

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

Appeal of Frederick W. McCarthy, III
Appeal of ANC 1C

BZA Appeal 19225
BZA Appeal 19224

DCRA'S MOTION TO DISMISS APPEALS AS MOOT

Respondent, the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”), hereby informs the Board of Zoning Adjustment (“Board”) that the Permit Holder has decided to not appeal DCRA’s March 21, 2016 Notice to Revoke Building Permit B1502005 (the “Permit”), the subject of these Appeals. As the appeal window has now closed, DCRA has revoked the Permit effective on June 2, 2016, as shown in DCRA’s permitting system in Attachment A. Since the Permit that is the subject of these Appeals no longer exists, DCRA respectfully requests that the Board dismiss this appeal as moot.

Both Appellants have consented to the DCRA’s Motion to Dismiss.

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

Date: June 9, 2016


Maximilian L. S. Tondro (DC Bar No. 1031033)
Assistant General Counsel, Office of General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., Suite 5266
Washington, D.C. 20024
(202) 442-8403 (office) / (202) 442-9477 (fax)
maximilian.tondro@dc.gov

Attorney for Department of Consumer and Regulatory Affairs

Attachment A

Screenshot of DCRA PIVS system showing B1502005 revoked

THE DISTRICT
OF COLUMBIA

ResidentsBusinessGovernmentVisitorsEducationJobsOnline ServicesMayor

[DC Home](#) > [DCRA Home](#)

Property Information Verification System

Property Information by Exact Address

Address: 1835 ONTARIO PL NW
Zip Code: [Zip Lookup](#)
SSL: 2584 0818
Cluster: Cluster 1
Ward: Ward 1
ANC: ANC 1C
SMD: SMD 1C04
Census Tract: 003800
Zone: *
* Check the [Zoning map](#) for recent changes.
* Check the [Zoning orders](#) for recent changes.

Find Property By: Exact AddressSSL

St. No.*St. Name*St. SuffixQuad

244B18THStreetNW

Find

St. No. Suffix

1/2



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

Printer-friendly Reports >> [HTML](#) [PDF](#) [HELP](#) [GO](#)

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[Real Property Data](#) [Bing Aerial View](#) [Go to Maps](#)

Restrictions & Holds

Issued Permits

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Photo

Owners

CAMA

Residential Cases

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Occupancy

BBL

Disclaimer:
This application was created for DCRA from a variety of agency and non-agency data sources. It is not a legal document. Data may need to be cross-referenced to the original source system. Information provided by other agencies should be verified with them where appropriate.

Issued Permits : No. of Records = 2

Show records per page : 10

Address	Unit	SSL	ID	Type	Date Issued	Status	Status Date	Detailed Description
1835 ONTARIO PL NW, Washington, DC 20009		2584 0818	B1502005	Construction/Addition Alteration Repair	2015/10/2 2	Permit Revoked	2016/06/2 2	RENOVATION OF EXISTING SINGLE FAMILY MASONRY VENEER STRUCTURE. 1 STORY WOOD FRAMED ADDITION WITH MEZZANINE OVER EXISTING STRUCTURE. REAR 4 STORY WOOD FRAMED ADDITION WITH REAR EGRESS STAIRS. FULL S/MS INCLUDING UNDERPINNING. CHANGE OF USE FROM SINGLE FAMILY DWELLING TO 4 UNIT CONDO BUILDING.
1835 ONTARIO PL NW, Washington, DC 20009		2584 0818	B1412558	Construction/Alteration and Repair	2014/10/0 2	Permit Issued	2014/10/0 2	Interior Demolition of Single Family Home. All load bearing walls to remain. Repair existing slab.

Attachment B

Emails granting consent from Appellant in BZA 19224 (ANC 1C)

Tondro, Maximilian

From: Gambrell, Alan (SMD 1C05)
Sent: Wednesday, June 08, 2016 12:10 PM
To: Tondro, Maximilian
Cc: Bryce Jacobs; Frederick McCarthy; Mossi, Gabriela (SMD 1C04); Ted Guthrie
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7
Importance: High

Max: ANC1C consents to the motion to dismiss on our case, 19224.

On Jun 8, 2016, at 11:13 AM, Tondro, Maximilian <maximilian.tondro@dc.gov> wrote:

Bryce and Frederick,

Yes, there is a permit application under review (B1602811) which is required to comply with the R-4 zoning regulations.

If you could please let me know if you both consent as soon as possible, I would appreciate it. I have to file with the Board by 3pm today and would like to let them know if you both consent.

Thanks!
Max

Maximilian L.S. Tondro | Assistant General Counsel
Office of the General Counsel
Government of the District of Columbia
Department of Consumer & Regulatory Affairs
1100 4th Street, SW, 5th Floor | Washington, DC 20024
Phone: (202) 442-8403 maximilian.tondro@dc.gov Fax: (202) 442-9477
DC Bar Number 1031033

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From: Bryce Jacobs [<mailto:bryceajacobs@gmail.com>]
Sent: Sunday, June 05, 2016 6:08 PM
To: Tondro, Maximilian
Cc: Frederick McCarthy; Gambrell, Alan (SMD 1C05)
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

Hi Mr Tondro
Thank you again for this.
One question before I consent...

I believe that there is a permit pending for 2 units at this property, can you verify that it is being reviewed under R4 zoning.

Tondro, Maximilian

From: Bryce Jacobs [bryceajacobs@gmail.com]
Sent: Wednesday, June 08, 2016 3:30 PM
To: Tondro, Maximilian
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

Sorry, I am at a conference without access to my computer.
I consent.

Thanks
Bryce

On Wednesday, June 8, 2016, Tondro, Maximilian <maximilian.tondro@dc.gov> wrote:

Hello again Bryce,

Could you please let me know if you consent to the Motion to Dismiss? I know that Commissioner Gambrell indicated ANC 1C's consent, but in light of the fact that you were the contact person on the appeal sheet, I would like to let the Board know your position as well.

Thanks,

Max

Maximilian L.S. Tondro | Assistant General Counsel

Office of the General Counsel

Government of the District of Columbia

Department of Consumer & Regulatory Affairs

1100 4th Street, SW, 5th Floor | Washington, DC 20024

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Attachment C

Email granting consent from Appellant in BZA 19225 (Frederick W. McCarthy III)

Tondro, Maximilian

From: Frederick McCarthy [fwmccarthy3@gmail.com]
Sent: Wednesday, June 08, 2016 12:01 PM
To: Tondro, Maximilian
Cc: Bryce Jacobs; Samantha Mazo; Gambrell, Alan (SMD 1C05)
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

Max,
I consent to this Motion.
Thank you,
Frederick McCarthy

Sent from my iPhone

On Jun 3, 2016, at 7:51 PM, Tondro, Maximilian <maximilian.tondro@dc.gov> wrote:

Good evening Ms. Jacobs, Mr. McCarthy and Ms. Mazo,

Please see the attached draft Motion to Dismiss – could you please review and let me know if you consent to this Motion?

Thanks,
Max

Maximilian L.S. Tondro | Assistant General Counsel
Office of the General Counsel
Government of the District of Columbia
Department of Consumer & Regulatory Affairs
1100 4th Street, SW, 5th Floor | Washington, DC 20024
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Get involved! [The New Columbia Statehood Commission](#) invites residents of the District of Columbia to participate in the Constitutional Convention [on June 13th \(6:30pm\)](#) at the DC Taxicab Commission and [June 17th-18th](#) at Woodrow Wilson High School. [Register today!](#)

From: Bryce Jacobs [<mailto:bryceajacobs@gmail.com>]
Sent: Friday, June 03, 2016 10:56 AM
To: Tondro, Maximilian
Cc: DCOZ - BZA Submissions (DCOZ); Varga, Stephen F. (DCOZ); Frederick McCarthy; ANC 1C Office (ANC 1C); Guthrie, Ted (SMD 1C03); Mossi, Gabriela (SMD 1C04); Samantha Mazo; Gambrell, Alan (SMD 1C05); Ted Guthrie; Buffa JonMarc; Reynolds Wilson
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

Attachment D

Email granting consent from Permit Holder in BZA 19224 and 19225

Tondro, Maximilian

From: Samantha Mazo [smazo@washlaw.com]
Sent: Saturday, June 04, 2016 6:43 AM
To: Tondro, Maximilian
Cc: Bryce Jacobs; Frederick McCarthy; Gambrell, Alan (SMD 1C05)
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

We consent.

Sent from my iPhone

On Jun 3, 2016, at 7:51 PM, Tondro, Maximilian <maximilian.tondro@dc.gov> wrote:

Good evening Ms. Jacobs, Mr. McCarthy and Ms. Mazo,

Please see the attached draft Motion to Dismiss – could you please review and let me know if you consent to this Motion?

Thanks,
Max

Maximilian L.S. Tondro | Assistant General Counsel
Office of the General Counsel
Government of the District of Columbia
Department of Consumer & Regulatory Affairs
1100 4th Street, SW, 5th Floor | Washington, DC 20024
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From: Bryce Jacobs [<mailto:bryceajacobs@gmail.com>]
Sent: Friday, June 03, 2016 10:56 AM
To: Tondro, Maximilian
Cc: DCOZ - BZA Submissions (DCOZ); Varga, Stephen F. (DCOZ); Frederick McCarthy; ANC 1C Office (ANC 1C); Guthrie, Ted (SMD 1C03); Mossi, Gabriela (SMD 1C04); Samantha Mazo; Gambrell, Alan (SMD 1C05); Ted Guthrie; Buffa JonMarc; Reynolds Wilson
Subject: Re: DCRA Motion to Continue BZA Appeals 19224 and 19225 to June 7

Thank you very much for this update. Very helpful.

Any news about the motion to dismiss?

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June 2016, a copy of the foregoing Motion to Dismiss Appeals as Moot was served via electronic mail to:

Frederick W. McCarthy III
1837 Ontario Place, N.W.
Washington, D.C. 20009
fwmccarthy3@gmail.com
Appellant in BZA Appeal 19225

Bryce Jacobs, on behalf of ANC 1C
1833 Ontario Place, N.W.
Washington, D.C. 20009
bryceajacobs@gmail.com
Appellant in BZA Appeal 19224

Samantha Mazo
Griffin, Murphy, Moldenhauer & Wiggins,
LLP
1912 Sunderland Place, N.W.
Washington, D.C. 20036
smazo@washlaw.com
Attorney for Permit Holder

Ted Guthrie, Chairperson
Advisory Neighborhood Commission, ANC-1C
1849 Kalorama Road, N.W., Apt. 2
Washington, D.C. 20009
1C@anc.dc.gov / 1C03@anc.dc.gov

Gabriela Mossi, Single Member Advisory
Neighborhood Commissioner, ANC-1C04
2853 Ontario Road, N.W.
Washington, D.C. 20009
1C04@anc.dc.gov

Alan Gambrell, Single Member Advisory
Neighborhood Commissioner, ANC-1C05
1648 Argonne Place, N.W.
Washington, D.C. 20009
1C05@anc.dc.gov

A handwritten signature in black ink, reading "Maximilian L.S. Tondro", written over a horizontal line.

Maximilian L.S. Tondro