

DC Board of Zoning Adjustment

RE: BZA Case #18888; Appeal of the Building Permit # 1309151

January 13, 2015

APPEAL - CLAIMS

I) Rear Yard

Per Exhibit #2 on the record in BZA Case #18888, Ontario Residential LLC intends to build a garage as part of their mixed commercial and residential project. The garage structure and ramp occupies a large portion of the required rear yard, appearing to be the majority of the yard length.

Petitioners submit for BZA Commissioners evidence of the project design drawings showing the location of the rear yard. *See Exhibit #15B in BZA Case #18888*

Further, Petitioners point Commissioners to Exhibit #26 in the inter-related BZA Case #18506. This is the DC Office of Planning report dated February 19, 2013, which refers to the rear yard on page 3, under the "Office of Planning Analysis", subsection (a)(i), where the report states, "Vehicular access to the garage would be from 17th Street and the [garage] ramp would occupy almost the entire length of the property along the south side of the lot reducing the size of the triangularly shaped garage."

The garage ramp structure also has iron supports crossing the ramp entrance, attached to the ramp walls. These iron beams look to support a generator and accompanying diesel gas tanks, all together extending up, 8' 6" above grade level. And there is a large chimney, flue, or "garage vent" structure located in the southeast corner of the property extending up 15' above grade level.

The decision to place these types of tall structures in the proposed rear yard, contradicts on its face, the definition of "***Rear Yard***," as well as, "***Yard***", per 11-DCMR-199. Further, the proposed plans contradict 11-DCMR-774.1 which requires a depth of 15 feet between the rear lot line and the subject structure as the unoccupied rear yard.

Having the garage and ramp structure and garage vent located where it is will bring unwarranted noise and noxious odors and other under-evaluated adverse impacts to the surrounding residential properties.

II) Rooftop Structures

AMFRD submits to BZA Commissioners design plans showing, on its face, that Ontario Residential LLC is proposing to build multiple rooftop structures at varying heights. *See Exhibit #17 in BZA Case #18888*

The many rooftop structures being proposed stand at varying heights, are not fully enclosed with

by walls of equal height extending up to a roof, and as a whole does not stand away from the edge of the building in a 1:1 ratio as required

This type of proposed rooftop setup has not been studied to determine adverse impacts to surrounding privacy, and will project levels of under-evaluated noise towards the surrounding residential buildings.

CONCLUSION

AMFRD has produced *prima facie* evidence to show that the proposed construction at 1700 Clumbia Road, NW, challenges established zoning regulations and the black letter of the zoning definitions, particular to the regulations governing rear yards and rooftop structures.

With the new information coming from today's cross-examination of DCRA and the Intervenor, AMFRD requests the BZA to provide time for, and accept into the record Post-Hearing submissions from all parties to provide clear and concise analysis juxtaposing all applicable regulations with all of the facts raised today January 13, 2015 contending with the Rear Yard and Rooftop Structures

After receiving Post-Hearing submissions from all parties, we believe BZA Commissioners will have all of the information to agree that Building Permit #B1309151 was issued in error and contradicts applicable DC Zoning Regulations

Respectfully,

s/n/ Chris Otten

Adams Morgan for Reasonable Development

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STANDING

Adams Morgan for Reasonable Development (AMFRD) is an unincorporated nonprofit association located in Ward 1 of the District of Columbia. AMFRD participating members reside or work in the neighborhood known as Adams Morgan, parts of which are a Neighborhood Conservation Area. Several AMFRD participants are directly affected by the project being built at 1700 Columbia Road. *See Exhibit #30 in BZA Case #18506 and see Attachment A of Exhibit 15A in BZA Case #18888*

AMFRD was granted party status in the related BZA Case #18506, where the issues raised in this appeal were originally highlighted. AMFRD was subsequently granted party status by the highest Court in the District of Columbia in the appeal of the decision in BZA Case #18506, and won partial adjudication regarding the roof structures and lack of compliance with the DC Zoning Regulations. And most recently, AMFRD was granted party status in a case before the Office of Administrative Hearings Case 2014-DCRA-00050.

TIMELINESS

AMFRD does oppose Ontario Residential LLC's request to dismiss BZA Case #18888 for being untimely. The request for dismissal is simply not founded by the evidence on the record.

AMFRD is an all-volunteer unincorporated nonprofit. It neither has the time nor resources to check DCRA permit activity on a "daily" basis and Intervenor argues. Instead, it is clear, AMFRD received effective notice of the issuance of the building permit on July 26, 2014, through regular postmail as tracked by the US Post Office. *See Attachment 2 of Exhibit #2 in the record of BZA Case #18888.*

Therefore, AMFRD's appeal was timely filed within the 60 days of Appellant's having had knowledge of DCRA's issuance of Building Permit #B1309151.