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January 31, 2018

Office of Zoning  
Attn: Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W., Suite 201  
Washington, D.C. 20001-2714

Subject: 3652 Park Place, N.W.  
Decision of Zoning Administrator

Board of Zoning Adjustment:

Mr. Berkley Smallwood has asked the assistance of this law firm in seeking resolution of issues between him and the Office of the Zoning Administrator in connection with a decision dated November 28, 2017. Mr. Smallwood has presented the facts of the matter in a letter dated December 7, 2017 and accompanying documents. I request that the Office of Zoning allow me to add references to pertinent regulations.

The decision dated November 28, 2017 states that the Zoning Administrator requests that Mr. Smallwood obtain a revised Certificate of Occupancy with language to specify the use of the building as a flat, with the first floor and lowest level serving as one unit, and with an internal connection between those floors. The decision required that the COO state that no kitchen or utility connection for a kitchen can be installed in the lowest level.

These requirements are consistent with the regulations that govern the Residential Flat Zone. They are not in dispute in this proceeding.

The Zoning Administrator's decision goes on to say, however: "Lastly, the Zoning Administrator is asking for the removal of the third electric meter and HVAC" located in the lower level of the building. This requirement is not justified by the applicable regulations.

The definition of "Dwelling Unit" is set forth in DCMR Title 11, Subtitle B, section 100.1: "Dwelling Unit: One (1) or more habitable rooms comprising complete independent living facilities for one (1) or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit is intended for a single household."

The lower level of the building does not comprise a dwelling unit, and no work contemplated by Mr. Smallwood would make it a dwelling unit. A dwelling unit by the

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19708  
EXHIBIT NO.14

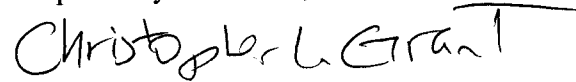
definition above must have permanent provisions for eating and cooking. Mr. Smallwood has committed himself that no kitchen or kitchen facilities will be installed. In the absence of a kitchen and facilities for eating and cooking, the space cannot qualify as a “dwelling unit” and must be viewed, as Mr. Smallwood intends it to be viewed, as part of the dwelling unit that includes the ground floor.

There is no basis for the Zoning Administrator’s request that the third electrical meter and HVAC on the lower level be removed. These items are necessary to the comfortable use of the lower level by the occupants of the unit. Their presence does not convert the lower level into a separate dwelling unit.

In view of these plain provisions of the applicable regulations, Mr. Smallwood should be permitted to perform the further work that he intends, without having to remove the electrical panel and HVAC equipment that exists on the lower level.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher L. Grant". The signature is written in a cursive style with a long horizontal line extending from the top of the "T".

Christopher L. Grant

cc: Mr. Berkley Smallwood