



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

INSPECTIONS AND COMPLIANCE ADMINISTRATION

**U.S. FIRST CLASS MAIL
ELECTRONIC AND FACSIMILE SERVICES**

1117 Allison LLC
Musa Aslanturkm, Registered Agent
1242 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

NOTICE TO REVOKE BUILDING PERMIT NUMBER B1409828

This is official notice from the Department of Consumer and Regulatory Affairs ("DCRA") that Building Permit Number B1409828 is revoked effective ten (10) business days (excluding Saturdays, Sundays and legal holidays) from the date of service of this notice. This action is taken pursuant to Title 12-A, District of Columbia Municipal Regulations (DCMR) §105.6 (6), which authorizes the Director to revoke a permit that was issued in error.

On February 6, 2015, DCRA issued Building Permit No. B1409828. The permit authorized the conversion of an existing single family dwelling into a three dwelling units. The permit also authorized the removal of the interior partitions and rear exterior walls, and the construction of a rear addition and a third floor addition. The structure is located at 1117 Allison Street, N.W., for Lot 0059 and Square 2918. This structure also is in an R-4 District. The specific name and address of the person to whom permission was granted to undertake the construction work were not identified on the permit.

Based on DCRA's records, the building permit application and supporting documents for Building Permit No. B1409828 were filed on July 16, 2014, under the 2008 Building Code Regulations. The effective date of the new Building Code Regulations was March 20, 2014. Your building permit application should have been filed under the 2013 Building Code Regulations as the new building code regulation was already in effect. Therefore, the Transitory Provisions of the Title 12-A, DCMR of the Building Code Regulations, Section 123 (2013) was not applicable to the renovation of this property when you filed your application on July 16, 2014. Under circumstances

such as this one, Building Permit No. B1409828 under the 2008 Building Code Regulations, should not have been issued and is therefore invalid.

Also, you were required to obtain the permits relevant to the intended work at 1119 Allison Street, N.W. The plans submitted to DCRA, for which Building Permit No. B1409828 was issued do not show the existing impact on the adjoining property owner's chimney and roof in violation of 12-A DCMR § 105.1(1).¹

Further, you provided DCRA with corrections on February 4, 2015, but not to the adjoining property owner. Specifically, on February 4, 2015, you sent an e-mail to the adjoining property owner indicated that there were no changes to the plans. However, a review of DCRA's records indicates that there were some changes to the plans that were not forwarded to the adjoining property owner. You provided DCRA with a receipt dated February 5th indicating that you mailed the February 4th plan to the adjoining property owner. One day notice before the permit was issued on February 6th is insufficient time for the owner to review. Therefore, the adjoining property owner did not have an opportunity to give an approval or rejection of the February 4th changes to the proposed work plan prior to DCRA approving the issuance of Building Permit No. B1409828 as required pursuant to 12-A DCMR § 3307.2.2.²

Pursuant to 12-A DCMR §3307.2.1, you were to provide the adjoining property owner with a copy of all construction documents at least thirty (30) days prior to permit issuance.³ The failure to provide the adjoining homeowner with a copy of the updated documents submitted with the application for which the permit was issued was a violation of 12-A DCMR § 3307.2.

Additionally, DCRA has determined that the work to be performed at the Property would create unsafe and dangerous conditions for the adjoining property for the following reasons:

- (1) The increased in the height of the structure at 1117 Allison Street, N.W. makes it dangerous for use of the structure.
- (2) The third story structure would make the adjoining property unsafe. The adjoining landowner would be unable to use her chimney because it would

¹ 12-A DCMR § 105.1(1), which reads, in pertinent part: "An owner or authorized agent who intends to ... construct... shall ... obtain the required permits."

² 12-A DCMR § 3307.2.2, which reads, in pertinent part: "The owner of adjoining premises shall have 30 days from the date that a notification complying with Section 3307.2.1 is delivered to object in writing to the owner seeking to undertake the work on the grounds that the proposed work plan will not protect the adjoining premises...."

³ 12-A DCMR § 3307.2.1, which reads, in pertinent part: "The owner undertaking the work shall notify the owner of the adjoining premises by personal delivery, courier or express mail service, with a copy to the code official not less than 30 days prior to permit issuance. This notification shall include a copy of all construction documents which relate to the structural support of the adjoining building or other structure or to the structural support of the excavation, including any updates or amendments to the work plan that have been submitted with the permit application(s)."

be now deemed non-compliant chimney, which is a fire hazard and unsafe for use due to the third story structure.

- (3) The third story addition is too close to the existing adjoining property owner's chimney.
- (4) The mechanical openings have been constructed along the exterior wall within 3 feet of the property line.
- (5) The adjoining property would not be protected from a snow load on the roof in violation of 12-A DCMR § 1608.1.1.

Finally, you did not provide a structural analysis to show that the third story would not have an adverse impact and to prevent damage due to snow drifts on the adjoining property. Therefore, based on the above foregoing reasons reflected in numbers 1 to 5, you are in violation of Title 12-A of the District of Columbia Municipal Regulations ("DCMR") Sections 105.1, 3307.1, 3307.2, 3307.2.1, 3307.2.2, 3307.6, 115.1, and 1608.1.1, and 2012 of the International Residential Code ("IRC") Sections R1003.9, R302.1 (1).^{4, 5, 6, 7, 8} Accordingly, Building Permit Number B1409828 was issued in error, and is hereby revoked.

RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit within ten (10) business days (excluding Saturdays, Sundays and legal holidays) of receipt of this Notice to the Office of Administrative Hearings. 12-A DCMR § 105.6.4.1. Should you appeal DCRA's decision, your appeal must be mailed to the Office of Administrative Hearings at 441 4th Street, N.W., Suite 450N, Washington, D.C. 20001. Alternatively, you may hand-deliver your appeal for a hearing to the Office of Administrative Hearings at 441 4th Street, N.W., Suite 450N, Washington, D.C. 20001. Additionally, if you file an appeal, please send a copy of your appeal to Assistant General Counsel Doris A. Parker-Woolridge at the Office of the General Counsel, Department of Consumer and

⁴12-A DCMR § 3307.1, which reads, in pertinent part: "Adjoining public and private property shall be protected from damage during construction, alteration, repair, demolition or raze of a premises at the expense of the person causing the work. Protection must be provided for lots, and for all elements of a building, or other structure, including, but not limited to footings, foundations, party walls, chimney, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition or raze activities."

⁵12-A DCMR § 3307.6, which reads, in pertinent part: "Whenever a new building or structure is erected to greater or lesser heights than an adjoining building, the construction and extension of new or existing chimneys, soil stacks, vent stacks, and the location of window openings shall comply with applicable sections of this code."

⁶12-A DCMR § 115.1, which reads, in pertinent part: "Unsafe structure shall be taken down and removed or made safe and secure as the code official deems necessary pursuant to this section or pursuant to other laws..."

⁷12-A DCMR § 1608.1.1, which reads, in pertinent part: "The basic snow load for the District of Columbia shall be a minimum of 25 psf (1.20 kN/m²) plus drifting or 30 psf (1.44kN/m²) equivalent uniform load, whichever is greater." Also, 2012 IRC R301 and ASCE 7-02, Section 7.7.

⁸2012 IRC § R1003.9, which reads, in pertinent part: "Chimney shall extend at least 2 feet (610 mm) higher than any portion of the building within 10 feet (3048 mm) but shall not be less than 3 feet (914 mm) above the highest point where the chimney passes through the roof. Also, 2012 IBC § 2113.9.

Regulatory Affairs, 1100 4th Street, S.W., Suite 5266, Washington, D.C. 20024 and electronically to doris.parker-woolridge@dc.gov.

If you do not request a hearing within the time and manner specified in this notice (or fail to appear at a scheduled hearing), your permit will be immediately revoked without any further written notice.

Any questions about this Notice may be directed to Assistant General Counsel Doris A. Parker-Woolridge at (202) 442-8407.

Date: 3-17-15


Rabbiah Sabbakhan
Chief Building Code Official