

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPEAL OF ANC 1C &
MICHAEL G. RAFFERTY
REGARDING 1828 ONTARIO PLACE, N.W.**

APPEAL NO. 19081

PRE-HEARING STATEMENT OF THE APPELLANTS

I. INTRODUCTION

ANC 1C and Michael G. Rafferty (“Appellants”) submit this pre-hearing statement that the Appellants may rely upon at the hearing for this matter. This pre-hearing statement supplements the pre-hearing statement previously filed by the Appellants in this matter on October 30, 2015. The Appellants appeal the decision of the Zoning Administrator (“ZA”) and DCRA allowing conversion of the existing single family dwelling at 1828 Ontario Place, NW (“Property”) into a four unit condominium building pursuant to the issuance of Building Permit B1412288 on July 20, 2015 (“Original Building Permit”), which was revised by the issuance of Building Permit B160746 on November 16, 2016 (“Revised Building Permit” and collectively, the Original Permit and the Revised Permit shall be referred to as the “Building Permit”) (***See Attached Appellants’ Exhibit A – PIVS Permit Approval for B1601746 – Permit Issued 11/16/15***). Appellants believe the decision of the ZA and DCRA to issue the Building Permit was in error, based upon inaccurate and incomplete information relating to the existing conditions at the Property provided by Bogdan Builders (“Property Owner”) in its Building Permit application. Given that the existing conditions at the Property do not allow the Property Owner to execute on the parking plans in the Revised Building Permit, the Property Owner is unable to provide the 2 parking spaces required for a 4 unit building pursuant to the Off-Street Parking Requirements of 11-2101 of the DCMR. As a result, the maximum density that can be approved by the ZA and DCRA at the Property as a matter of right would be a 2 unit building based upon the parking requirements and the existing Property conditions. Any variance of the parking requirements must be required to be submitted to the BZA requesting proper relief for a full review.

II. EXHIBITS

Attached hereto are the following Exhibits:

Appellants’ Exhibit A - Appellants’ Exhibit A – PIVS Permit Approval for B1601746 – Permit Issued 11/16/15

Appellants’ Exhibit B - Exhibit D to Owner’s Pre-Hearing Statement dated October 6, 2015 – Property Owner’s Original Property Survey

Appellants' Exhibit C - Property Owner's Revised Property Survey – Filed by Motion November 13, 2015 and Used as the Basis for the Revised Building Permit

Appellants' Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers

Appellants' Exhibit E - E-mails from DCRA Director Melinda Bolling dated November 23, 2015

III. SUMMARY OF FACTS

The Property is located in the District of Columbia, Lot 2583, Square 0438, in an R-5-B Zone in Ward 1. It is currently a single-family row-house in the middle of a contiguous row of like homes. The lot is rectangular in shape.

On November 16, 2015, DCRA issued Revised Building Permit as a revision to the Original Building Permit, providing for a 4-unit apartment/ condominium building to be built on the Property (**See Attached Appellants' Exhibit A – PIVS Permit Approval for B1601746 – Permit Issued 11/16/15**). The Revised Building Permit provides for a revision to the previously approved parking layout to establish one 9' x 19' conforming parking space and one 9' x 18' grandfathered non-conforming parking space for the proposed 4-unit apartment/ condominium building, which requires two parking spaces pursuant to 11 DCMR Section 2101 (**See Attached Appellants' Exhibit A – PIVS Permit Approval for B1601746 – Permit Issued 11/16/15**). The Revised Building Permit was issued in response to the arguments made in the Appellants' October Pre-Hearing Statement. The Appellants contend that the ZA and DCRA issued the Revised Building Permit in error based upon an application of the Property Owner that included the Revised Property Survey (**See Attached Appellants' Exhibit C - Property Owner's Revised Property Survey**), which did not accurately reflect the existing conditions at the Property.

The width of the Property at the garage/ alley within the existing party walls is insufficient to accommodate the proposed parking layout under the Revised Building Permit, which requires a minimum width of 16' 2" (**See Appellants' Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers**). This cannot be accomplished at the Property without 'shaving' or removing a minimum of 7 inches in width of the existing masonry party walls that have existed for 100 years and are jointly owned by Property Owner and the Appellants (**See Appellants' Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers**). The application for the Revised Building Permit does not make any mention of the need to 'shave' or remove any of the party walls that currently exist and does not provide for the ability to do any such work (**See Attached Appellants' Exhibit E - E-mails from DCRA Director Melinda Bolling dated November 23, 2015**). In fact, the Revised Property Survey that was submitted in connection with the Revised Building Permit (**See Attached Appellants' Exhibit C - Property Owner's Revised Property Survey**) makes no mention of the existing party walls, unlike the Original Property Survey submitted in connection with the application for the Original Building Permit (**See Appellants' Exhibit B - Exhibit D to Owner's Pre-Hearing Statement dated October 6, 2015 – Property Owner's Original Property Survey**) which clearly shows the existence of the party walls.

The pertinent facts:

- **Property Width.** The Property width available for the parking configuration is only 15'7" at the alley. (*See Attached Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers*). This width is measured from the inside dimensions of the existing brick masonry party walls, which are common party walls with 1826 and 1830 Ontario Place, NW, jointly owned by the Property Owner and the Appellants.

- **Proposed Parking Solution.** The proposed parking layout in the Revised Building Permit requires a minimum 16'2" opening since it provides for both a driveway with a minimum width of 7' required pursuant to Section 2117.8(b) (7'2" wide on plans) along-side a parking space (9' wide) (*See Appellants' Exhibit C - Property Owner's Revised Property Survey – Filed by Motion November 13, 2015 and Used as the Basis for the Revised Building Permit*). The 7'2" driveway plus the 9' parking spot equals 16'2", or 7" wider than the 15'7" opening available at the alley and the maximum width available to the Property Owner is 5" narrower than the absolute minimum required under the Zoning Regulations.

**IV. THE ZONING ADMINISTRATOR AND DCRA INCORRECTLY DETERMINED
THAT THE PROJECT PROVIDES SUFFICIENT PARKING FOR A
FOUR UNIT BUILDING AS A MATTER OF RIGHT**

The only way that the Property Owner could execute on the proposed parking solution in the Revised Building Permit is to 'shave' or remove a portion from each of the 2 existing party walls on the Property. The application for the Revised Building Permit made no mention of this requirement (*See Attached Appellants' Exhibit E - E-mails from DCRA Director Melinda Bolling dated November 23, 2015*). Property Owner was well aware that such shaving or party wall removal would be required. Property Owner's counsel even acknowledged that this would be a necessary requirement to the BZA on November 17, 2015, in the discussion of this case resulting in the rescheduled December 22nd hearing date. Despite being fully aware of this requirement, Property Owner intentionally filed the Revised Property Survey (*See Attached Appellants' Exhibit C - Property Owner's Revised Property Survey – Filed by Motion November 13, 2015 and Used as the Basis for the Revised Building Permit*) that did not accurately reflect the existing conditions at the Property and a permit application that did not adequately address the existing property conditions. Because of Property Owner's actions and material omissions, the ZA and DCRA issued the Revised Building Permit in error.

Appellants submit for the record their structural engineer's report (*See Attached Appellants' Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers*), completed November 24, 2015, which clearly documents that the "shaving" or party wall removal necessary to implement the parking plan under the Revised Building Permit is implausible and structural harm to the Appellants garages would result from any such activity. The Letter of Ehlert Bryan provides that the 16'2" width necessary to accommodate the parking plan contained in the Revised Building Permit currently does not exist at the Property. It goes on to say that the party walls cannot be modified as required "without severely affecting the remaining structural capacity" of

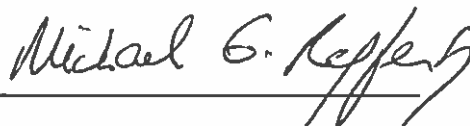
the existing party walls and garages. (**See Attached Appellants' Exhibit D - Letter of Ehlert Bryan, Consulting Structural Engineers**).

In addition, it is clear from a review of the Building Plat dated 11/12/2015 filed by the Property Owner with the PIVs, which is attached as a part of Appellants' Exhibit C, that the parking space located immediately off the public alley partially obstructs full access to the more interior space accessed from the "drive aisle" (**See Appellants' Exhibit C - Property Owner's Revised Property Survey – Filed by Motion November 13, 2015 and Used as the Basis for the Revised Building Permit**).james

V. CONCLUSION

Given that the existing conditions at the Property do not allow the Property Owner to execute on the parking plan in the Revised Permit, the Property Owner is unable to provide the 2 required parking spaces for a 4 unit building pursuant to the Off-Street Parking Requirements of 11-2101 of the DCMR. As a result, the Building Permit should be revoked. In addition, the maximum unit count that should allowed by the ZA and DCRA at the Property as a matter of right is 2 units based upon the parking requirements and the existing Property conditions. Any variance of the parking requirements must be required to be submitted to the BZA requesting proper relief for a full review.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael G. Rafferty". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Michael G. Rafferty

Individually as Appellant
& Owner of 1826 Ontario Place
202-957-1326 mobile

And as an Authorized Representative
of Appellant ANC 1C
P.O. Box 21009, Kalorama Station
Washington, DC 20009

**APPELLANTS' EXHIBIT A – PIVS PERMIT APPROVAL FOR B1601746 – PERMIT
ISSUED 11/16/15**

ApplicationID	Date Filed	Full Address		Agent Name	Phone Number
B1601746	11/12/2015	1828 ONTARIO PL NW		1828 ONTARIO PL 1828 ONTARIO PL LLC	202-320-2137
Discipline	Review Status	Status Date	Review Comment	Reviewer Name	Reviewer Email
Zoning Review	Zoning Review Approved - WC	11/13/2015	(r-5-b zoning district) -- zoning approval for revision to previously approved building permit b1412288 to revise the previously approved parking layout, provided one 9' by 18' substandard parking space and one 9' by 19' standard parking space, accessed by a 7'-2" drive aisle.	Shawn Gibbs	shawn.gibbs@dc.gov
Structural Review	Structural Review Approved	11/16/2015		Sitra Ibrahim	sitra.ibrahim@dc.gov
Wall Check Verification					
Issue Permit	Permit Issued	11/16/2015			

**APPELLANTS' EXHIBIT B - EXHIBIT D TO OWNER'S PRE-HEARING
STATEMENT DATED OCTOBER 6, 2015 – PROPERTY OWNER'S ORIGINAL
PROPERTY SURVEY**

CELEBRATING 15 YEARS OF SERVICE



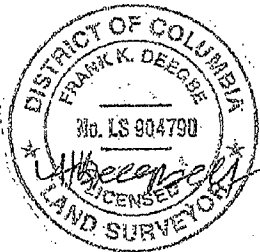
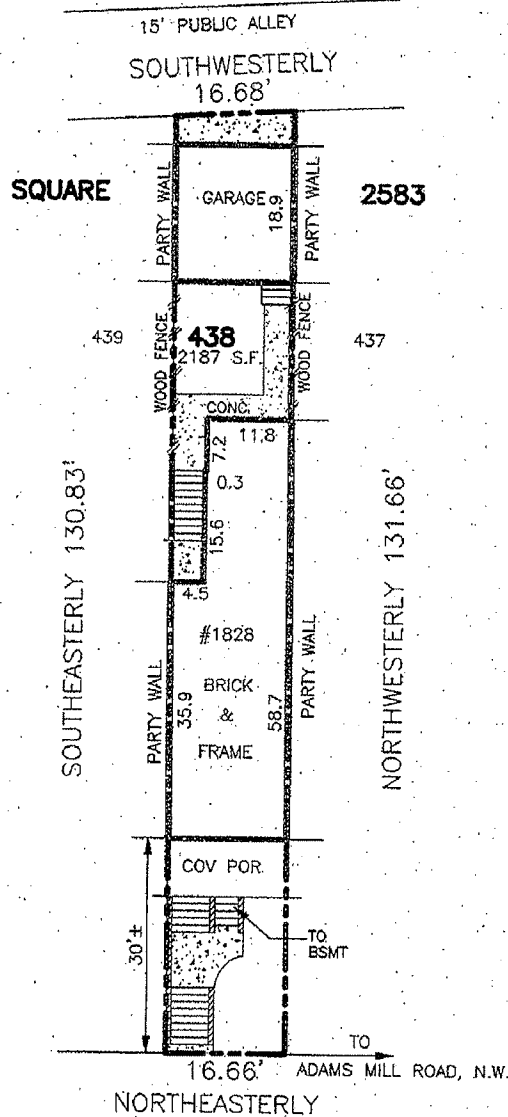
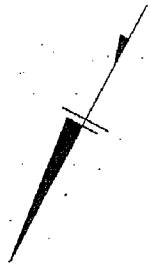
MILLENNIUM ENGINEERING, LLC

5825 ALLENTOWN ROAD CAMP SPRINGS, MARYLAND 20746

301-433-0888 301-433-0897 FAX

Email: surveyorders@millenniumengineering-llc.com

Website: millenniumengineering-llc.com



SURVEYOR'S CERTIFICATE

I hereby certify that this drawing is based on a field survey made on 6/20/2014 by me or directly under my supervision and to the best of my knowledge information & belief correctly represents the facts found at the time of survey.

NOTES:

1. The drawing is not intended for the use in the establishment of property lines, but for the exclusive use of the property owner(s) of record and/or those who purchase, mortgage, or guarantee the title thereto within six months from the date hereof, and as to them I warrant this location drawing.
2. For title purposes only.
3. No title report furnished at this time, subject to all easements and right of way of record and as may be stated in deed(s) and noted on record plat.
4. Encroachments may exist. Property corners have not been set with this survey. Property information was taken from best available records.
5. This location drawing is not to be used for resubdivision purposes, construction of fences or other improvements. A boundary survey and lot stakeout would have to be performed to determine the location of all property lines shown.
6. Flood zone and certificates available upon request.
7. Boundary survey needed for accurate location of house, fences, sheds and all easements & rights-of-way.
8. Accuracy of this survey is ± 3 feet.

LOCATION DRAWING

1828 ONTARIO PLACE, N.W.

LOT 438 SQUARE 2583

MOUNT PLEASANT NBHD WARD 1

WASHINGTON, D.C.

DATE: 6/20/2014 SCALE: 1"=20' FILE: PTE-14-0506 DWG: 41393

**APPELLANTS' EXHIBIT C - PROPERTY OWNER'S REVISED PROPERTY
SURVEY – FILED BY MOTION NOVEMBER 13, 2015 AND USED AS THE BASIS FOR
THE REVISED BUILDING PERMIT**



Department of Consumer and Regulatory Affairs

Permit Operations Division
1100 4th Street SW
Washington DC 20024
Tel. (202) 442 - 4589 Fax (202) 442 - 4862

Received
Date 11/13/2015

Plan
Application

Engineering Tyronc Thomas

Applicant/Agent: 1828 Ontario Pl Llc
Job No: WT

Phone

Address of Project:
1828 ONTARIO PL NW

B1601746

Existing Use: Multifamily (> 2 units)

Existing No. of Stories: 3

Proposed Use: Motor vehicle showroom

Prop no of Stories: 3

Permit Type: Alteration and Repair

SSL: 2583 0438

Description of Work:

Revisions to prior parking layout - shown on Sheet A0100, based on measurements of walls of pre-1928 detached garage, which were found to be 15ft-6in by 18ft, allowing for only one, noncompliant parking space of 9ft x 18ft in size. The revised parking layout plan retains the existing, noncompliant parking space - identified as Space A - and adds a second, compliant parking space at 9ft x 19ft - identified as space B. The driveway serving the one, compliant parking space - Space B - is 7ft - 2in in width.

Required Reviews: (Checked boxes only)	Reviewer:	Completion Time:	Review Status:			
☐ Fire Arts:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Historic:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Public Space/DDOT:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☒ Zoning: P-5-B 1911-B-15		☐ AM ☐ PM	☒ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Soil Erosion/DDEE:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ DC Water:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Mechanical:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Plumbing:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Heating/DOH:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Electrical:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Elevator:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Energy Review:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Fire Protection:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☒ Structural:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Green Review:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	
☐ Chinatown Review:		☐ AM ☐ PM	☐ Approved	☐ HFC	☐ Conf. w/Applicant	

New/ Addl Cost	AV/For Cost	Total Cost	Volume of New Bldg or Addl Cubic ft	
\$0.00	\$10,000.00	\$10,000.00	3889	

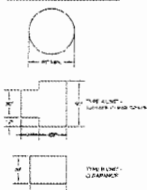
Alter/Repair FEE	New Const. FEE	Filing FEE	Enhancement FEE	Green FEE:	Total Permit FEE
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1828 ONTARIO PLACE, NW

LEGEND:

— A —	GRID LINE
— 1 —	SECTION TAG
— 1 —	INTERIOR ELEVATION
— 1 —	EXTERIOR ELEVATION
— 1 —	DETAIL TAG
— 1 —	ELEVATION TAG
— 1 —	ELEVATION TAG
— 1 —	WINDOW TAG
— 1 —	DOOR TAG
— 1 —	WALL TYPE
— 1 —	CRAWLING TITLE

ADA TURNING SPACE



THE CLEARANCE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CLEARANCE. THE CLEARANCE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CLEARANCE.

GENERAL NOTES:

CONTRACTOR SHALL VERIFY AND FAMILIARIZE HIMSELF WITH ALL FIELD CONDITIONS PRIOR TO SUBMITTING PROPOSALS AND COMMENCING CONSTRUCTION. FIELD CONDITIONS NOT AGREEING WITH CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER & DESIGNER PRIOR TO BEGINNING WORK. ALL ADDITIONAL WORK NEEDED TO COMPLETE THE PROPOSED PROJECT WHICH IS NOT INDICATED ON DRAWINGS SHALL RECEIVE PRIOR AUTHORIZATION FROM THE HOMEOWNER.

CONTRACTOR SHALL BE RESPONSIBLE FOR THE INCLUSION OF ALL WORK NECESSARY FOR A COMPLETE INSTALLATION WHETHER SUCH WORK IS INDICATED ON DRAWINGS OR SPECIFICATIONS.

ALL MANUFACTURED / PREFABRICATED ITEMS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE WRITTEN MANUFACTURERS SPECIFICATIONS.

JOB SITE SHALL BE KEPT IN A CLEAN AND ORDERLY FASHION AT THE END OF EACH DAY'S WORK. ALL WARRANTIES, GUARANTEES AND MANUFACTURERS INSTRUCTIONS SHALL BE PRESENTED TO THE HOMEOWNER IN A COMPLETE AND ORDERLY MANNER AT THE CONCLUSION OF CONSTRUCTION. ALL WORK PERFORMED SHALL BE EXECUTED TO GREATER THAN STANDARD BUILDING QUALITY AND SHALL COMPLY WITH ALL LOCAL CODES AND ORDINANCES.

THE DESIGNER SHALL NOT BE RESPONSIBLE FOR AND WILL NOT HAVE CONTROL OVER CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES, OR FOR THE SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, AND WILL NOT BE RESPONSIBLE FOR THE FAILURE OF THE CLIENT OR HIS CONTRACTORS, SUBCONTRACTORS OR ANYONE PERFORMING WORK, TO CARRY OUT THE WORK IN ACCORDANCE WITH THE APPLICABLE RESIDENTIAL CODES, REGULATIONS, AND CONTRACT DOCUMENTS.

BY A LICENSED GENERAL CONTRACTOR ENTERING INTO AGREEMENT WITH THE HOMEOWNER/PROPERTY OWNER, HE AGREES TO KEEP CURRENT ALL INSURANCES, WORKER'S COMPENSATION AS REQUIRED, AND AGREES TO INDEMNIFY/HOLD HARMLESS THE HOMEOWNER/PROPERTY OWNER FROM ANY ACCIDENTS OCCURRING FROM THE SCOPE OF WORK REQUIRED TO COMPLETE THE PROPOSED PROJECT.

CONTRACTORS SHALL BE RESPONSIBLE FOR REMOVING & DISPOSING OF DEBRIS, RUBBISH AND OTHER MATERIALS RESULTING FROM WORK AT THE JOB SITE. CONTRACTOR SHALL PROVIDE PROTECTION BETWEEN THE NEW CONSTRUCTION AND THE EXISTING BUILDING AND TAKE ADEQUATE MEASURES TO KEEP DUST TO A MINIMUM. UPON COMPLETION OF CONSTRUCTION, CONTRACTOR SHALL CLEAN THE ENTIRE PREMISES AND TURN OVER ALL KEYS USED DURING CONSTRUCTION, OLD AND NEW. SEE NOTE ABOVE.

ALL EXISTING CONDITIONS SHOULD BE FIELD VERIFIED INCLUDING DIMENSIONS AND STRUCTURE. SOME VARIATIONS COULD EXIST AND IT IS THE RESPONSIBILITY OF OTHERS TO CONFIRM THE INFORMATION HEREIN.

ABBREVIATIONS:

AS ANCHOR BOLT	GR GRADE	R RISER
A/C AIR CONDITIONING	GTR GUTTER	RAD RADIUS
ACT ACCUSTICAL CEILING TILE	GWB GYPSUM WALL BOARD	RD ROOF DRAIN
ADJ ADJUSTABLE	HB HOSE BIB	REBAR STEEL REINFORCING BAR
AFF ABOVE FINISHED FLOOR	HC HANDICAP	REC RECESSED
BD BOARD	HC HEAD	REFG REFRIGERATOR
BIT BITUMINOUS	HCR HEADER	REIN REINFORCED
BKG BLOCKING	HDW HARDWARE	REQ REQUIRED
BLDG BUILDING	HGR HANGER	REV REVERSE
BM BEAM	HCR HORIZONTAL	RFG ROOFING
BOF BOTTOM OF FOOTING	HT HEIGHT	RH RIGHT HAND
BR BRICK	HTG HEATING	RM ROOM
BRG BEARING	HVAC HEATING VENTILATING	RO ROUGH OPENING
C COURSE	AND AIR CONDITIONING	RTG RATING
CAB CABINET	HW HOT WATER	SCHS SCHEDULE
CFM CUBIC FEET PER MINUTE	HWD HARDWOOD	SECT SECTION
CI CAST IRON	ID INSIDE DIAMETER	SF SQUARE FOOT
CLG CEILING	INS INSULATION	SHT SHEET
CMU CONC MASONRY UNIT	INT INTERIOR	SIM SIMILAR
COL COLUMN	JB JAMB	SMR SMOOT LUMBER
CONC CONCRETE	JST JOIST	COMP COMPANY DESIGNATION
CONT CONTINUOUS	KIT KITCHEN	SPEC SPECIFICATION
CPT CARPET	LAM LAMINATE	SPKR SPRINKLER
CT CERAMIC TILE	LAV LAVATORY	SQ SQUARE
CTR CENTER	LBS POUNDS	S&R SHELF AND ROD
DBL DOUBLE	LH LEFT HAND	STD STANDARD
DEM DEMOLISH/DEMOLITION	LT LIGHT	STL STEEL
DN DOWN	MAS MASONRY	STR STRUCTURE
DR DOOR	MAX MAXIMUM	SUSP SUSPENDED
DS DOWNSPOUT	MECH MECHANICAL	SYS SYSTEM
DWG DRAWING	MEMB MEMBRANE	T TREAD
EA EACH	MFR MANUFACTURER	T&G TONGUE AND GROOVE
EL ELEVATION	MIN MINIMUM	TEL TELEPHONE
ENCL ENCLOSURE	MISC MISCELLANEOUS	TEMP TEMPERED
EQ EQUAL	MOLD MOLDING	THK THICK
EQT EQUIPMENT	MO MASONRY OPENING	TOT TOP OF FOOTING
EX EXISTING	MTD MOUNTED	TOW TOP OF WALL
EXP EXPANSION	MTL METAL	TV TELEVISION
EXT EXTERIOR	NC# NUMBER	TYP TYPICAL
FBRGL FIBERGLASS	NTS NOT TO SCALE	UN UNLESS OTHERWISE NOTED
FD FLOOR DRAIN	OC ON CENTER	VB VAPOR BARRIER
FDN FOUNDATION	OD OUTSIDE DIAMETER	VCT VINYL COMPOSITION TILE
FF FOIL FACE	OPG OPENING	VERT VERTICAL
FIN FINISH	OPF OPPOSITE	VT VINYL TILE
FL FLOOR	PC PRECAST CONCRETE	W WITH
FLS FLASHING	PL PLATE	WO WOOD
FOM FACE OF MASONRY	PLAM PLASTIC LAMINATE	WIN WINDOW
FS FULL SIZE	PLAS PLASTER	WO WITHOUT
FT FOOT OR FEET	PNL PANEL	WR WATERPROOFING
FTG FOOTING	PNT PAINT	WR WATER RESISTANT
FUR FURRING	PR PAIR	WSC WAINSCOT
GA GAUGE	PSF POUNDS PER SQ FOOT	WT WEIGHT
GAL GALVANIZED	PSI POUNDS PER SQ INCH	WV/W WELDED WIRE FABRIC
GC GENERAL CONTRACTOR	PVC POLYVINYL CHLORIDE	
GL GLASS	PLY PLYWOOD	

APPLICABLE BUILDING CODES

This project conforms to all applicable building codes and zoning regulations for the District of Columbia. All codes subject to the District of Columbia Construction Codes 2013 Supplement, Amendments and all revisions.	
BUILDING IRC 2012	INTERNATIONAL RESIDENTIAL CODE - 2012, DCMR 12A
MECHANICAL IMC 2012	INTERNATIONAL MECHANICAL CODE - 2012, DCMR 12E
PLUMBING IPC 2012	INTERNATIONAL PLUMBING CODE - 2012, DCMR 12F
ELECTRICAL: 2005 NEC/UPA 70	NATIONAL ELECTRICAL CODE, DCMR 12C
FIRE IFC 2012	INTERNATIONAL FIRE CODE - 2012, DCMR 12H
ENERGY IECC 2012	INTERNATIONAL ENERGY CONSERVATION CODE - 2012, DCMR 12J
FUEL IFGC 2012	INTERNATIONAL FUEL GAS CODE - 2012, DCMR 12D
EXISTING ULDC IEBC 2012	INTERNATIONAL EXISTING ULDC CODE - 2012, DCMR 12I
PROPERTY IPMC 2012	INTERNATIONAL PROPERTY MAINTENANCE CODE - 2012, DCMR 12G
AMENDMENTS:	DCMR 2 BUILDING CODE REGULATIONS, 2009
ZONING:	DCMR TITLE 11 - ZONING REGULATIONS
ADA:	ADA 117.1-2003
ACCESSIBLE AND USABLE BUILDINGS & FACILITIES	

BUILDING CLASSIFICATIONS

USE GROUP (IBC 2012 - 310)	R-2
TYPE OF CONSTRUCTION (IBC 2012 - 602)	TYPE VA

PROJECT NARRATIVE:

Revisions to prior parking layout - shown on Sheet A0100 - based on measurements of walls of pre-1958 detached garage, which were found to be 15ft-8in by 18ft, allowing for only one, non-compliant parking space of 9ft x 10ft in size. The revised parking layout plan retains the existing, non-compliant parking space - identified as Space A - and adds a second, compliant parking space of 9ft x 19ft - identified as Space B. The driveway serving the one, compliant parking space - Space B - is 7ft - 2in in width.

DRAWING LIST:

CS	COVER PAGE
CS-1	GARAGE PICTURES

A0100	SITE PLAN
A0100-1	APPROVED/PROPOSED SITE PLAN

DCR OFFICE OF THE ZONING
ADMINISTRATOR
WITH THE ZONING BOARD
DC ZONING REGULATIONS (DCMR)
4/11/15

B1601746
1828 ONTARIO PL NW
ZONE: R-5-B

DISTRICT OF COLUMBIA GOVERNMENT

OFFICE OF THE SURVEYOR

May 13 2015 *May 13 2015*
Washington, D.C., July 17, 2014

I hereby certify that all existing improvements shown thereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified that all lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees, and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

Plat for Building Permit of SQUARE 2583 LOT 438

Scale: 1 Inch = 20 feet Recorded in Book 52 Page 14

Receipt No. 14-06442 SR-4644

Furnished to: KC D. PRICE

AS
Surveyor, D.C.

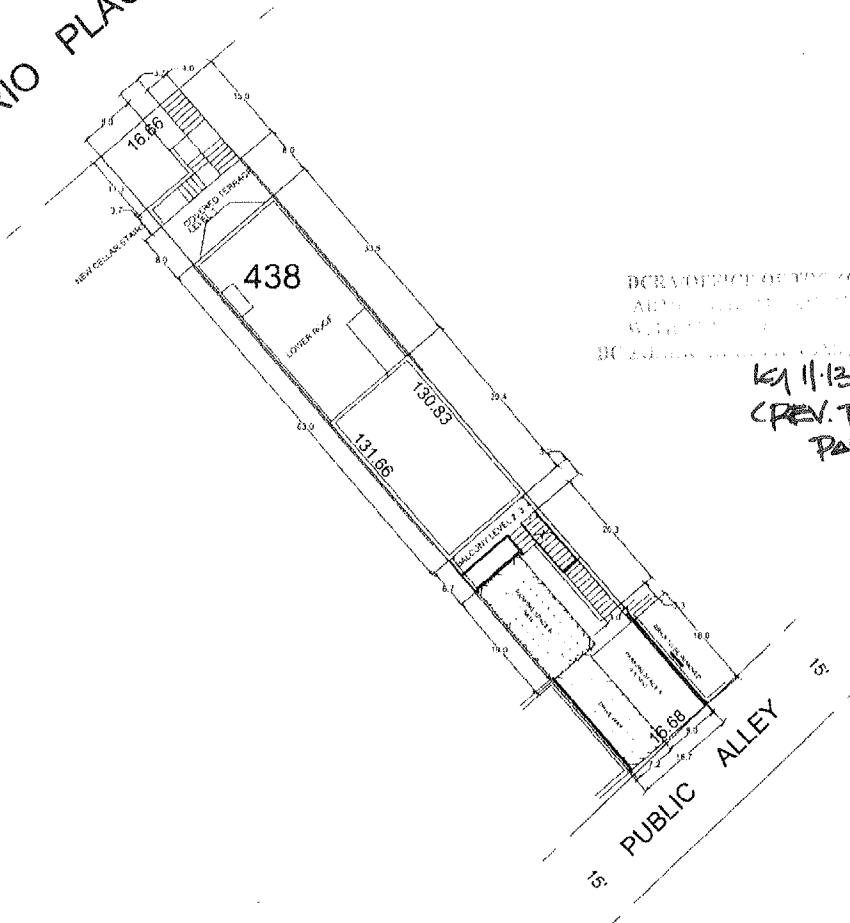
By: A.S.M

Date: 11/12/2015

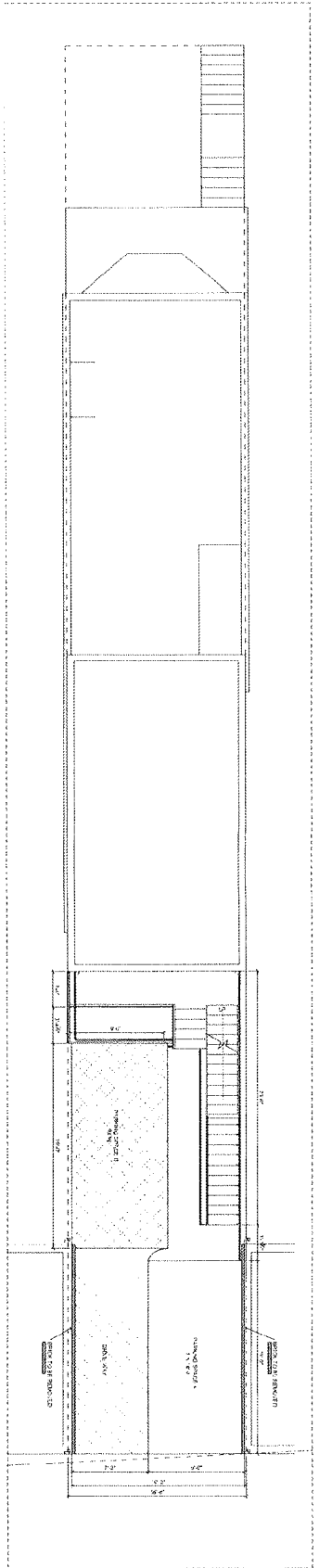
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

ONTARIO PLACE, N.W.

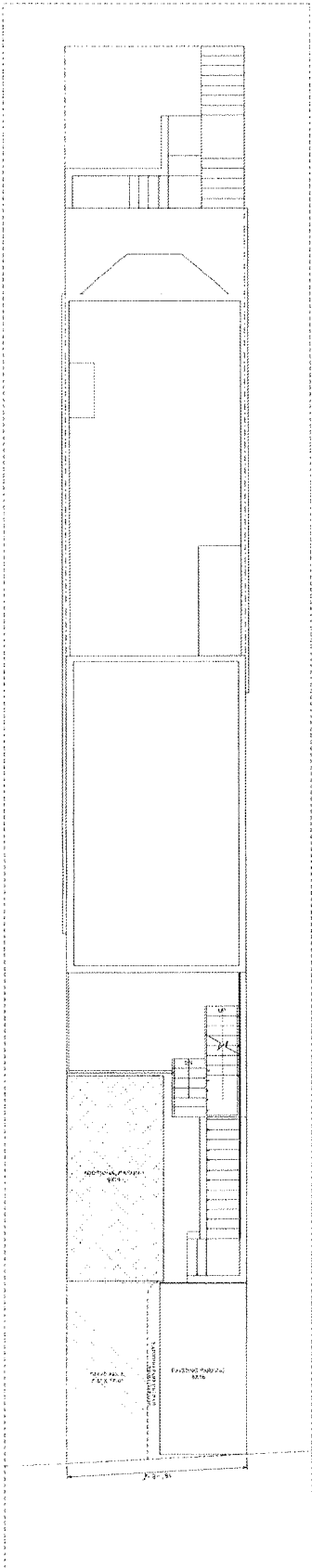


R-5-B
OFFICE OF THE SURVEYOR
ADDITIONAL SURVEYOR
WASHINGTON, D.C.
DC 20004-0001 (H)
11/13/15
(REV. TO 04/22/08 - PARKING)



1 PROPOSED PARKING
SCALE: 3/16" = 1'-0" 24X36 LAYOUT

DCR REPORT OF PROGRESS
APPROVED FOR THE
OFFICE OF THE
DEPARTMENT OF
12/13/15



2 APPROVED PARKING
SCALE: 3/16" = 1'-0" 24X36 LAYOUT

**APPELLANTS' EXHIBIT D - LETTER OF EHLERT BRYAN, CONSULTING
STRUCTURAL ENGINEERS**



MEMORANDUM

Date: November 24, 2015
Client: Mr. Michael Rafferty
730 Church St, Apt #3
San Francisco, CA 94114
Attn: Mr. Michael Rafferty
Project: 1828 Ontario PL NW, Washington, DC
EB # 1551005.00
From: Wayne C Bryan, PE

Wayne C. Bryan, PE
cm=Wayne C. Bryan,
PE, o=Ehlert Bryan,
email=wbryan@ehlert
-bryan.com, c=US
2015.11.24 14:53:28
-05'00'

Pursuant your request, Wayne C. Bryan, PE visited the above-referenced property in the company of Ms. Stacie Desai on November 23, 2015. We understand that the owners of 1828 Ontario PL require a 9 foot wide parking space with an adjacent 7 foot 2 inch wide driveway at the rear of their lot.

The plat for 1828 Ontario PL denotes the center to center of the property line as 16 foot 8 inches which is greater than the 16 foot 2 inches required, however at the location of the required driveway and parking spot, there is an existing brick masonry wall on each side that is a party wall for the garages on 1826 and 1830 Ontario PL. (See Photos #1, #2 and #3)

As measured by the writer at the site, the dimension between the inside face of the existing brick masonry walls is 15 foot 8 inches at the northeast end and 15 foot 7 inches at the southeast end (alley side). In order to obtain the required 16 foot 2 inch width, between 6 and 7 inches of the existing party wall on one or both sides will need to be removed.

The walls are 12 inch thick brick masonry that supports the existing garage roof framing for the adjacent garages. The wall adjacent to 1826 Ontario was observed to be in good condition with good mortar and brick quality. The wall adjacent to 1830 Ontario is not in as good of condition with significant deteriorated mortar, especially at the base of the wall. (See Photo #4)

Currently, we are unsure of how the 1828 Ontario owners intend on complying with the parking and driveway width requirement. If their plan is to remove a single wythe of brick from each side, we have very serious concerns about their ability to do that without compromising the wall integrity, especially given the mortar deterioration observed. It is our professional opinion that these walls cannot be modified without severely affecting the remaining structural capacity.

Wayne C. Bryan, PE | Thomas A. Bouffard, PE | Jason B. Sparrow, PE | Alexander P. Salmin, PE | William R. McLain, PE

1451 Dolley Madison Boulevard | Suite 220 | McLean, VA 22101 | Tel: 703-827-9552

www.ehlertbryan.com



Photo #3 – Existing Garage Party Wall between 1828 and 1826 Ontario PL



Photo #4 – Deteriorated Mortar in wall between 1828 and 1830.



Photo #1 - 1828 Ontario PL space between existing garages



Photo #2 - Existing Garage Party Wall between 1828 and 1830 Ontario PL

APPELLANTS' EXHIBIT E - E-MAILS FROM DCRA DIRECTOR
MELINDA BOLLING DATED NOVEMBER 23, 2015

From: **Bolling, Melinda (DCRA)** melinda.bolling@dc.gov
Subject: RE: 1828 Ontario Place - Building Permit No. B1601748
Date: November 23, 2015 at 5:16 PM
To: Mike Rafferty michaelgrafferty@gmail.com, Gamboa, Ferdinand (DCRA) ferdinand.gamboa@dc.gov
Cc: Gambrell, Alan (SMD 1C05) 1C05@anc.dc.gov, Englebert, Gary (DCRA) gary.engagebert@dc.gov, Brianne Nadeau BNadeau@dccouncil.us, Stacie Desai staciedesai@yahoo.com, Barahona, Claudia (Council) cbarahona@dccouncil.us, G Mossi GabrielaMossi@yahoo.com, William Simpson simpson_billy@yahoo.com, Khokhar, Jatinder S. (DCRA) jatinder.khokhar@dc.gov, Washington, Jason (DCRA) Jason.Washington@dc.gov, Orlins, Matt (DCRA) matt.orlins@dc.gov

MB

Mr. Rafferty,

Let me see if I understand . . .

- 1. The recently approved permit for this property authorized: “exterior site vegetation, flagstone paver walkway, replace garden fence, wood privacy fence at rear terrace, repair front walkway and steps, and new plantings/sod, new parking pads, re point brick retaining wall in public space”.**
- 2. According to DCRA's Permit Division, DCRA does NOT have any supporting documentation nor any mention on the building permit application for shaving the existing party walls.**

Have you seen plans that indicate six (6) inches would be removed from the existing party walls? Please advise.

**Regards,
Melinda Bolling
Director**
!

From: Mike Rafferty [mailto:michaelgrafferty@gmail.com]
Sent: Monday, November 23, 2015 5:05 PM
To: Gamboa, Ferdinand (DCRA)
Cc: Bolling, Melinda (DCRA); Gambrell, Alan (SMD 1C05); Englebert, Gary (DCRA); Brianne Nadeau; Stacie Desai; Barahona, Claudia (Council); G Mossi; William Simpson; Khokhar, Jatinder S. (DCRA); Washington, Jason (DCRA); Orlins, Matt (DCRA)
Subject: Re: 1828 Ontario Place - Building Permit No. B1601748

Director Bolling and Mr Gamboa,

There was not an allegation that shaving had already occurred. What was raised was that the recent revised building permit approved for 1828, specifically the parking plan, would necessitate that the existing party walls be 'shaved' at least 6 inches. It does not appear that was part of what was approved by DCRA, we as the adjoining property owners believe that any such removal or shaving of 6 inches off the existing 100 year old masonry party walls would result in making our

From: **Bolling, Melinda (DCRA)** melinda.bolling@dc.gov
Subject: RE: 1828 Ontario Place - Building Permit No. B1601748
Date: November 23, 2015 at 1:22 PM
To: Gambrell, Alan (SMD 1C05) 1C05@anc.dc.gov
Cc: Michael Rafferty michaelgrafferty@gmail.com, Englebert, Gary (DCRA) gary.engagebert@dc.gov, Brianne Nadeau BNadeau@dccouncil.us, Stacie Desai staciedesai@yahoo.com, Barahona, Claudia (Council) cbarahona@dccouncil.us, G Mossi GabrielaMossi@yahoo.com, William Simpson simpson_billy@yahoo.com, Gamboa, Ferdinand (DCRA) ferdinand.gamboa@dc.gov, Khokhar, Jatinder S. (DCRA) jatinder.khokhar@dc.gov

MB

Commissioner Gambrell,

Good afternoon. As soon as we can, a DCRA illegal construction inspector is going to the site because the information regarding “shaving” the wall is not approved on this building permit. We will report back our findings.

**Regards,
Melinda Bolling
Director**

From: Gambrell, Alan (SMD 1C05)
Sent: Monday, November 23, 2015 10:06 AM
To: Bolling, Melinda (DCRA)
Cc: Michael Rafferty; Englebert, Gary (DCRA); Brianne Nadeau; Stacie Desai; Barahona, Claudia (Council); G Mossi; William Simpson
Subject: Re: 1828 Ontario Place - Building Permit No. B1601748

Good morning, Director Bolling. Ontario Place residents have been advised that removal of a portion of the shared masonry walls through some type of shaving technique (in order to create more space) will make the walls structurally unsound—specifically, they will not meet the “slenderness ratio.” As such, the hope is that DCRA could engage in a re-review of the permit’s compliance with the Title 12 DCMR building code.

Barring that, insights on how to file with OAH would be much appreciated. Would filing be under 12A DCMR 112.2.1? And is that deadline 10 days after issuance of the permit?

On Nov 23, 2015, at 9:44 AM, Bolling, Melinda (DCRA)
<melinda.bolling@dc.gov> wrote:

Mr. Rafferty,

Good morning. If you are appealing a building permit based on an alleged violation of the Construction Code, those appeals are filed with the Office of Administrative Hearings (OAH). OAH is located at 441 4th Street, NW in Suite 450N. Please let me know if you