

RE: 518 6th St., NE - Permits B1509391 and B1512716

Eckenwiler, Mark (SMD 6C04) <6C04@anc.dc.gov>

Fri 11/13/2015 3:24 PM

To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>;

Cc: nopkins@dccouncil.us <nopkins@dccouncil.us>; Wirt, Karen (SMD 6C02) <6C02@anc.dc.gov>; Bellow, Justin (DCRA) <justin.bellow@dc.gov>; Bouldin-Carr, Sarah B. (DCRA) <sarah.bouldin-carr@dc.gov>; Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Allen, Charles (COUNCIL) <CAllen@DCCOUNCIL.US>;

Bcc: Edwin Rodriguez <erodriguezcustodio@hotmail.com>;

Importance: High

1 attachment

Summary of issues re 518 6th St NE.doc;

Mr. LeGrant,

I'm writing to let you know that ANC 6C voted unanimously last night to take an appeal to BZA concerning the permits listed in the subject line above. The two separate grounds of appeal will be

1. **the improper issuance of the permits in contravention of 11 DCMR 403.2 and 2001.3, and**
2. **the failure of the Office of the Zoning Administrator to revoke the permits despite repeated notifications of their impropriety beginning on October 15, more than four weeks ago.** (Those communications are reflected in the email chain below.)

ANC 6C also designated me as the representative for purposes of prosecuting this appeal. If you have an explanation of how these permits comply with the zoning regulations, I would appreciate receiving it as soon as possible. For your convenience, attached is an analysis of the factual and legal basis for our objections. (This is the same document I sent to you and your staff on November 2.)

It is unfortunate that matters have reached this point, but the failure of your office to provide any substantive response to my requests--let alone to revoke the permits as required by law--after more than four weeks leaves us no alternative.

I hope to hear from you soon.

Mark Eckenwiler
Commissioner, ANC 6C04
www.anc6c.org

Board of Zoning Adjustment
District of Columbia
CASE NO.19207
EXHIBIT NO.4H

cc: Councilmember Charles Allen (Ward 6)
Nichole Opkins, General Counsel to CM Allen
Karen Wirt, Chair, ANC 6C
Frank Maduro, MOCR (Ward 6)
LaTrease Turner-Christian, Office of the Director, DCRA

From: Reid, Rohan (DCRA)

Sent: Tuesday, November 3, 2015 4:47 PM

To: Eckenwiler, Mark (SMD 6C04); LeGrant, Matt (DCRA); Beeton, Kathleen A. (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Commissioner Eckenwiler,

I am following up to inform you that Mr. Le Grant is consulting with DCRA's Counsel following his review of the records. He will then apprise you of next steps response to the concerns you raised.

Regards,

Rohan Reid

Program Analyst | Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th Street, SW, Suite E340 | Washington, DC 20024

(202) 442-4648 (p) | (202) 442-4863 (f) | rohan.reid@dc.gov | [/owa/www.dcra.dc.gov](http://owa/www.dcra.dc.gov) www.dcra.dc.gov



From: Reid, Rohan (DCRA)

Sent: Tuesday, November 03, 2015 9:04 AM

To: Eckenwiler, Mark (SMD 6C04); LeGrant, Matt (DCRA); Beeton, Kathleen A. (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Good morning Commissioner Eckenwiler,

Please forgive the delay in follow up as I was out of the office on sick leave. I will follow up with Mr. Le Grant today to get a status of the review and get that information to you.

Regards,

Rohan Reid

Program Analyst | Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th Street, SW, Suite E340 | Washington, DC 20024

(202) 442-4648 (p) | (202) 442-4863 (f) | rohan.reid@dc.gov | [/owa/www.dcrd.dc.gov]www.dcrd.dc.gov

From: Eckenwiler, Mark (SMD 6C04)**Sent:** Monday, November 02, 2015 6:00 PM**To:** Reid, Rohan (DCRA); LeGrant, Matt (DCRA); Beeton, Kathleen A. (DCRA)**Cc:** nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)**Subject:** RE: 518 6th St., NE - Permits B1509391 and B1512716

Mr. Reid,

I have not received the update you promised to send last Thursday. I'd appreciate that response.

In the hopes that it will facilitate your review, I'm attaching a document that

- describes the physical characteristics of the lot and existing structure
- includes extracts from the relevant permit applications
- identifies a variety of errors in those drawings and calculations, and
- analyzes, with reference to specific provisions of Title 11 of the DCMR, the nonconformity of the existing structure (> 63% lot occupancy) and the consequent need for zoning relief for the planned addition

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

From: Reid, Rohan (DCRA)**Sent:** Wednesday, October 28, 2015 4:22 PM**To:** Eckenwiler, Mark (SMD 6C04); LeGrant, Matt (DCRA); Beeton, Kathleen A. (DCRA)**Cc:** nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)**Subject:** RE: 518 6th St., NE - Permits B1509391 and B1512716

Good afternoon Commissioner Eckenwiler,

Our office requested the records in order for Mr. Le Grant to conduct the review and provide you with a response. I will follow up with staff to determine the status of that request and will provide you with an update tomorrow.

Regards,

Rohan Reid

Program Analyst | Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th Street, SW, Suite E340 | Washington, DC 20024

(202) 442-4648 (p) | (202) 442-4863 (f) | rohan.reid@dc.gov | [\[owa/www.dkra.dc.gov\]](http://owa/www.dkra.dc.gov)www.dkra.dc.gov



From: Eckenwiler, Mark (SMD 6C04)

Sent: Wednesday, October 28, 2015 11:49 AM

To: LeGrant, Matt (DCRA); Beeton, Kathleen A. (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Reid, Rohan (DCRA); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Importance: High

Matt,

Can you please advise ASAP on the status of your review? If you have sent a response, I did not receive it.

Mark Eckenwiler

Commissioner, ANC 6C04

www.anc6c.org

From: LeGrant, Matt (DCRA)

Sent: Friday, October 16, 2015 4:24 PM

To: Eckenwiler, Mark (SMD 6C04); Beeton, Kathleen A. (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02); Reid, Rohan (DCRA); Orlins, Matt (DCRA); Bellow, Justin (DCRA); Bouldin-Carr, Sarah B. (DCRA)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Commissioner Mark Eckenwiler-

I have asked my staff to pull the plans for this project so I can see its review history. Once I have had a chance to review the approved plans, I will evaluate whether all applicable Zoning standards were adhered to.

I will keep you posted regarding the progress of my review.

Best Regards,

Matthew Le Grant

Zoning Administrator

Dept of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW - Room 3100

Washington, DC 20024

Phone: 202 442-4652

FAX: 202 442-4871

Email: matt.legrant@dc.gov

Web: <http://dcra.dc.gov/service/zoning-dcra>

ProjectDox is DCRA's new paperless, electronic plan submission/review program and is now required for 25,000+ square foot projects. Click [here](#) for more information.

From: Eckenwiler, Mark (SMD 6C04)

Sent: Thursday, October 15, 2015 12:30 PM

To: Beeton, Kathleen A. (DCRA); LeGrant, Matt (DCRA)

Cc: nopkins@dccouncil.us; Wirt, Karen (SMD 6C02)

Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Importance: High

Matt,

While I wait for a response from the permitting office, let me flag the concern here:

- The lot is 85.08' x 15' = 1276sf.
- The drawings submitted support of the original permit application show the **existing** structure as 53'8" (measured from the eastern lot boundary/front facade to the rear elevation) and 14' wide.

- 53'8"/85.08' = 63.1% lot occupancy (since the 1' side yard counts toward building area)

Can you explain to me why zoning relief is not required for the proposed rear second-story addition, given the existing nonconformity?

I would appreciate a prompt reply. Thank you.

Mark Eckenwiler
Commissioner, ANC 6C04
www.anc6c.org

cc: Nichole Opkins, General Counsel, CM Allen

From: Eckenwiler, Mark (SMD 6C04)
Sent: Thursday, October 15, 2015 11:48 AM
To: Whitescarver, Clarence (DCRA)
Cc: LeGrant, Matt (DCRA); Anderson, Jeannette (DCRA); Englebert, Gary (DCRA); nopkins@dccouncil.us; Beeton, Kathleen A. (DCRA); Edwin Rodriguez
Subject: RE: 518 6th St., NE - Permits B1509391 and B1512716

Garrett,

Could you please have someone scan & email to me

- the plan submitted in support of the application for permit B1512716 to add a second story to the rear addition, and
- any attached figures, drawings, or statements purporting to show existing lot dimensions, area, and percentage of lot occupancy

I have reason to believe that the existing structure occupies over 60% of the lot, which would necessitate zoning relief for any addition. (At this point, I do not need the full drawings; those listed above will suffice.)

Thank you.

Mark Eckenwiler
Commissioner, ANC 6C04
www.anc6c.org

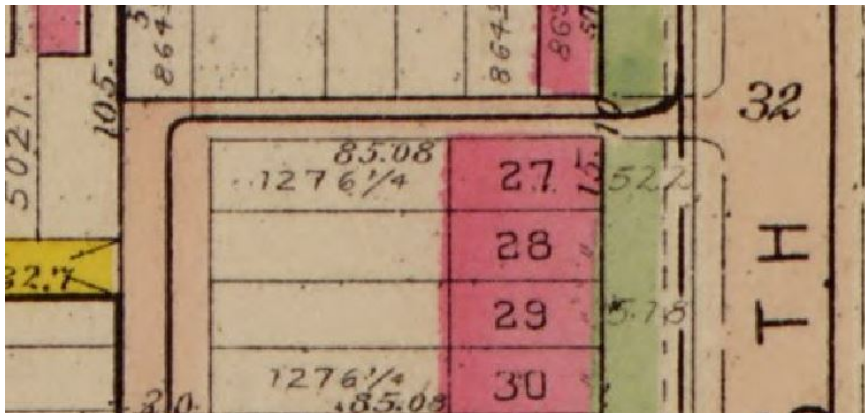
Summary of issues re 518 6th St. NE

On 10/1/2015, DCRA issued permit B1512716 (revising permit B1509391) to allow the construction of a second story on the existing one-story rear addition.

Address	Unit	SSL	ID	Type	Date Issued	Status	Status Date	Detailed Description
518 6TH ST NE		0835 0029	B1509391	Construction/Alteration and Repair	2015/07/02	Permit Issued	2015/07/02	Interior: renovate bedrooms, bathrooms, kitchen, flooring, paint, change appliances, add skylights, replace staircase. Exterior: paint, change windows, replace pavers, fix carport area, repair rear deck, fix leaking roof.
518 6TH ST NE		0835 0029	B1512716	Construction/Addition Alteration Repair	2015/10/01	Permit Issued	2015/10/01	Revision to permit B1509391 New rear addition on 2nd level with balcony.
518 6TH ST NE		0835 0029	FD1500105	Construction/Foundation Only	2015/10/27	Permit Issued	2015/10/27	Foundation Repair and Underpinning. All Additional Info Included with Application Paperwork.



The lot is 85.08' deep by 15' wide = 1276sf



Address: 518 6TH ST NE

SSL: 0835 0029

Record Details			
Neighborhood:	OLD CITY I	Sub-Neighborhood:	K
Use Code:	11 - Residential-Row-Single-Family	Class 3 Exception:	Yes
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	MITCHELL HAMBURGER		
Gross Building Area:		Ward:	6
Land Area:	1,276	Triennial Group:	2
Owner and Sales Information			
Owner Name:	REDUX PROPERTIES LLC		
Mailing Address:	13954 VALLEY COUNTRY DR; CHANTILLY VA20151-3600		
Sale Price:	\$755,000		
Recordation Date:	07/13/2015		
Instrument No.:	70453		

The application for permit B1509391 claims that the existing lot coverage is below 60%.

SITE DATA:
ZONING: R-4 RESIDENTIAL OLD CITY I NEIGHBOURHOOD J
SQUARE 777
SITE AREA: 1,280 SQUARE FEET LOT 37
0.0293 ACRES
LOT COVERAGE:
MAXIMUM ALLOWABLE = 60%*2.083 SF=768 SF
COVERED AREA = 752 SF
BUILDING HEIGHT:
MAXIMUM ALLOWABLE = 40 FEET
MAXIMUM STORES = 3

However, multiple drawings submitted in July & September all show the structure being 53.67' deep.

PERMANENT FILE

Architectural floor plan of a room. The room is rectangular with a circular feature on the right side. The circular feature has a diameter of 12' 0" and is labeled "NIC". The room has a door on the left side, labeled "DOOR". The door is 4' 0" wide. The room has a total width of 12' 0" and a total length of 12' 0". The room is labeled "PERMANENT FILE" in a box. The room is also labeled "NIC" and "DOOR". The room has a door on the left side, labeled "DOOR". The door is 4' 0" wide. The room has a total width of 12' 0" and a total length of 12' 0". The room is labeled "PERMANENT FILE" in a box. The room is also labeled "NIC" and "DOOR".

SEE OTHER
PAGE ADJUTED
PER APPROVED
DATE 10/1/15

DISTRICT OF COLUMBIA
PERMIT OPERATIONS DIVISION
STRUCTURAL WORKS IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION
Date: SEP 29 2010 Structural Eng. Section

Architectural floor plan of the first floor of a house. The plan shows a central hall (11) with a circular staircase. To the left is a bathroom (12) and a bedroom (13). To the right is a living room (11) and a bedroom (11). The plan includes dimensions for various rooms and overall sections. A note indicates "WALLS TO BE CONSTRUCTED TO MATCH EX. FINISH".

Rooms and Dimensions:

- BEDROOM 11: 11' 0" x 11' 0"
- LIVING ROOM 11: 11' 0" x 11' 0"
- BATHROOM 12: 5' 0" x 5' 0"
- BEDROOM 13: 11' 0" x 11' 0"
- HALL 11: 11' 0" x 11' 0"
- CLOSET 12: 5' 0" x 5' 0"
- WALLS TO BE CONSTRUCTED TO MATCH EX. FINISH

Overall Dimensions:

- Overall Width: 11' 0"
- Overall Length: 11' 0"
- Overall Height: 11' 0"

PERMANENT FILE

OFFICIAL
GOVERNMENT OF THE DISTRICT OF COLUMBIA
PEACETIME OPERATIONS DIVISION

At least one of the following is required for the use of this form. It is the responsibility of the user to ensure that the information is accurate and complete. It is the responsibility of the user to ensure that the information is accurate and complete. It is the responsibility of the user to ensure that the information is accurate and complete.

1	INITIAL DETAIL POINT	1
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[illegible]

ISSUE DESCRIPTION	PROJECT ADDRESS	PROJECT NAME
	518 Sixth Street	
	WASHINGTON D.C. 20001	
	EXISTING	
	Second & Third F	
	Plans	
	MEJOR PROGRESS LLC	
	7/17/2015	

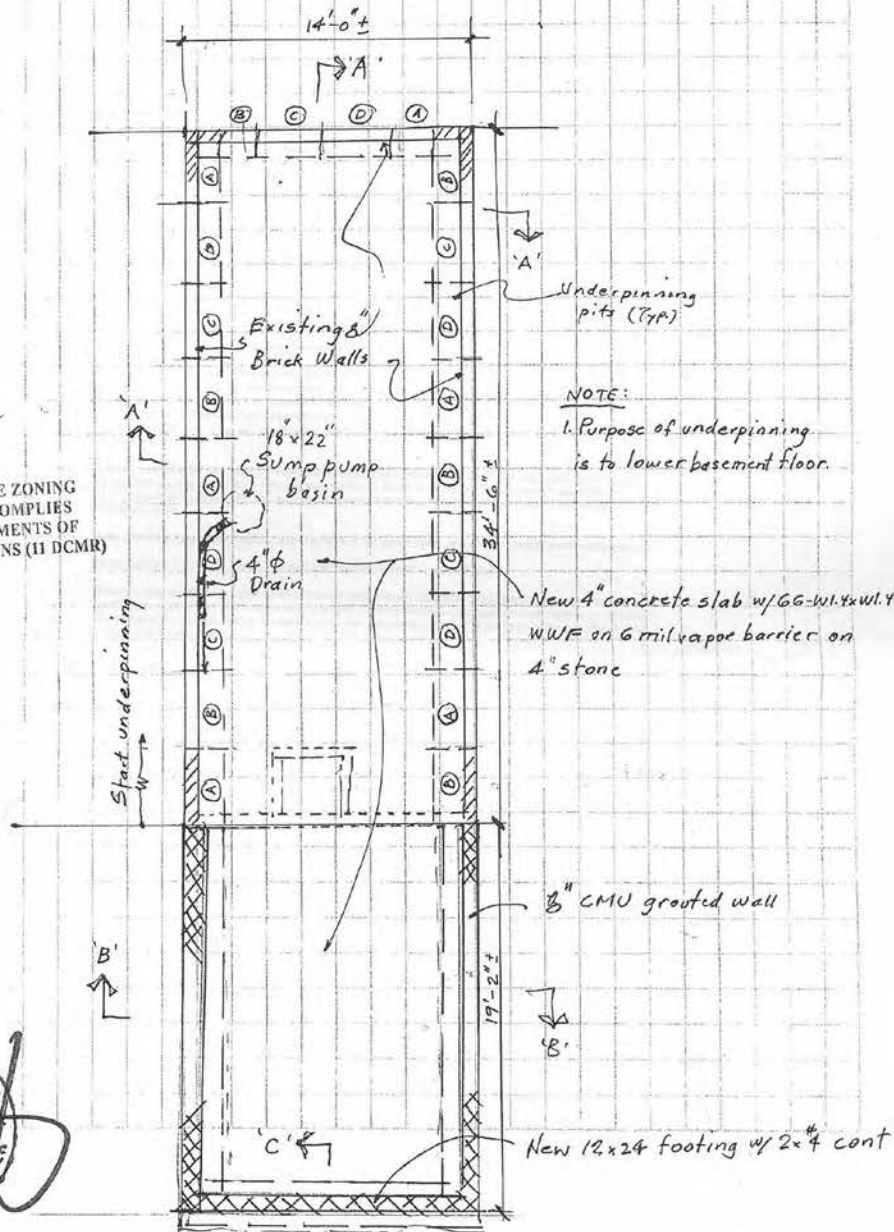
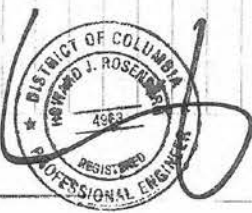
HJR STRUCTURAL ENGINEERS, LTD.

4803 LEVADA TERRACE
ROCKVILLE, MARYLAND 20853
hjrosenberg@verizon.net

301-460-4803
FAX 301-460-1344

COMM. 518 6th St. NE COMM. NO. 15035
RE: Underpinning
CLIENT Redux
CALCULATED BY hjr DATE 6/16/15
SCALE 3/16" = 1'-0" SHEET NO. 1 OF 3

7/6/15
OFFICE OF THE ZONING
ADMINISTRATION/COMPLIES
WITH THE REQUIREMENTS OF
ZONING REGULATIONS (11 DCMR)



UNDERPINNING PLAN 3/16" = 1'-0"

In fact, the proper lot coverage calculation is 53.67' (depth of building) / 85.08' (depth of lot) = 63.1%.

The maximum by-right lot occupancy of a row dwelling in R-4 is 60%, per 11 DCMR 403.2, making the existing structure non-conforming. That in turn means that any addition to the current building requires zoning relief. See 11 DCMR 2001.3. **Permit B1512716 (revising permit B1509391), which allows a second story to be added to the existing one-story rear addition, was therefore issued in error and should be revoked.**

The applicant's "building area" calculation – 752sf – comes from multiplying 53.67' x 14', the building width depicted in the drawings. Note that the lot is 15' wide, all of which would count toward lot occupancy even if the entire structure were only 14' wide. (See 11 DCMR 199.1, which states that "[t]he term 'building area' shall include all side yards and open courts less than five feet (5 ft.) in width") Indeed, if the structure had a 1' side yard, the structure would no longer be a "row dwelling" and would thus have a maximum percentage of lot occupancy of **40%** and not 60%, per 11 DCMR 403.2.

In fact, however, the structure is a conventional fully attached row dwelling sharing party walls with the two adjacent lots, and thus occupies the full 15' lot width.

Current status (as of 11/4/15):

Address	Unit	SSL	Type	Date Issued	Description	Detailed Description
518 6TH ST NE		0835 0029			HPRB	HD Capitol Hill
518 6TH ST NE		0835 0029			Stop Work Order	STOP WORK ORDER - ILLEGAL CONSTRUCTION/WORKING WITHOUT A PERMIT - APPLY 50% PENALTY ON PERMIT Applied via Script
518 6TH ST NE		0835 0029			stop work order	SWO ISSUED FOR NOT PROTECTING NEIGHBOR'S WALL
518 6TH ST NE		0835 0029			ZO	Zoning Overlay Capitol Interest (CAP)
518 6TH ST NE		0835 0029			Zoning	DO NOT ISSUE ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY WITHOUT APPROVAL FROM THE ZONING ADMINISTRATOR, DEPUTY ZONING ADMINISTRATOR, OR SUPERVISORY ZONING TECHNICIAN. The proposed construction may be exceeding the allowable lot occupancy limit. Additionally, the plans show a 'kitchenette' in the basement which is in violation of the zoning regulations.
518 6TH ST NE		0835 0029	Hold	2015/10/29	STOP WORK ORDER	SWO ISSUED FOR FAILURE TO PROTECT ADJOINING PROPERTY