

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

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

Appeal of Berkley Smallwood

BZA Appeal No. 19708

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS’
PARTIAL CONSENT MOTION TO INCORPORATE INTO THIS APPEAL
THE ZONING ADMINISTRATOR’S MAY 4, 2018 FINAL DECISION TO REJECT
APPELLANT’S NOVEMBER 16, 2017 APPLICATION OR, IN THE ALTERNATIVE,
MOTION TO DISMISS BZA APPEAL 19708**

The D.C. Department of Consumer and Regulatory Affairs (DCRA) respectfully requests that the Board of Zoning Adjustment (“Board”) grant DCRA’s motion to incorporate the Zoning Administrator’s May 4, 2018 final decision rejecting Building Permit Application No. B1801942 (“Application”) into this appeal or, in the alternative, dismiss Appellant’s BZA appeal.

Factual and Procedural Background

On or around May 2014, Appellant submitted an application to perform interior renovations to 3652 Park Place, N.W. (“Property”). Based on architectural drawings, the Zoning Technician commented that “the proposed floor layout depicts a 3-unit apartment building instead of a 2-family flat. Submit corrections to reflect a 2-family flat or seek relief from BZA for a 3-unit apartment building in R-4.” (Exhibit 1 - Zoning Technician comments from May 2014.) On or around July 3, 2014, Appellant submitted revised plans which reflected interior renovations to convert a single family dwelling to a flat in R-4.” (Exhibit 2 - Zoning Technician comments from July 2014.) Appellant obtained Building Permit B1405599 to perform the following work at Property: “3 floors, interior alterations an all levels including new kitchen and bathrooms, new lighting and mechanical. Building Exterior: new windows, new entry doors and siding at rear. (Exhibit 3 - Building Permit B1405599 issued on Jan. 6, 2015.)

On November 7, 2017, Appellant submitted an application to obtain a second building permit for “[a]lteration and repair of in-law suite. Ground level - 1 story interior alteration including new kitchen and bathroom.” (Exhibit 4 - Application for B1801531, dated Nov. 7, 2017.) Appellant cancelled this application and resubmitted a new application on November 16, 2017. (Exhibit 5 - Application for B180942, dated Nov. 16, 2017.) Appellant’s November 16, 2017

November Adjustment
District of Columbia
CASE NO.19708
EXHIBIT NO.36

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

2017 application described the following work at the Property: “Interior alteration of ground level including two new bedrooms and bathroom. Pour concrete over existing concrete pad.” (Exhibit 5 - Appellant’s description of work for B180942.¹)

The Property is located in a RF-1 Zone, which permits as a matter of right a maximum of two dwelling units per converted single-family house. Based on Appellant’s prior applications showing the installation of a kitchen in the lowest level and/or multiple electrical panels, which would effectively convert the Property into a 3-unit flat, the Zoning Administrator sought further clarification from Appellant prior to approving the November 16, 2017 Application.

On November 28, 2017, the Office of the Zoning Administrator requested Appellant to provide the following information:

- i. An affidavit containing a disclosure statement to prospective buyers that:
 - a. The Property is limited to two units;
 - b. The lowest level of the Property cannot be used as a separate dwelling unit without obtaining prior approval from the Board;
 - c. The lowest level of the Property must maintain its internal connection to the floor immediately above; and
 - d. The lowest level of the Property is prohibited from having the installation of a kitchen or utility connection for a kitchen;
- ii. A revised certificate of occupancy (COO) specifying the use of the Property as a two-unit flat with the first floor and lowest level of the Property serving as a one unit flat, with an internal connection between the first floor and the lowest level of the Property; and
- iii. Revised plans showing the removal of the third electrical meter as well as the third Heating, Ventilation, and Air Conditioning (HVAC) unit from the Property.

The Appellant declined to provide the requested documents addressing all of the items listed above and filed this appeal to the Board on January 8, 2018.

¹ Although Permit Application B180942 reads “Interior alteration of ground level including two new bedrooms and bathroom. Pour concrete over existing concrete pad,” Appellant’s Detailed Statement of Appeal and Document to be Appealed (Email from DCRA) reference a slightly different and fuller description of work for Permit Application B180942: “Interior alteration of ground level including two new bedrooms and bathroom. Pour concrete over existing concrete pad *at rear of property. No disturbance of the earth.*” (Compare BZA Appeal 19708 Exhibit 5- Permit Application with BZA Appeal 19708 Exhibit 2- Detailed Statement of Appeal and BZA Appeal 19708 Exhibit 3- Document to be Appealed: Email from DCRA) (emphasis added).

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

Given that the November 16, 2017 Application was still pending review, on February 14, 2018, the Office of the Zoning Administrator convened a meeting and offered Appellant the following two options to alleviate any concern that the Property would be converted into a 3-unit flat: 1) Appellant must record a covenant prohibiting the conversion of the lowest level of the Property into a separate dwelling unit; or 2) Appellant must apply and obtain a special exception from the Board to create a 3-unit flat in a RF-1 zone. Appellant declined both suggestions. Appellant’s attorney advised undersigned counsel on May 2, 2018 that Appellant was unwilling to sign the draft covenant provided by the Office of the Zoning Administrator.

On May 4, 2018, the Zoning Administrator rejected the November 16, 2017 Application with the following comment: “The proposed changes to the basement level contain such elements so as to constitute a separate and third dwelling unit in the building, which would require BZA relief. Such relief has not been granted and the Office of Zoning Administrator cannot approve.” (Exhibit 6 - Zoning Administrator’s May 4, 2018 final decision.)

**Motion to Incorporate Into This Appeal
the Zoning Administrator’s May 4, 2018 Final Decision to Reject Appellant’s Application**

The instant appeal challenges the Zoning Administrator’s November 28, 2017 decision that he is “unable to grant approval of building permit B1801942.” (See BZA Appeal 19708, Ex. 1 (Appeal Form).) That decision has been superseded by the Zoning Administrator’s May 4, 2018 final administrative decision rejecting the November 16, 2017 Application. Appellant’s instant appeal failed to include the Zoning Administrator’s May 4, 2018 final decision rejecting the November 16, 2017 Application. For this reason, DCRA seeks to incorporate into this appeal the Zoning Administrator’s May 4, 2018 final decision.

Furthermore, the Appellant failed to include the plans associated with the November 16, 2017 Application with his appeal and Appellant’s submission deadline has expired.² Appellant also refused to provide the plans to DCRA.³ (Exhibit 7 – Appellant’s May 17, 2018 Response to DCRA). These plans are integral to resolving this appeal because Appellant’s plans triggered the Zoning Administrator’s initial request for additional documents on November 28, 2017, which is the subject of this appeal. Moreover, Appellant’s refusal to provide the plans, record a covenant,

² 11 DCMR § Y-302.16

³ DCRA does not have the November 16, 2017 Application plans because Appellant did a “walk-through” and retained the plans, instead of uploading the plans online.

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

or seek BZA relief, in light of Appellant’s description of work on prior applications, helped shape the Zoning Administrator’s final decision. Without the plans for the November 16, 2017 Application, the record before the Board would be incomplete and insufficient for its review.

The Zoning Administrator’s May 4, 2018 final decision rejecting the Application is an administrative decision that the Board has the authority to review. The Board may hear appeals from any “order, requirement, decision, determination, or refusal made by the Zoning Administrator.”⁴ Accordingly, the Board should incorporate the Zoning Administrator’s May 4, 2018 decision to reject the November 16, 2017 Application and the associated plans because: (1) without the May 4, 2018 final decision, the Board does not have authority to hear this appeal; and (2) without the plans, the Board would have an incomplete and insufficient record upon which to review the Zoning Administrator’s May 4, 2018 decision to deny the November 16, 2017 Application or the Zoning Administrator’s November 28, 2017 decision requesting additional documents.

The parties would not be prejudiced by the Board incorporating the Zoning Administrator’s May 4, 2018 rejection of the November 16, 2017 Application and associated plans; indeed, incorporation is necessary for this Board to understand the issue, scope, and impact of Appellant’s appeal.

The affected Single-Member District Commissioner ANC Commissioner, ANC 1A08, consents to this motion. The Appellant does not consent to this motion.

In the Alternative, Motion to Dismiss BZA Appeal 19708

If the Board declines to incorporate the Zoning Administrator’s May 4, 2018 final decision, DCRA respectfully requests, in the alternative, that the Board dismiss BZA Appeal 19708 for lack of ripeness.

On January 8, 2018, Appellant filed his BZA appeal because the Office of the Zoning Administrator via email requested additional documentation for the pending November 16, 2017 Application. However, this request fails to meet the requirements for the zoning appeals⁵ for two reasons. First, Appellant’s appeal was premature because on May 4, 2018, approximately four months *after* Appellant filed its appeal, the Zoning Administrator issued a final decision rejecting

⁴ Title 11 DCMR X-1100.2

⁵ *Id.*

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

the November 16, 2017 Application. (Exhibit 6 - Zoning Administrator’s May 4, 2018 final decision.) Second, when Appellant filed his appeal on January 8, 2018, Appellant failed to file the plans associated with the November 16, 2017 Application which formed the basis of his appeal. Moreover, Appellant’s submission deadline to file any documents prior to the May 30, 2018 public hearing has expired.⁶ Without the plans for the November 16, 2017 Application, the record is incomplete and Appellant is unable to meet his burden justifying the granting of this appeal. (11 DCMR § X-1101.2) Based on the foregoing, this Board should dismiss BZA Appeal 19708 and allow Appellant to file a new appeal based on the Zoning Administrator’s May 4, 2018 final decision rejecting Appellant’s November 16, 2017 Application.

The affected Single-Member District Commissioner ANC Commissioner, ANC 1A08, consents to this motion. The Appellant does not consent to this motion.

CONCLUSION

For the foregoing reasons, DCRA respectfully requests that this Board grant DCRA’s Partial Consent Motion to Incorporate into this appeal the Zoning Administrator’s May 4, 2018 final decision to reject Appellant’s November 16, 2017 Application or, in the alternative, grant DCRA’s Motion to Dismiss BZA Appeal 19708 for lack of ripeness.

Respectfully submitted,
ESTHER YONG MCGRAW
Interim General Counsel
Department of Consumer and Regulatory Affairs

Date: 5/22/2018

/s/ Adrienne Lord-Sorensen
ADRIANNE LORD-SORENSEN (DC Bar # 493865)
Assistant General Counsel
Department of Consumer and Regulatory Affairs
Office of the General Counsel
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024
(202) 442-8401 (office)
(202) 442-9447 (fax)

⁶ 11 DCMR § Y-302.16

BZA Appeal 19708 – Appeal of Berkley Smallwood - DCRA’s Motion to Incorporate Final Administrative Decision or, In the Alternative, Motion To Dismiss

CERTIFICATE OF SERVICE

I certify that on this 22nd day of May 2018 a copy of the foregoing “DCRA’s Partial Consent Motion to Incorporate Into This Appeal The Zoning Administrator’s Final Decision to Reject Appellant’s November 16, 2017 Application or, In the Alternative, Motion to Dismiss BZA Appeal 19708 For Lack of Ripeness” was served via electronic mail to:

Christopher L. Grant
1250 Connecticut Avenue, N.W., Ste. 200
Washington, D.C. 20036
lawgrant@mindspring.com
Counsel for Appellant

Kent C. Boese, Chair
Advisory Neighborhood Commission 1A
and
Single Member Advisory Neighborhood
Commissioner, ANC 1A08
608 Rock Creek Church Road, N.W.
Washington, D.C. 20010
1A08@anc.dc.gov

/s/ Adrienne Lord-Sorensen
Adrienne Lord-Sorensen

EXHIBIT 1

Task Assign Submit

Building Permit ID: B1405599

Cancel Help

Workflow Tasks

- Plan Review Coordinator
- Elevator Review
- DDOE Review
- DDOT Review
- WASA Review
- DOH Review
- HPRB Review
- BZA Review
- EISF Review
- CFA Review
- White House Review
- Chinatown Review
- NCPC Review
- Zoning Overlay/PUD Review
- WMATA Review
- Fire Hydrant Verification
- Green Review
- PRC Review
- DDOE SE-SW Review
- DDOE FP Review
- DDOE AQ Review
- DDOE EV Review
- DDOE WSP Review
- Mechanical Review
- Electrical Review
- Fire Review
- Structural Review
- Management Review
- File Room
- Plumbing Review
- Zoning Review
- Zoning Review Approved
- Zoning Review - HFC

Task Details Zoning Review

Current Status	Status Date
Zoning Review - HFC	05/30/2014

Action by Department	Action By
ZONING REVIEW	Mamadou Ndaw

Comments

1. The proposed floor layout depicts a 3-unit apartment building instead of a 2-family flat. Submit corrections to reflect a 2-family flat or seek relief from BZA for a 3-unit apartment building in R-4.
2. Additional comments may follow.

Start Time:	End Time:	Hours Spent:
		0.0

EXHIBIT 2

Task Assign Submit

Building Permit ID: B1405599

Cancel

Help



Workflow Tasks

- Plan Review Coordinator
- Elevator Review
- DDOE Review
- DDOT Review
- WASA Review
- DOH Review
- HPRB Review
- BZA Review
- EISF Review
- CFA Review
- White House Review
- Chinatown Review
- NCPC Review
- Zoning Overlay/PUD Review
- WMATA Review
- Fire Hydrant Verification
- Green Review
- PRC Review
- DDOE SE-SW Review
- DDOE FP Review
- DDOE AQ Review
- DDOE EV Review
- DDOE WSP Review
- Mechanical Review
- Electrical Review
- Fire Review
- Structural Review
- Management Review
- File Room
- Plumbing Review
- Zoning Review
 - Zoning Review Approved
 - Zoning Review - HFC

Task Details Zoning Review

Current Status

Zoning Review Approved

Status Date

07/03/2014

Action by Department

ZONING REVIEW

Action By

Mamadou Ndaw

Comments

APP FOR INTERIOR RENOVATIONS TO CONVERT SFD TO FLAT IN R-4. AT LEAST ONE PARKING SPACE PROVIDED IN REAR.

Start Time:

End Time:

Hours Spent:

0.0

EXHIBIT 3



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 01/06/2015

PERMIT NO. B1405599

Expiration Date: 01/06/2016

Address of Project: 3652 PARK PL NW	Zone: R-4	Ward: 1	Square: 3034	Suffix:	Lot: 0202
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Description Of Work:
3 floors, interior alterations at all levels including new kitchen and bathrooms, new lighting and mechanical. Building Exterior: new windows, new entry doors and siding at rear.

Permission Is Hereby Granted To: Berkley Smallwood	Owner Address: 2670 CRAIN HIGHWAY, SUITE 302 20601	PERMIT FEE: \$501.60
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Permit Type: Alteration and Repair	Existing Use: Single Family	Proposed Use: Flat (Two Family)	Plans:
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Agent Name: Jerry Jochum	Agent Address: 21750	Existing Dwell Units: 1	Proposed Dwell Units: 2	No. of Stories: 2	Floor(s) Involved: All
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Conditions/ Restrictions:

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.
 All Construction Done According To The Current Building Codes And Zoning Regulations;
 As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

Lead Paint Abatement
 Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to <http://ddoe.dc.gov>, Lead and Healthy Housing.

Director: Rabbiah A. Sabbakhan	Permit Clerk: Patrice Derricott
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TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639
 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557
 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.

EXHIBIT 4



Department of Consumer and Regulatory Affairs
 Permit Operations Division
 1100 4th Street SW
 Washington DC 20024
 Tel. (202) 442 - 4589 Fax (202) 442 - 4862



Received: Plans Application
 Date: 11/7/2017

Engineering Andrew Wiley

Applicant/Agent: Berkley Smallwood

Phone 2024165550

Address of Project:

Job **WT**

Job No:

3652 PARK PL NW

B1801531

Existing Use: Two-Family Flat - R-3

Existing No. of Stories: 2

Proposed Use: Two-Family Flat - R-3

Prop no of Stories: 2

Permit Type: Alteration and Repair

SSL: 3034 0202

Description of Work:

Alteration and repair of in-law suite. Ground level - 1 story interior alteration including new kitchen and bathroom.

Required Reviews: (Checked boxes only)	Reviewer:	Completion Time:	Review Status:		
<input type="checkbox"/> Fine Arts:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Historic:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Public Space/DDOT:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Zoning:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Soil Erosion/Stormwater DOEE:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Soil Boring/UST DOEE:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> DC Water:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Mechanical:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Plumbing:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Health/DOH:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Electrical:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Elevator:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Energy Review:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> DC Fire Dept. / Fire Prevention:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Fire Protection:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Structural:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Green Review:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant
<input type="checkbox"/> Chinatown Review:		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Approved	<input type="checkbox"/> HFC	<input type="checkbox"/> Conf. w/Applicant

<u>New/ Addl Cost</u> \$0.00	<u>Alt/Rpr Cost</u> \$25,000.00	<u>Total Cost</u> \$25,000.00	<u>Volume of New Bldg, or Addl Cubic ft.</u> 3039
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<u>Alter/Repair FEE</u>	<u>New Const. FEE</u>	<u>Filing FEE</u>	<u>Enhancement FEE</u>	<u>Green FEE:</u>	<u>Total Permit FEE</u>
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EXHIBIT 5

Exhibit "A"



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



Received:

Plans Application

Date: 11/16/2017

Empty checkboxes for status

Engineering

Sara Estrada

Applicant/Agent: Berkley Smallwood

Phone

Address of Project:

3652 PARK PL NW

Job

WT

Job No:

B1801942

Existing Use: Two-Family Flat - R-3

Existing No. of Stories: 3

Proposed Use: Two-Family Flat - R-3

Prop no of Stories: 3

Permit Type: Alteration and Repair

SSL: 3034 0202

Description of Work:

Interior alteration of ground level including two new bedrooms and bathroom.

POUR concrete over existing concrete pad

Table with columns: Required Reviews (Checked boxes only), Reviewer, Completion Time, Review Status. Rows include Fine Arts, Historic, Public Space/DDOT, Zoning, Soil Erosion/Stormwater DOEE, Soil Boring/UST DOEE, DC Water, Mechanical, Plumbing, Health/DOH, Electrical, Elevator, Energy Review, DC Fire Dept. / Fire Prevention, Fire Protection, Structural, Green Review, Chinatown Review.

Summary table with columns: New/ Addl Cost (\$0.00), All/Rpr Cost (\$5,000.00 16k), Total Cost (\$5,000.00 16k), Volume of New Bldg, or Addl Cubic ft. (3039)

Fee table with columns: Alter/Repair FEE (3500), New Const. FEE, Filing FEE, Enhancement FEE (3700), Green FEE (2080), Board of Zoning Adjustment (District of Columbia) CASE NO 19708

EXHIBIT 6

History View Submit

Building Permit ID: B1801942

This record was placed on HOLD on 2018-05-04.
 Condition: ZONING Severity: Hold
 Total conditions: 1 (Hold: 1)

[Learn more about this hold and how to resolve it](#)

Cancel Help

Task Zoning Review	Due Date 11/17/2017	Assigned Date 11/16/2017
Assigned to Department ZONING REVIEW	Assigned to	Status Zoning Review Rejected
Action by Department ZONING REVIEW	Action By Matthew LeGrant	Status Date 05/04/2018
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments The proposed changes to the basement level contain such elements so as to constitute a separate and third dwelling unit in the building, which would require BZA relief. Such relief has not been granted and the Office of Zoning Administrator cannot approve.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display In ACA <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar

EXHIBIT 7

Kaprelova, Anna P. (DCRA)

From: Christopher L. Grant <lawgrant@mindspring.com>
Sent: Thursday, May 17, 2018 11:04 AM
To: Kaprelova, Anna P. (DCRA)
Subject: Re: BZA Appeal No. 19708

Ms. Kaprelova, my client declines to provide the plans associated with this permit application.

Christopher L. Grant
Attorney at Law
1250 Connecticut Ave., N.W., Ste. 200
Washington, D.C. 20036
(202) 487-6748
lawgrant@mindspring.com

On May 16, 2018, at 4:33 PM, Kaprelova, Anna P. (DCRA) <anna.kaprelova@dc.gov> wrote:

Mr. Grant,

Per our communication yesterday, I want to follow up and clarify whether your client will provide the plans associated with the permit application B1801942.

Thank you.

Respectfully,

Anna P. Kaprelova | Adviser to OCI
Office of Civil Infractions
Detailed to Office of General Counsel
Department of Consumer and Regulatory Affairs
Admitted to practice in Maryland
Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(4)
anna.kaprelova@dc.gov | 1100 4th St SW, DC 20024
desk: 202.899.3597 | dcra.dc.gov

<image001.png> <image002.jpg> <image003.jpg> <image004.jpg> <image005.jpg>

From: Kaprelova, Anna P. (DCRA)
Sent: Monday, May 14, 2018 4:33 PM
To: 'Christopher L. Grant'
Cc: McGraw, Esther (DCRA); Lord-Sorensen, Adrienne (DCRA)
Subject: RE: BZA Appeal No. 19708

Mr. Grant,

Please give me a call at your earliest convenience. I would like to discuss with you certain preliminary matter as soon as possible.

Kaprelova, Anna P. (DCRA)

From: Boese, Kent C. (ANC 1A08)
Sent: Tuesday, May 22, 2018 1:24 PM
To: Kaprelova, Anna P. (DCRA)
Cc: Lord-Sorensen, Adrienne (DCRA); McGraw, Esther (DCRA)
Subject: Re: RE: BZA Appeal No. 19708

Thank you Anna,

I support DCRA's Motion.

Kent

Kent C. Boese | Chair, Advisory Neighborhood Commission 1A | Single Member District (SMD) 1A08
608 Rock Creek Church Road, NW | Washington, DC 20010
202-525-7682 | 1a08@anc.dc.gov | Twitter: @KentBoeseDC

From: Kaprelova, Anna P. (DCRA)
Sent: Tuesday, May 22, 2018 1:06 PM
To: Boese, Kent C. (ANC 1A08)
Cc: Lord-Sorensen, Adrienne (DCRA); McGraw, Esther (DCRA)
Subject: RE: BZA Appeal No. 19708

Commissioner Boese,

Per our prior discussion, I am seeking your consent to DCRA's Motion to Incorporate Zoning Administrator's Decision to Reject the Appellant's Application or, in the Alternative, Motion to Dismiss BZA Appeal 19708.

Please advise whether you consent to DCRA's Motion.

Thank you.

Respectfully,

Anna P. Kaprelova | Adviser to OCI

Office of Civil Infractions

Detailed to Office of General Counsel

Department of Consumer and Regulatory Affairs

Admitted to practice in Maryland

Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(4)

anna.kaprelova@dc.gov | 1100 4th St SW, DC 20024

desk: 202.899.3597 | dcra.dc.gov

Kaprelova, Anna P. (DCRA)

From: Christopher L. Grant <lawgrant@mindspring.com>
Sent: Tuesday, May 15, 2018 2:03 PM
To: Kaprelova, Anna P. (DCRA)
Subject: Re: BZA Appeal No. 19708

Ms. Kaprelova, I have discussed your proposal with my client, and we decline to expand the scope of the appeal.

Christopher L. Grant
Attorney at Law
1250 Connecticut Ave., N.W., Ste. 200
Washington, D.C. 20036
(202) 487-6748
lawgrant@mindspring.com

On May 14, 2018, at 4:32 PM, Kaprelova, Anna P. (DCRA) <anna.kaprelova@dc.gov> wrote:

Mr. Grant,

Please give me a call at your earliest convenience. I would like to discuss with you certain preliminary matter as soon as possible.

Thank you.

Respectfully,

Anna P. Kaprelova | Adviser to OCI
Office of Civil Infractions
Detailed to Office of General Counsel
Department of Consumer and Regulatory Affairs
Admitted to practice in Maryland
Practicing in the District of Columbia pursuant to D.C. Court of Appeals Rule 49(c)(4)
anna.kaprelova@dc.gov | 1100 4th St SW, DC 20024
desk: 202.899.3597 | dcra.dc.gov

<image001.png> <image002.jpg> <image003.jpg> <image004.jpg> <image005.jpg>

From: Christopher L. Grant [<mailto:lawgrant@mindspring.com>]
Sent: Tuesday, May 01, 2018 10:54 AM
To: Kaprelova, Anna P. (DCRA)
Subject: Re: BZA Appeal No. 19708

Ms. Kaprelova, good, thank you.

Christopher L. Grant
Attorney at Law
1250 Connecticut Ave., N.W., Ste. 200
Washington, D.C. 20036