BZA Form 1
(Revised 7/17/95)

Docket No. 16752
EB

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPEAL

NOTE: See reverse side of this form for filing instructions, filing fees and information required by the Board.

DO NOT MAIL DO NOT MAIL

TO THE BOARD OF ZONING ADJUSTMENT:

Pursuant to Sections 3105 and 3106 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the administrative decision of Michael Johnson, Zoning Administrator
(Name of administrative officer and title)

made on May 7, 2001, to the effect that a certificate
(Date of decision)

of occupancy was issued for a day program in direct violation of the Rule of the Case set by BZA Order November 25, 1997. The new use is a change in use that requires on site parking.

Premises affected are located at 5511 - 14th Street, NW (see attachment)
(Street Address)

Lot(s) 9(stated as), Square(s) 2800

in the District of Columbia, in Zoning District C-2-A.

Present Use of Property: General Office prior to issuance of 5/7/01 certificate of occupan

Proposed Use of Property: Day Treatment Program.

Owner of Property: Pamela Coleman.

Address of Owner: 4200 Wisconsin Ave., NW.

Name and address of appellant, if other than owner:
ANC 4A, 7600 Georgia Avenue, NW
John J. Chagnon, ANC 4A07 authorized representative.

State manner in which appellant is aggrieved by administrative decision: Apellant's members live in close proximity to the site
Property values, congestion, parking, traffic patterns, security and quality of life will be and has been adversely affected.

State briefly the allegations of error in administrative decision:

Statement attached.

Relevant Sections of the Zoning Regulations:
Statement Attached.

Date: June 6, 2001 Signature: Douglass Hon
(Appellant)*
ANC 4A Chairman Pro Temp

*If appeal is filed by agent of the appellant, Form 1 (notice of appeal) shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

TO BE NOTIFIED OF HEARING AND DECISION:

BZA
Case No. 16752
Exhibit No. 1

Name: John J. Chagnon, ANC 4A07

Address: 5603 - 14th Street, NW

Zip Code 20011 Phone No. 202-722-1922

Board of Zoning Adjustment
District of Columbia
CASE NO.16752
EXHIBIT NO.1

ANY APPEAL THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BZA Appeal
May 30, 1995

SUPPLEMENT

Appeal Issuance of Certificate of Occupancy
5511 - 14th Street, NW

FZC, a non profit, civic corporation, has reviewed a copy of the application for certificate of occupancy of Dr. D. Braxton Brown/Psychological Development Associates for the use of 5511 - 14th Street, N.W.; signed by the applicant on Friday, April 28, 1995 along with the Certificate of Occupancy issued Monday, May 1, 1995. We herewith Appeal the issuance of the Certificate of Occupancy for the following causes:

The Zoning Administrator has authorized the issuance of a certificate of occupancy for a use that is not defined or referenced in the Zoning Regulations; specifically, "Day Treatment Program". The Zoning Administrator has taken the position that there has been no change in use despite the applicants acknowledgement that a use change has occurred and a DCRA examiner's indication that a change in use occurred and required inspection. The former use was that of a home improvement contractor's office. The use approved "Day Treatment Program" was considered the same use by the Zoning Administrator and therefore; according to Mr. Edward Nunnley, was relieved of any requirement to provide any parking spaces.

The Zoning Administrator has erred in the issuance of a certificate of occupancy as a change in use has occurred. The Zoning Administrator knew or should have known that parking spaces are required for the intended use and none have been proposed or provided. The Zoning Administrator knew or should have known that the intended operations are not compatible with the Webster's Dictionary definition of general office use. The Zoning Administrator knew or should have known that the intensity of the use was substantially greater than the prior use. The Zoning Administrator knew or should have known that the intended use was that of a school, training center, or an adult development center. The Zoning Administrator knew or should have known that the occupancy load presented by the applicant was not consistent with the intended use and statements made by the applicant. DCRA should have dated the application and required the applicant to identify the type of ownership of the business. The Zoning Administrator knew or should have known that the traffic patterns along the 14th Street corridor are heavy and the intended use will exacerbate congestion in the community which is already overburdened. The Zoning Administrator knew or should have known that the structure occupied was a non-conforming

structure and that the intended use was a non-conforming use in the structure. The Zoning Administrator knew or should have known that the occupancy was not restricted to Lot 9 of Square 2800 and that more than 25% of the GFA had been occupied. The Zoning
Administrator knew that at least two formal complaints (copies attached) were filed regarding the intended use of the structure. No official of DCRA or the Zoning Administrator has responded to the complaints filed. The Zoning Administrator knew or should have known that the Zoning Office historically inspects the intended use of a structure prior to issuing a certificate of occupancy; inexplicably no zoning inspection was performed. DCRA has assigned the same receipt number and treasury number to the approved application for a certificate of occupancy which was previously assigned to a prior application for a certificate of occupancy filed by the applicant which was withdrawn. It seems that the non-refundable application fee has been applied to a new application for a certificate of occupancy.

Relevant Sections of DCMR 11: §100 through §199
§700 through §799.1
§2000 through §2099.1
§2100 through §2119.9

DCRA has wrongfully withheld documents pursuant to D.C. Code §1-1522, FOIA request, dated April 19, 1995 of a FZC Board Member. The Board Member has already paid the preemptively demanded research fee to the D.C. Treasurer and was informed that the documents were expected to be available for inspection on May 19, 1995. No documents have been made available for inspection. The documents sought may identify further violations of the Municipal Regulations which have no as yet been identified

May 30, 1995
FZC
5603 14th Street, N.W.
Washington, D.C. 20011

FZC

Corporate Resolution

On May 30, 1995 the Board of Directors of FZC adopted the following resolution by unanimous voice vote:

It is hereby RESOLVED, that the Board of Directors of FZC a non-profit, civic corporation, shall instruct the President of FZC, John J. Chagnon to appeal the decision of the District of Columbia to issue a certificate of occupancy for the use of 5511 14th Street, N.W., Washington, D.C. as a "Day Treatment Program" and shall have full authority to bind FZC in any appeal or related matter before the BZA or any District of Columbia agency.