ANC 3F

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Lyn Oglesby, Ph.D.

Advisory Neighborhood Commission 3F
NORTH CLEVELAND PARK / FOREST HILLS

September 18, 2001

Hon. Sheila Cross-Reid
Chair
Board of Zoning Adjustment
441 4th Street, N.W., Room 210S
Washington, D.C. 20001

Re: BZA Appeal No. 16764
2944 Chesapeake Street, N.W.

Dear Chair Cross-Reid:

The following report is submitted to the Board of Zoning Adjustment by ANC3F in accordance with 11 DCMR 3112.7 and 3113.7.

(a) BZA Appeal No. 16764 dated June 27, 2001 filed by Darrel J. Grinstead.

(b) The appeal was considered by ANC3F at a public meeting on September 10, 2001.

(c) Proper public notice of the September 10, 2001 meeting was issued by ANC3F including notice to the appellant, Darrel J. Grinstead, and the property owner, William Wahabi.

(d) All seven commissioners were present at the meeting and all seven commissioners voted in favor of the attached resolution, Res 01-19, which states ANC3F's support of the appeal.

(e) After hearing from Darrel J. Grinstead and William Wahabi, ANC3F believes that the appeal has merit and raises serious questions regarding the Department of Consumer and

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BZA 16764
Case No.
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16764
EXHIBIT NO.20

Regulatory Affairs's (DCRA) implementation of the zoning regulations.

The primary issues of the appeal are:

(1) Did DCRA make errors in reviewing the application for 2944 Chesapeake Street, N.W. and issuing Building Permit No. B430178?

(2) Has the structure at 2944 Chesapeake Street, N.W. been constructed in accordance with the plan s approved by DCRA?

(3) Does the structure at 2944 Chesapeake Street, N.W., comply with the requirements of the zoning regulations regarding height, side and rear yard setbacks and height of the ceiling of the lower level above the adjacent grade?

To properly address the issues in this proceeding undisputed data is needed. This data should be obtained by retaining an independent surveyor to measure the structure and prepare a report for DCRA and BZA.

ANC3F is also concerned that DCRA took more than seven months to respond to Darrel J. Grinstead's letter dated October 7, 2000, requesting compliance with set back, side yard and other requirements and that even after more than seven months the response did not fully address the issues in the Grinstead letter.

(f) In order for BZA to address the issues raised by this appeal ANC3F recommends:

(1) BZA direct that DCRA retain, on an expedited basis, an independent surveyor to measure and prepare a report on the height of the structure, side and rear yard setbacks and height of the ceiling of the lower level above the adjacent grade.

(2) BZA direct that DCRA use the data in the report of the independent surveyor to determine whether or not the structure conforms with the requirements of the zoning regulations, and why, and ensure that any variations from these regulations are corrected by William Wahabi.

(3) BZA direct that DCRA send a copy of the report by the surveyor and DCRA's determination to the BZA for consideration as part of the decision process.

(4) BZA direct that DCRA send a copy of the report by the surveyor and DCRA's determination to ANC3F.

(g) The vote on the motion to adopt the report to the BZA was 7-0-0.

(h) ANC3F authorized Commissioner Robert V. Maudlin to present the report.

Very sincerely yours,

Phil Kogan, Vice Chair

enc. ANC3F Res 01-19

cc: Darrel J. Grinstead
William Wahabi

Res 01-19

ANC3F RESOLUTION IN SUPPORT OF BZA APPEAL NO. 16764
2944 CHESAPEAKE STREET, N.W.

Advisory Neighborhood Commission 3F
North Cleveland Park and Forest Hills
P.O. Box 39290, Washington, D.C. 2016-9290

WHEREAS: On June 30, 2000, William Wahabi filed an application with the Department of Consumer and Regulator Affairs (DCRA) for a building permit to construct a single family residence at 2944 Chesapeake Street, N.W., and

WHEREAS: The building permit application stated that the proposed structure consisted of three stories and cellar, and

WHEREAS: The site of the structure is located in a R-1-A zoned district in ANC3F, and

WHEREAS: In September 2000 Darrel J. Grinstead, an adjacent landowner, reviewed the plans filed with DCRA and met with William Wahabi to discuss his concerns regarding the size, height and location of the structure on the lot, and

WHEREAS: On October 7, 2000, Darrel J. Grinstead delivered a letter to DCRA requesting that the application be denied due to the size and height of the proposed residence and requesting compliance with set-back, side yard and other requirements, and

WHEREAS: The Department of Consumer and Regulator Affairs (DCRA) issued Building Permit No. B430178 on October 13, 2000 to William Wahabi for the construction of a single family residence at 2944 Chesapeake Street, N.W., and

WHEREAS: The Building Permit states that the proposed structure consists of three stories, and

WHEREAS: DCRA did not respond to the October 7, 2000 letter and on February 19, 2001 Darrel J. Grinstead sent a second letter to DCRA stating that the structure had grown to four stories with the ceiling of the ground floor more than four feet above the adjacent finished grade, and

WHEREAS: On May 14, 2001, DCRA replied to Darrel J. Grinstead's letters of October 7, 2000 and February 19, 2001 stating that the side yard issue had been resolved and a re-review of the plans "concluded that no other issues of non-compliance exist," and

WHEREAS: DCRA has not adequately addressed the issues of height, number of stories, and side and rear yard setbacks, and

WHEREAS: ANC3F believes that there is sufficient information available to question if the

structure complies with the DC zoning regulations.

THEREFORE, BE IT RESOLVED: ANC 3F supports Appeal No. 16764 filed by Darrel J. Grinstead, and

BE IT FURTHER RESOLVED:

1. BZA direct that DCRA retain, on an expedited basis, an independent surveyor to measure and prepare a report on the height of the structure, side and rear yard setbacks and height of the ceiling of the lower level above the adjacent grade, and

2. BZA direct that DCRA use the data in the report of the independent surveyor to determine whether or not the structure conforms with the requirements of the zoning regulations, and why, and ensure that any variations from these regulations be corrected by William Wahabi, and

3. BZA direct that DCRA send a copy of the report by the surveyor and DCRA's determination to the BZA for consideration as part of the decision process, and

4. BZA direct that DCRA send a copy of the report by the surveyor and DCRA's determination to ANC3F.

Approved by vote of 7-0-0 at a duly noticed meeting on September 10, 2001, with a quorum present.

David J. Bardin, Chair

Robert V. Maudlin, Secretary