



# ADVISORY NEIGHBORHOOD COMMISSION 4C

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## CONTINUING RESOLUTION AND AUTHORITY FROM

### ADVISORY NEIGHBORHOOD COMMISSION 4C AS APPELLANT OPPOSING THE REVISION OF PERMIT #B1409828

### BY DCRA/ZONING ADMISTRATOR IN THE REISSUANCE OF PERMIT #B1505734

### IN THE MATTER OF

1117 ALLISON STREET, NW; WASHINGTON, DC 20011

### AUTHORIZING LYN ABRAMS TO CONTINUE REPRESENTING THE INTEREST OF ANC 4C BEFORE THE BOARD OF ZONING ADJUSTMENT

**BZA Case # 19067**

**JUNE 10, 2015**

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*WHEREAS*, pursuant to applicable District laws, each Advisory Neighborhood Commission (“Commission”) may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia – including the Board of Zoning Adjustment (BZA) – with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

*WHEREAS*, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency board and commission shall, before the award of any grant funds to a citizen organization or group, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by D.C. Official Code §§ 1-309.10(b);

*WHEREAS*, the issues and concerns raised in the recommendations of the Commission shall be given great weight during deliberations by government entities, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission’s issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)];

*WHEREAS*, the Commissions are the bodies of government with the closest ties to the people and they are expected to advise the city on issues, including fees, taxes, zoning, social services programs, health, emergency preparedness, economic development, transportation and infrastructure issues;

*WHEREAS*, On February 06, 2015, the Department of Consumer and Regulatory Affairs, (DCRA), issued a building permit – Permit #B1409828 – to 1117 Allison, LLC for Lot 0059 and Square 2918 – 1117 Allison Street, NW – authorizing the conversion of an existing single-family dwelling into three (3) dwelling units that included the removal of the interior partitions and rear exterior walls, and the construction of a rear addition, as well as a third floor addition; extending to the property line on the lateral sides; each unit consisting of two bedrooms and 2.5 baths per unit – nine toilets, nine sinks and six shower/bathtubs – three rear balconies with rear stairs for egress, with two rear parking spaces for the three units;



*WHEREAS*, subsequent to that submission, on March 02, 2015, DCRA issued a stop work order on the subject property under §3307, for failure to follow the notification requirements and §105.1 for exceeding the scope of the permit;

*WHEREAS*, on March 17, 2015, DCRA issued a NOTICE TO REVOKE BUILDING PERMIT NUMBER B1409828 to the owner;

*WHEREAS*, §§330.1 thru §330.3 under Title 11 of the DC Municipal Regulations (DCMR) – R-4 Districts: General Provisions – §330.1: “. . . is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families;” §330.2 notes, “. . . its primary purpose shall be the stabilization of remaining one-family dwellings;” and §330.3 states, “. . . the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement;”

*WHEREAS*, on March 26, 2015, a new permit application – #B1505734 – was submitted by the owners to DCRA Zoning Administrator Matthew LeGrant, listed in DCRA’s Building Permit Status Tracker as a “revision to B1409828,” to convert the subject property to a three-unit apartment building, thereby foregoing the owner’s rights to appeal the permit’s original revocation;

*WHEREAS*, on March 27, 2015, Zoning Administrator Matthew LeGrant did approve the owner’s request, commenting, “approval of revision b1209828 that eliminates the 3<sup>rd</sup> floor, to result in a 3 unit apt bldg on a 3126 sqft lot, with two stories and cellar levels;”

*WHEREAS*, on May 27, 2015, according to DCRA’s Building Permit Status Tracker, Building Permit B1505734 was issued to 1117 Allison LLC, despite the physical permit offering a different date – May 18, 2015 – nevertheless it was issued;

*WHEREAS*, Ms. Lyn Abrams, owner and resident of 1119 Allison Street, NW, located in ANC 4C (SMD 4C03) first came and presented before the Commission on February 11, 2015, a narrative of her community – 16<sup>th</sup> Street Heights – specifically noting a neighborhood consisting of quiet, established residential row houses with mature trees, well maintained front and back yards and quiet neighbors, some of whom have lived in their homes for decades. She noted, properties in the immediate vicinity of the subject property are primarily one-family row houses with a basement, first floor and second floor; further describing a consistent design and size to each row house that fits with the character of the neighborhood. She concluded by opining that each row house generally occupies less than 50% of the lot size, but specifically noting that the conversion of the subject property would be dramatically out of scale and character with existing row houses in the neighborhood;

*WHEREAS*, at a properly noticed March 11, 2015 ANC 4C public meeting, a majority of those duly elected and sworn-in ANC 4C Commissioners, with that quorum present, upon considering a motion of the foregoing appeal report for 1117 Allison Street, NW, associated with Permit #B1409828 and Ms. Abram’s request that ANC 4C support her appeal, further requesting of the Commission to intervene on her behalf, thereby seeking waiver of the \$1,000.00 required to appeal any decision of the Zoning Administrator in connection with DCRA’s issuance of Building Permit #1409828 before the Board of Zoning Adjustment (BZA); such request concluding by a vote of ten (10) yeas and zero (0) nays – to accept the report, support the appeal of Ms. Lyn Abrams, and in a second motion, at the same duly noticed and authorized meeting, to have Ms. Lyn Abrams be the person named and authorized by the ANC to present its report before the BZA, representing its interest; concluded by a vote of nine (9) yeas and one (1) nay to have Ms. Abrams affect such representation;

*WHEREAS*, Ms. Abrams presented her new concerns, concurred in the ANC’s new report, for the issuance of the revised permit, calling for a below-grade (basement) structure as opposed to the original permit, which called for an additional level – now going down instead of up – as well as certain violations associated with Title 11-101 – Interpretation and Application – requested of Commissioners Elisa Irwin (4C03) and Taalib-Din Uqdah (4C01) of her desire to have ANC 4C continue its appeal under the issuance of the revised permit – B1505734 – to convert 1117 Allison St., NW to a 3-unit apartment building; further requesting we continue to support our initial appeal, in having ANC 4C to intervene on her behalf, and continue seeking waiver of the \$1,000.00, required to appeal the decision of the Zoning Administrator in connection with DCRA’s issuance of the revised Building Permit #1505734 before the Board of Zoning Adjustment (BZA);

*WHEREAS*, DC Zoning Regulations offer waiver of appeals to residents, requesting of the BZA to review the final decision by DCRA to approve sign and issue building permits, in this matter Permit #B1505734;



WHEREAS, DC Zoning Regulations offer waiver rights to ANCs, DC Government Agencies, National Capital Planning Commission and not for profit Citizens' Associations, in requesting the BZA to review the final decision by DCRA to approve, sign and issue building permits, in this case Permit #B1505734;

WHEREAS, procedurally, for this Resolution to be perfected, ANC 4C must establish a quorum for any official business, authorized under DCMR for any ANC, which requires that our meeting: (1) Be noticed; (2) Be held in a public forum; and (3) Include the presence of six (6) Single Member District Commissioners (SMD) in order to constitute that quorum;

NOW, THEREFORE, BE IT RESOLVED, at a properly noticed June 10, 2015 ANC 4C public meeting, a majority of those duly elected and sworn-in ANC 4C Commissioners, with that quorum present, upon considering a motion of the foregoing appeal continuance report for 1117 Allison Street, NW, now associated with Permit #B1505734, concluded by a vote of nine (9) yeas and zero (0) nays – to accept the amended report, support the appeal of Ms. Lyn Abrams, and in a second motion, at the same duly noticed and authorized meeting, to have Ms. Lyn Abrams be the person named and authorized by the ANC to present its report before the BZA, to continue representing its interest; concluded by a vote of eight (8) yeas and one (1) nay to have Ms. Abrams affect such representation;

BE IT FURTHER RESOLVED, ANC 4C is appealing this matter after reviewing the project's permitted plans, in accordance with Permit #B1505734 and have pre-determined through its report that several chapters of the DC Zoning Regulations, as they pertain to Residential R-4 District rules, conflict with this project, including but not limited to: (1) The interpretation and application of the statute, (2) the density of the subject project, (3) lack of required yards – rear and side, and (4) overcrowding of the lot; all together contravening the rules governing development of the subject property; to wit, we specifically draw BZA's attention to Title 11 of DCMR:

- 11-101 INTERPRETATION AND APPLICATION
- 11-199 DEFINITIONS
- 11-300 R-4 DISTRICTS: GENERAL PROVISIONS
- 11-403 PERCENTAGE OF LOT OCCUPANCY
- 11-404 REAR YARDS (R);
- 11-405 SIDE YARDS (R);
- 11-406 COURTS
- 11-411 ROOF STRUCTURES (R);
- 11-412 PERVIOUS SURFACE; and
- 11-413 RETAINING WALLS

Respectfully submitted,

Vann-Di Galloway, Chair  
ANC 4C



Taalib-Din A. Uqdah, Secretary  
ANC 4C

