

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Appeal No. 19224 of ANC 1C, pursuant to 11 DCMR §§ 3100 and 3101, from an October 22, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot 818).

Appeal No. 19225 of Frederick W. McCarthy III, pursuant to 11 DCMR §§ 3100 and 3101, from an October 22, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot 818).

HEARING DATES: March 22, April 12, June 7, and June 14, 2016¹
DECISION DATE: June 14, 2016

DISMISSAL ORDER

Appeal No. 19224 was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on December 21, 2015 by ANC 1C, and Appeal No. 19225 was submitted to the Board on December 22, 2015 by Frederick W. McCarthy III. The two appeals challenge the decision made by the Zoning Administrator at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District. Because both appeals challenge the same decision of the Zoning Administrator, the Board granted the Property Owner’s motion to consolidate the two appeals at the public hearing on June 14, 2016.

On June 9, 2016, DCRA filed a motion to dismiss both appeals as moot, indicating that DCRA has revoked the building permit at issue and that its revocation became effective on June 2, 2016. (Exhibit 23–Case Record No. 19224; Exhibit 19–Case Record No. 19225.) With the motion,

¹ The public hearing for Appeal No. 19225 was originally scheduled for March 22, 2016, but postponed to April 12, 2016 to be heard on the same day as Appeal No. 19224, based on the pending motion to consolidate the appeals. In advance of the April 12, 2016 hearing, all parties consented to a motion to postpone the appeals to June 7, 2016. Subsequently, both hearings were administratively postponed to the public hearing of June 14, 2016, at which time the appeals were consolidated.

BZA APPEALS NO. 19224 AND 19225
PAGE NO. 2

DCRA submitted email communications from both Appellants and from the Property Owner consenting to the motion to dismiss.

Based on the revocation of the permit, and with the consent of the Appellants and Property Owner, the Board voted to grant DCRA's motion to dismiss at its public hearing on June 14, 2016.

Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Marcie I. Cohen, to DISMISS.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____


SARA A. BARDIN

Director, Office of Zoning

FINAL DATE OF ORDER: June 28, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.