

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001

Appeal of Advisory Neighborhood Commission 1C & Michael Rafferty

BZA Appeal 19081

DCRA'S PRE-HEARING STATEMENT

Appellants allege that the Zoning Administrator (the “**ZA**”) erred in approving Building Permit B1412288, issued on July 205, 2015 (the “**Permit**”), to convert a single family dwelling into a four unit residential building (the “**Project**”) at 1828 Ontario Place, N.W. (the “**Property**”), in the R-5-B Zone District, because the propose parking provided did not comply with the Zoning Regulations.

Respondent, the District of Columbia Department of Consumer and Regulatory Affairs (“**DCRA**”), asserts that the ZA properly reviewed and approved the Permit as in compliance with the Zoning Regulations.

Therefore, DCRA respectfully requests the Board of Zoning Adjustment (the “**Board**”) to affirm the ZA’s approval as correct and deny this Appeal.

APPELLANT'S ALLEGATIONS

Appellants allege that the ZA erred in approving the Permit only because the proposed parking failed to comply with the Zoning Regulations. Specifically, Appellants allege that the Zoning Administrator did not provide a parking credit for the site and so two parking spaces were required to comply with Section 2101.1 of the Zoning Regulations (one parking space per each two residential units).

ARGUMENT

The ZA approved the proposed parking as compliant with the Zoning Regulations because it provided two (2) parking spaces -- one 9 foot by 19 foot standard parking space and an existing grandfathered non-conforming 9 foot by 18 foot substandard parking space

The ZA did not approve a parking credit as satisfying the parking required for the Permit. Instead, the ZA approved the proposed parking based on the Permit Holder’s assertion that the existing parking garage that predated the 1958 adoption of the Zoning Regulations provided a

substandard length parking. Therefore, this existing parking space – non-conforming only in its substandard eighteen foot (18') length - was grandfathered as an existing non-conforming parking space. The Permit Holder provided an additional standard size parking space to comply with the two (2) parking spaces required for the four (4) units approved by the Permit under Section 2101.1.

Having considered the information provided by the Appellants in their Pre-Hearing Statement regarding the size of the existing parking space, the ZA requested a confirmation of the dimensions of the interior space in the previously existing garage, including photographic evidence, and a revised plan reflecting the precise dimensions of the pre-existing parking space inside the previously existing garage. The Permit Holder has provided that information – the dimensions between the remaining stubs of the front and rear walls of the garage confirm that the actual length of the existing non-conforming parking space was eighteen feet (18') long, with the front and rear walls measuring nine inches each (**Attachment A**).

In response to this information, the ZA requested that the Permit Holder submit a revised building permit application correcting the dimensions of the grandfathered parking space from the prior eight foot by sixteen foot (8' x 16') dimensions referred to in the Permit review process to the nine foot by eighteen foot (9' x 18') dimensions corresponding to the newly received information on the interior space in the pre-existing garage. The Permit Holder has done so, and the plans approved by building permit B1601746, issued on November 12, 2015, (the “**Revised Permit**”) depict the revised layout of the parking spaces: one nine foot by nineteen foot (9' x 19') space accessible by a seven foot, two inch (7' 2”) driveway, complying with the seven foot (7') minimum required by Section 2117.8(b), in addition to the grandfathered pre-existing non-conforming parking space measuring nine feet wide by eighteen feet long (9' x 18') in the location of the previously existing parking garage.

Therefore, the parking layout, as approved by the Revised Permit, complies with the Zoning Regulations, and the Appeal should be dismissed.

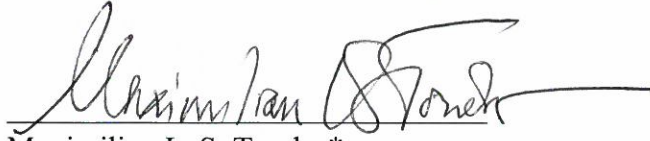
CONCLUSION

For the reasons stated above, DCRA asserts that the allegations stated in the Appeal are without merit and that the Appeal fails to establish a valid reason to overrule the ZA's approval of the Permit. DCRA therefore respectfully requests that the Board affirm that the Zoning

Administrator correctly applied the Zoning Regulations to evaluate and approve the Permit, and that the Board therefore deny this Appeal.

Respectfully submitted,
CHARLES THOMAS
General Counsel
Department of Consumer and Regulatory Affairs

Date: 11/16/2015



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CERTIFICATE OF SERVICE

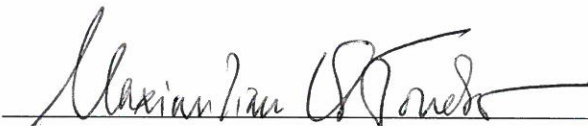
I hereby certify that on this 16th day of November 2015, a copy of the foregoing Pre-Hearing Statement was served via electronic mail to:

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