September 28, 2015

Board of Zoning Adjustment
Office of Administrative Hearings
441- Fourth Street NW
Washington, D.C. 20001

Re: BZA Case No. 19067, 1117 Allison St. NW

Gentlemen:

I am writing in support of the appeal and urge you to revoke building permit, B1505734. The many recent conversions of one-family homes in R-4 neighborhoods to apartment buildings under a 1950's usage exception, Section 330.5(e), result from DCRA's and BZA's revision of the original intent of that exception. Rather than narrowly interpreting this section to allow conversions of only large pre-1958 homes, primarily detached homes, BZA and DCRA have been complicit in broadening its application to allow developers to demolish many pre-1958 brick homes, which comprise 95 percent of the neighborhood, and replace them with new multi-unit buildings made of wood and new construction materials.

Permitting conversion projects like the one in this case, requires DCRA and BZA to nullify and ignore the primary purpose of the zoning regulations in R-4 neighborhoods, Section 330.2, which requires that zoning decisions stabilize "the remaining one-family dwellings." The residence at 1117 Allison St. NW is a one-family dwelling. The nearby row homes on the block are also one-family dwellings built before 1958. Permitting the conversion project at 1117 Allison will not preserve the one family dwelling at that location. Moreover, the recently adopted amendments for conversions, which allow the construction of additions that extend up to 10 feet beyond an adjacent residence, will permit the redevelopment of the one-family dwellings adjacent to 1117 Allison into similarly-sized, multi-unit apartment buildings. It is foreseeable that market forces may transform many nearby one-family dwellings on the same side of the block into apartment buildings because the planned addition at 1117 Allison extends 45 feet beyond the adjacent row homes.

The adoption of the recent amendments relating to conversions is a public concession by the Zoning Commission that DCRA and BZA have not correctly interpreted Section 330.5(e) when permitting popup developments. Although DCRA issued the permit in this matter before the amendments took effect, BZA has a legally sufficient basis to interpret Section 330.5(e) in a narrow manner to minimize conflicts between it and Section 330.2. It can either revoke the issued permit or order that the current architectural plans be modified so that the building's addition does not extend beyond ten feet of the adjacent homes, or otherwise destabilize the one-family homes on the block.

Finally, I and other neighbors are quite skeptical about the fairness and independence of BZA in the conduct of DCRA permit appeals. Despite the appellant's opposition, one week before the scheduled hearing, BZA granted a DCRA motion to extend the hearing date so that DCRA could obtain new architectural drawings to help in its defense. Because these "new" drawings were not available to DCRA when it issued the permit in May, it is not clear why they are relevant in reviewing that past decision. By helping DCRA to clean-up its record at the last minute before the hearing, BZA does a

disservice to the appellant and to the public. Errors in a zoning permitting decision may reflect a sloppy DCRA review process that also permits building code violations that endanger the public health and safety. DCRA is unlikely to reform its internal permitting processes if BZA fixes DCRA's zoning errors and does not require DCRA to re-initiate a complete review of the building permit application.

If BZA finds that DCRA erroneously issued building permit, B1505734, I respectfully request that it revoke the permit. Although the owner may not make as large a return on his or her investment under the current zoning code, BZA is not required to protect a particular property owner from the investment risks associated with changes in government regulation.

Sincerely,

Cecelia Waldeck

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