

From: Nadeau, Brianne K. (Council) BNadeau@DCCOUNCIL.US
Subject: RE: 1828 Ontario Place NW - Illegal Construction Activities and Pending Building Permits
Date: April 2, 2015 at 10:53 AM
To: Rafferty, Michael michael_rafferty@fanniemae.com, Barahona, Claudia (Council) cbarahona@DCCOUNCIL.US, Jackson, Tania (Council) tjackson@DCCOUNCIL.US
Cc: gabrielamossi@yahoo.com, gambrell@aol.com, simpson_billy@yahoo.com, staciedesai@yahoo.com, George Keys gkeys@jordankeys.com, Michael Rafferty michaelgrafferty@gmail.com, bryceajacobs@gmail.com

From the Zoning Administrator:

In order for my office to be able to approve the proposed conversion to four dwellings the Applicant is required to demonstrate that two 9' by 19' parking spaces would be provided on the property. To date he has not done so. Therefore unless the applicant can demonstrate compliance, or receives relief from the parking requirement from the Board of Zoning Adjustment [BZA], then the pending building permit application cannot be approved, and only a project [if a revision is proposed] for a two dwelling unit building could be approved.

Still waiting on an answer about 1833.

From: Rafferty, Michael [mailto:michael_rafferty@fanniemae.com]
Sent: Wednesday, April 01, 2015 1:44 PM
To: Nadeau, Brianne K. (Council); Barahona, Claudia (Council); Jackson, Tania (Council)
Cc: gabrielamossi@yahoo.com; gambrell@aol.com; simpson_billy@yahoo.com; staciedesai@yahoo.com; George Keys; Michael Rafferty; bryceajacobs@gmail.com
Subject: RE: 1828 Ontario Place NW - Illegal Construction Activities and Pending Building Permits

Thank you for the quick response Councilmember Nadeau. Any assistance you can offer is greatly appreciated.

-Mike

Michael Rafferty

From: Nadeau, Brianne K. (Council) [<mailto:BNadeau@DCCOUNCIL.US>]
Sent: Wednesday, April 01, 2015 9:28 AM
To: Rafferty, Michael; Barahona, Claudia (Council); Jackson, Tania (Council)
Cc: gabrielamossi@yahoo.com; gambrell@aol.com; simpson_billy@yahoo.com; staciedesai@yahoo.com; George Keys; Michael Rafferty; bryceajacobs@gmail.com
Subject: RE: 1828 Ontario Place NW - Illegal Construction Activities and Pending Building Permits

Thank you Mr. Rafferty, I'm sorry that you're dealing with this.

I brought this particular property to the attention of DCRA Director Bolling not too long ago at the request of Bryce Jacobs at 1833. We'll follow up now.

From: Rafferty, Michael [mailto:michael_rafferty@fanniemae.com]
Sent: Wednesday, April 01, 2015 11:39 AM

Board of Zoning Adjustment
District of Columbia
CASE NO.18980
EXHIBIT NO.220

To: Nadeau, Brianne K. (Council); Barahona, Claudia (Council); Jackson, Tania (Council)
Cc: gabrielamossi@yahoo.com; gambrell@aol.com; simpson_billy@yahoo.com; staciedesai@yahoo.com;
George Keys; Michael Rafferty
Subject: 1828 Ontario Place NW - Illegal Construction Activities and Pending Building Permits

Dear Councilmember Nadeau,

I am writing to express my concerns regarding a 'pop-up' development project next to my home at 1826 Ontario Place, which has already cost me thousands of dollars to date in fees for an attorney and a structural engineer, with little cooperation from the developer, Bogdan Builders, which is attempting to convert the property next door at 1828 Ontario Place from a single family home to a 4 unit condominium.

I have 2 primary areas of concern: 1) the immediate issue of potential structural damage my property as well as my neighbor's property at 1830 Ontario Place and 2) Bogdan Builders' general compliance with zoning and building requirements, in particular parking requirements/ unit count.

First, I have attached an e-mail to DCRA regarding the illegal underpinning and structural activity that went on at 1828 Ontario Place, which resulted in a Stop Work Order and is currently threatening the stability of both my property and 1830 Ontario Place. DCRA has not responded to our concerns and requests, even though we have escalated those concerns within DCRA. We would appreciate any help you or your staff could offer in getting DCRA to respond to our request that they maintain the status quo of the Stop Word Order and not issue a building permit until these very important issues regarding the structural integrity of our properties is properly addressed.

Second, I have attached an e-mail correspondence with Matt LeGrant regarding the pending building permit that relates to a 4 unit condominium building. Bogdan Builders is asking the Zoning Administrator to exercise discretion, without a full BZA Review, to allow 4 units even though they cannot meet the parking requirement for a 4 unit building. Only 1 legal parking spot can be provided on the property, rather than the 2 parking spots required under the current code to support a 4 unit building. This should limit the scope of the project to no more than 2 units under the current code. Misrepresentations about the prior use of the project were made in Bogdan Builders' permit application to support the ask of exercising discretion. We brought those misrepresentations to Matt LeGrant's attention in a meeting. The attached e-mail memorializes that meeting. We ask that you help us ensure that the zoning, building and parking requirements are properly enforced by DCRA and the Zoning Administrator and that any waiver of the building, zoning or parking requirements relating to unit count and density properly go to a full BZA review, which would include ANC consideration.

For the record, I would like to state that I am not 'anti-development.' I am a real estate finance attorney and have engaged in residential development projects myself. I simply ask that the rules be properly enforced with regard to the project at 1828 Ontario Place and that Bogdan Builders be required to repair the damage that they have done with their illegal construction activity, as well as offer us protections from their building activities going forward. Bogdan Builders is trying to shoehorn a 4 unit condominium building into a small 16' wide single-family rowhouse. It makes no sense and is not good for the neighborhood or the community. The current rules, if enforced, would not allow what they are proposing and would limit the project to a 2 unit building.

Anything you or your staff can do to assist us in our efforts would be greatly appreciated.

Sincerely,
Michael Rafferty
202-957-1326 (m)