



STOP WORK ORDER APPEAL FORM

LANGUAGE PREFERRED ☒ English ☐ Spanish ☐ Chinese ☐ Vietnamese ☐ Amharic ☐ Korean ☐ Other: _____

Under Title 12A, DC Municipal Regulations, § 114.11, you have the right to appeal the Stop Work Order on your property. To exercise this right, you must complete and file this form within 15 calendar days after posting of the Stop Work Order. You may email, or hand-deliver this appeal to the Reviewing Official.

Chief Building Official Department of
Consumer & Regulatory Affairs Inspections
Division
1100 4th Street, SW, 4th Floor
Washington DC 20024 202-442-7867
Email: Sarah.Thigpen@dc.gov

Within ten (10) working days of the Reviewing Official's receipt of your Appeal Form, the Reviewing Official shall affirm, modify, or reverse the Stop Work Order.

Under Title 12A, DC Municipal Regulations, § 114.11.1 if the Code Official denies or takes no action on your appeal within ten (10) working days of receiving it, you may appeal to the DC Office of Administrative Hearings (OAH). You may hand deliver or mail your written request for a hearing to: Office of Administrative Hearings, One Judiciary Square, 441 4th Street, NW Washington, DC 20001.

Please Note: Under Title 12A, DC Municipal Regulations § 114.11.2 The filing of an appeal does not stay the effect of a stop work order.

INFORMATION

Owner/Agent Name: Andrew Daly Date: 7/1/2015
Owner/Agent Address: 1120 Park St., NE, Washington DC Zip Code: 20002
Owner/Agent Phone Number: 703.232.4361 Email: adaly@gannett.com
Address of Stop Work Order: 1120 Park St., NE, Washington DC Order Date: 6/30/2015

SIGNATURE

Under Title 12A, §114.11 DC Municipal Regulations, I appeal the above Stop Work Order.

Owner's or Agent's Signature: [Signature] Date: 7/1/2015

REASON FOR APPEAL

- ☒ DCRA has incorrectly interpreted the true intent of the Construction Code or rules
☐ The Construction Code provisions do not fully apply
☐ An equally good or better form of construction will meet the intent of the Construction Code

EXPLANATION:

WE HAVE PERMITS FOR WORK — STOP WORK ORDER DOES NOT SAY WHAT WORK IS W/O PERMIT (ATTACHED). WHAT WORK IS NOT PERMITTED?
THERE IS AN ISSUE W/ 1118 PARK ST'S GARAGE — SUBSTANDARD 'WALL' WAS BUILT W/O A FOUNDATION, ON OUR PROPERTY. DISCOVERED THE DANGEROUS SITUATION & REPAID IT UP W/ CONCRETE. NEIGHBOR ~~DOES~~ WILL NOT RESOLVE, THE ENCREACHMENT ISSUE

Board of Zoning Adjustment
District of Columbia
CASE NO. 19092
EXHIBIT NO. 22

GOVERNMENT OF THE DISTRICT OF COLUMBIA



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
 Inspections & Compliance Administration
 1100 4th Street, SW – Fourth Floor
 Washington, DC 20024

STOP WORK ORDER

1120 PARK ST. NE

(Address)

You are hereby ordered to IMMEDIATELY STOP all work at this building or structure.

- ☒ You are performing work that violates the Construction Code:
☒ You are performing work in an unsafe and dangerous manner:

Code Section (s)	Violation (s)	What You Must Do to Correct the Violation (s)
12A DCMR 105	WORK PERFORMED WITHOUT PERMITS	SATISFY THIS STOP WORK ORDER

Do NOT work at this address until you:

- ☒ Correct the violation(s)
☒ Pay the fine amount
☒ Obtain and post the required permit(s)
☐ Electrical ☐ Plumbing ☒ Construction ☐ Boiler ☐ Fire ☐ Elevator ☐ Other _____
☒ Receive approval from the Code Official to remove the Stop Work Order.

WARNING

Unauthorized removal of a posted Stop Work Order is a Construction Code violation, subject to penalties and injunctive relief under DC Official Code §6-1406 and §6-1407 and 12A DCMR §114.3.

A Stop Work Order for illegal construction under 12A DCMR §113.7 and §114.6 requires you to stop all work at the building or structure, whether or not the work requires building permits.

It is a Stop Work Order violation for an owner or agent to enter the site for any reason without the Code Official's approval. (The Building Official may allow temporary access to ensure the property's security and safety, under 12A DCMR §114.6.1.)

Anyone who continues any work in or around a structure posted with a Stop Work Order – except to do work that the Building Official approves to remove a violation or unsafe condition – is subject to penalties and injunctive relief under DC Official Code §6-1406 and 12A DCMR §105.8 and 12A DCMR §114.10.

RIGHT TO APPEAL

You have the right to appeal this Order to the Reviewing Official (Rabbiah Sabbakhan, Chief Building Code Official, Inspections and Compliance Administration) within 15 days of its posting, under 12A DCMR §114.11.1. You may call the Reviewing Official at (202) 442-7867. You may obtain a Stop Work Order Appeal Request Form at the address above or at dcra.dc.gov. If the Reviewing Official denies your appeal or takes no action within 10 working days of receiving it, you may appeal to the DC Office of Administrative Hearings (OAH). You may deliver your written request for a hearing to OAH at 441 4th Street, NW, Suite 1040S, Washington, DC 20002 or mail it to PO Box 77718, Washington, DC 20013-8713.

Signature of Issuing Official Robert Clark

Date 6/30/15

Time 9:15 A.M.

Badge Number 2009

Phone Number 202-442-5100

Department of Consumer and Regulatory Affairs

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



G

GARAGE PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

PERMIT NO. G1500009

Date: 05/20/2015

Address of Project: 1120 PARK ST NE		Suite No:	Zipcode: 20002	Zone:	Ward: 6	Square: 0987	Suffix:	Lot: 0008	
Description of Work: construction of new garage with roof deck and railing with roll-up door including Interior and exterior lighting.									
Permission is Hereby Granted To: Andrew Daly		Owner Address: 1120 PARK STREET NE 20002							
Contractors Name:		License Number:	Contractors Address:			PERMIT FEE: \$71.50			
BZA No:		Type of Work:			No. Garages: 1				
Material Roof: rubber membrane roofing over plywood		Material Sides: concrete block, brick, wood, glass, metal door				Color: red brick, brown wood, metal			
Length: 15	FT	Width: 9	FT	Area: 135					SQFT
Conditions/ Restrictions: Historic Preservation Clearance for Exterior Work. Scope of approved exterior work is restricted only to drawings stamped by HPO.									
This permit expires if no construction is started within 1 year or if the last inspection is over 1 All construction done according to the current construction codes and zoning regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void if work is started, any application for partial refund must be made within six months of the date appearing on this permit.									
Interim Director: Melinda Bolling		Permit Clerk: Wendy Watkins		Expiration Date: 05/20/2016					
TO REPORT WASTE FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-4460 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557									



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 16, 2013

SUBJECT: BZA Case 18514 - request for special exception relief under § 223 and variance relief under § 2300 to construct a detached garage at 1120 Park Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances pursuant to § 3103.2:

- § 2115.1 Minimum Parking Space Size (9 ft. x 19 ft. required, 8.33 x 14.33 ft. proposed); and
- § 2300 Setback from Center of Alley (12 ft. required, 8.5 ft. proposed).

OP recommends **approval** of the following special exception pursuant to § 223:¹

- § 403.2 Lot Occupancy (53.4% existing, 70% permitted by special exception, 70% proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1120 Park Street NE
Legal Description	Square 987, Lot 8
Ward	6
Lot Characteristics	The subject lot (property) is rectangular in shape and measures 13.55' in width and 100' in length. The property fronts Park Street NE to the south and a 15' wide public alley is located to the rear of the Property.
Zoning	R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development	Attached row dwelling, permitted in this zone.
Historic District	Capitol Hill Historic District
Adjacent Properties	Neighboring properties include two-story attached row dwellings.

¹ OP notes that special exception relief from § 404.1 Rear Yard may also be required (34 ft. existing, 20 ft. min. required, 18.2 ft. proposed). Rear yard relief was not included in the letter from the Zoning Administrator or requested by the Applicant.



Surrounding Neighborhood Character	The area is primarily comprised of low-density residential dwellings.
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III. APPLICATION IN BRIEF

The Applicant proposes to construct a 13.6 ft. wide by 15.3 ft. long detached accessory garage, accessible from the 15-foot public alley. The proposed garage would measure approximately 13 ft. in height (including a rooftop deck) and would be flush with the east property line. The structure would be set back approximately 1.5 ft. from the west property line due to the presence of the neighbor's existing garage, which encroaches onto the Subject Property. The proposed garage would total 208 square ft., and would include a deck on the roof. A letter from the Zoning Administrator states that the proposed structure would require variance relief for the size of the parking space and setback distance requirements, as well as a special exception for lot occupancy (the Applicant revised the initial proposal to reduce the proposed lot occupancy to 70%). In addition, Historic Preservation Review Board (HPRB) review is also required.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	15 ft. max. (for an accessory building)	NA	13 ft.	None required
Lot Width § 401	18 ft. min.	13.55 ft.	NA	None required
Lot Area § 401	1,800 sf. min.	1,355 sf.	1,355 sf.	None required
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	60% max.	53.4%	70%	Relief required
Rear Yard § 404	20 ft. min.	34 ft.	18.2 ft.	None requested
Side Yard § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required
Parking Space Dimensions § 2115.1	9 ft x 19 ft. min.	NA	8.33 x 14.33 ft.	Relief required
Garage setback § 2300	12 ft.	NA	8.5 ft.	Relief required



Subject Property



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2115.1 Parking Space Dimensions and § 2300 Garage Setback

The Applicant is requesting relief from the requirements of § 2300 2(b) to permit construction of a detached garage that would not conform to the required parking space size (9 x 19 ft. required and 8.33 x 14.33 ft. proposed), and the required setback from the centerline of the alley (12 feet required, 8.5 feet proposed).

- 1 *Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?*

The Subject Property is located along a 15-ft. wide public alley and the south side of the alley is characterized by buildings and fences located at the property line. The Applicant's proposal would maintain the existing condition along the alley. The Subject Property is exceptionally narrow (13.55 ft.), making adherence to the required parking space dimensions (9 x 19 ft.) difficult. In addition, the neighbor's garage encroaches on the Subject Property.

- 2 *Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?*

The applicant proposes to locate the garage 1 ft. from the property line – set back 8.5 feet from the alley centerline. The Applicant has indicated that it would be practically difficult to strictly comply with the required setback. Locating the garage an additional 3.5 feet from the alley centerline could result in maintenance, safety, and sightline issues by creating a niche between the garage and the applicant's rear property line.

- 3 *Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?*

Granting a variance would not cause substantial detriment to the public good. OP staff is not aware of any neighbor or ANC opposition to the proposal. The proposed 8.5 ft. setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement.

b. Special Exception Relief pursuant to § 403.2

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

- 223 1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not*

comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Private garages in accessory buildings are permitted in the R-4 zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403.2 to construct a detached garage that does not conform to the lot occupancy requirements. The accessory garage, in addition to the existing dwelling, would create a lot occupancy of 70%, which would exceed the permitted lot occupancy for a dwelling in the R-4 district (60%) but would comply with the 70% limitation under § 223.3.

223.2 The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular.

(a) The light and air available to neighboring properties shall not be unduly affected;

Construction of a detached garage should not unduly affect the light and air available to neighboring properties. The Applicant is proposing to construct a detached garage that is of a modest height, one story or approximately 13 ft. tall. Detached garages are found in the rear yards of a number of other properties on the block.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed garage would not feature windows on the east or west sides and would be flush against the adjoining property lines. Furthermore, the proposed garage would screen the Applicant's parking from view from the alley and the adjoining properties.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage, and

The detached accessory garage should not substantially visually intrude upon the character, scale and pattern of the alley upon which the garage will front. The alley is characterized by a variety of fencing types, roll-up gates, and garages. The proposed structure would match the depth of the adjacent garage. Historic Preservation staff expressed no concerns with the proposed design.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts

The proposed lot occupancy does not exceed the 70% maximum permitted under Section 223.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties

No special treatment is recommended.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

No nonconforming use would be established under this proposal.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the ANC or the neighbors.



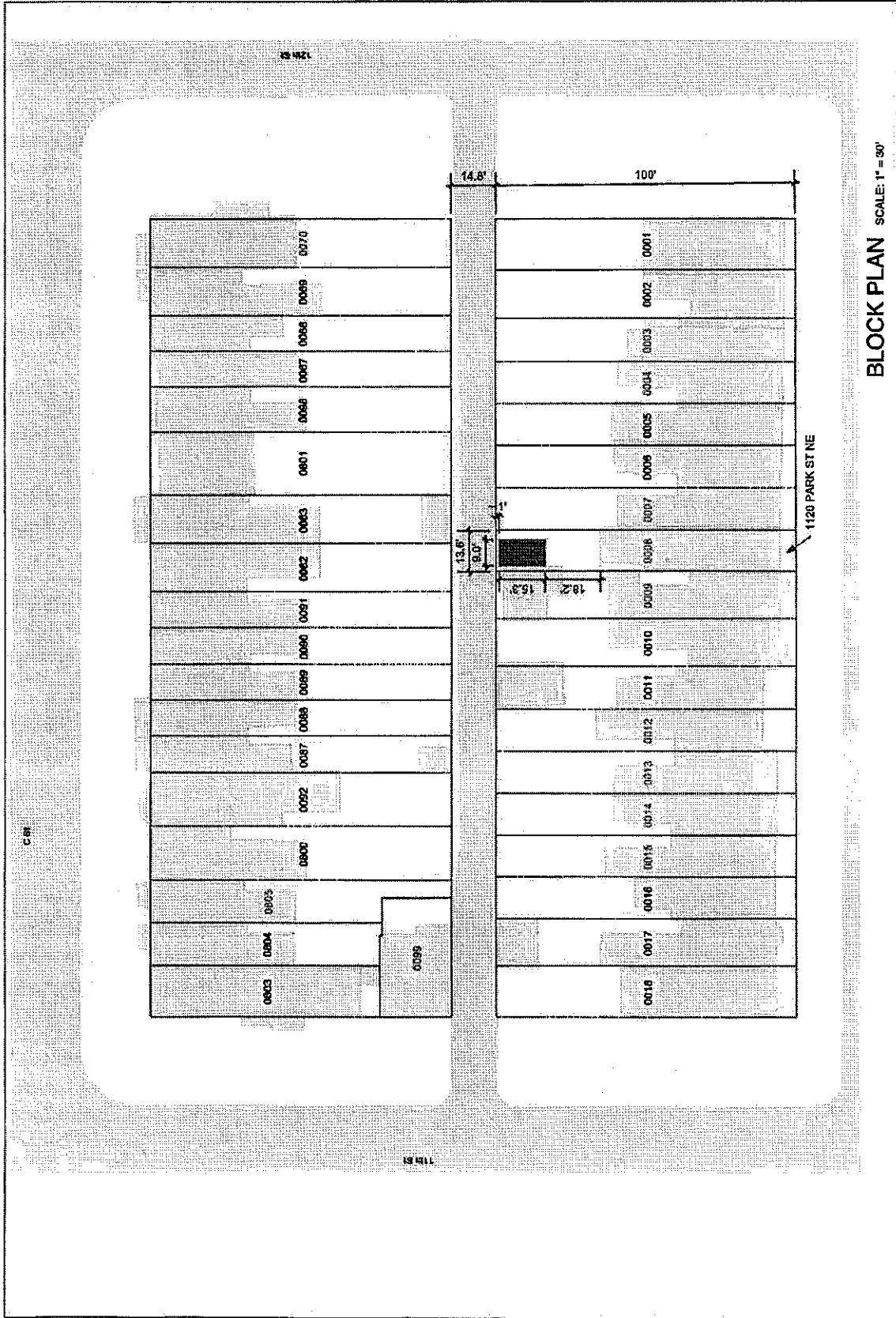
Avenue Design

519 11TH ST. SE
WASHINGTON, DC
20003
Tel: 202.744.7825

PROJECT: NEW GARAGE
CLIENT: PATTY JORDAN & ANDREW DALY
1120 PARK ST NE
WASHINGTON DC 20002
PROJECT NO.: 11-034
DATE: 8 JUN 203
DRAWN BY: BZA REVIEW SET
EP: 11-034

REFERENCE BLOCK PLAN

R2



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington D.C., August 3, 2012

Plat for Building Permit of SQUARE 987 LOT 8

Scale: 1 inch = 20 feet Recorded in Book RLH Page 44

Receipt No: 12-05512

Furnished to: ERIC PETERSON

I hereby certify that all existing improvements shown hereon, 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 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 the private restricted property.)

Date: _____

Alkhurrit
Surveyor D.C.
By: A.S.

(Signature of owner or his authorized agent)

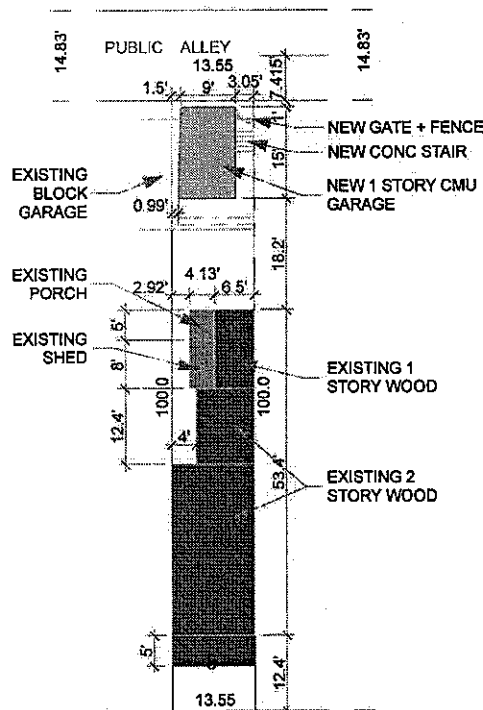
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

DISTURBANCE LEGEND

--- LINE OF SILT FENCE
--- AREA OF DISTURBANCE
--- AREA OF CUT

SOIL DISTURBANCE CALCS

AREA OF DISTURBANCE = 220 SF
AREA OF CUT 11.58 CY
AREA OF FILL 0 CY



PARK STREET, N.E

ZONING INFO

ADDRESS: 1120 PARK ST NE WASHINGTON DC 20002
LOT: 0008 SQUARE: 0987
PROPERTY DIMS AND AREA: 100FT X 13.55FT = 1,355 SF - 22.5 SF (ENCROACHING ADJACENT GARAGE) = 1,332.5 SF
EXISTING LOT OCCUPANCY AREA: 791.32 SF = 59.39%
NEW GARAGE AREA: 141.43 SF = 10.61%
EXISTING + PROPOSED GARAGE LOT OCCUPANCY AREA: 932.75 SF = 70.0%