the Zoning Regulations, the Stop Work Order and the Notice of Revocation
 - ▶ Adjacent Property owners call Inspections & Compliance Administration to report ongoing violations
- ▶ August 1, 2013
 - ▶ Zoning Administrator issues letter finding Applicant razed the old structure and new structure must comply with current Zoning Regulations
- ▶ Case No. 2013-DCRA-00065 is currently pending in the Office of Administrative Hearings.
- ▶ August 26, 2013
 - ▶ Despite requests to be updated on the case, counsel for OAH has been unresponsive and so we filed a Motion to Intervene.

August 1, 2013

VIA FIRST CLASS MAIL

Elodie G. Goirand
Andreas Xenophontos
4540 Lowell Street, NW
Washington, DC 20016

Re: 4540 Lowell Street, NW

Dear Mrs. Goirand and Mr. Xenophontos:

Thanks for submitting the drawings showing the extent of the building retention at 4540 Lowell St, NW. I have completed my review and based on the totality of the information that has been furnished to me, I have determined that you have deviated from the approved plans and have not retained a sufficient amount of the pre-existing structure so that it does not constitute a raze.

I am upholding my initial decision from the July 3, 2013 notice that was communicated to you. As stated in that letter, 'to cure this violation, you must submit revised plans to DCRA that accurately depict the scope of work for this project, including the demolition of the exterior walls. Be further advised that as a result of your demolition of the exterior walls below 4 feet in height, the Zoning Administrator has determined that any nonconformities (including the non-conforming side yard) of the previously existing dwelling have been extinguished and that any future construction on the site will be considered new construction.'

Please feel free to contact at 202-442-4576 if there are additional zoning inquiries.

Best regards,

Matthew Le Grant
Zoning Administrator