

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Appeal No. 19242 of ANC 1C, pursuant to 11 DCMR §§ 3100 and 3101, from November 16, 2015 and December 15, 2015 decisions by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit Nos. B1412288 and B1601746, to permit two parking spaces in the rear yard of a residential lot in the R-5-B District at premises 1828 Ontario Place, N.W. (Square 2583, Lot 438).

HEARING DATES: April 26 and June 14, 2016¹
DECISION DATE: June 14, 2016

DISMISSAL ORDER

Appeal No. 19242 was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on February 5, 2016 by ANC 1C (the “Appellant”). The appeal challenges the decision made by the Zoning Administrator at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit Nos. B1412288 and B1601746, to permit two parking spaces in the rear yard of a residential lot in the R-5-B District to 1828 Ontario Place LLC (the “Property Owner”).

The Board received a request for intervenor status from Michael Rafferty on April 12, 2016. (Exhibit 17.) On May 24, 2016, DCRA filed a motion to dismiss the appeal as moot, indicating that the Property Owner had surrendered Building Permit No. B1412288. Accordingly, DCRA cancelled the permit in its permitting system, and also cancelled the two revisions to the original permit, Building Permits No. 1601746 and 1602713 (Exhibit 21.) The Appellant filed a response, indicating that it consents to the dismissal of the appeal based on DCRA’s motion. (Exhibit 22.) DCRA also filed emails confirming that the Property Owner and Mr. Rafferty also consented to DCRA’s motion to dismiss. (Exhibit 23.)

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**.

¹ The hearing was originally scheduled for April 26, 2016, and postponed to June 14, 2016 at the request of the Property Owner. (Exhibit 19.)

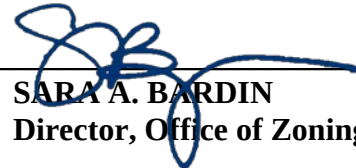
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VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Marcie I. Cohen, to DISMISS.)

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.