

ANC1C Resolution to Support BZA Appeal 18980 by Argonne Place Residents

Whereas, Residential Zoning District R-5-B (covering most of Adams Morgan) has a FAR limit of 1.8 and a lot occupancy limit of 60%.

Whereas, District of Columbia DCMR zoning regulations rely on key definitions of terms such as Floor Area Ratio (FAR), lot occupancy, Gross Floor Area (GFA) and parking.

Whereas, International Building Codes establish standards to ensure quality and safety of construction.

Whereas, the District of Columbia is not consistently following established methods (perimeter wall method and grade plane method) for determining the lower level square footage as either cellar or basement for, respectively, exclusion or inclusion in GFA and therefore, FAR.

Whereas, in December 2014, in response to Argonne Place neighbor concerns shared and documented over several months regarding potential zoning violations at the subject property, 1636 Argonne Place NW, DCRA issued a Stop Work Order after determining that the subject property's FAR was 2.07, over the prescribed FAR limit for R-5-B.

Whereas, DCRA subsequently reversed the above ruling in mid December 2014, stating that the property was now in compliance with the 1.8 FAR limit as a result of issuance of a building permit revision allowing an alteration of the finished grade to redefine the lower level as a cellar and thus not countable in FAR.

Whereas, 15 Argonne Place neighbors (Concerned Citizens of Argonne Place) submitted a Board of Zoning Adjustment (BZA) appeal of the above ruling in February 2015, disputing DCRA's determination of FAR and lot occupancy of the subject property, citing two errors: incorrect designation of the lower level as a cellar (thus excluding this square footage from GFA and FAR) and incorrect GFA building area calculations (which affect FAR and lot occupancy determinations).

Whereas, failure to enforce zoning and building code regulations on the subject property will set a flawed precedent for similar and identical properties in Adams Morgan and other neighborhoods in the District of Columbia.

Be It Resolved, that ANC 1C supports BZA appeal #18980 filed by the Concerned Citizens of Argonne Place.

Be It Further Resolved, that the Chair of ANC 1C shall be authorized to communicate this resolution to the Board of Zoning Adjustment.

Finally Be It Resolved that ANC 1C authorizes Commissioner Alan Gambrell to submit this resolution to the BZA and to represent ANC 1C before the BZA in connection with this matter.