Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

December 31, 2002

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BY MAIL & HAND DELIVERY (20 copies)

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
District of Columbia Zoning Commission
441 4th Street, N.W., Suite 210
Washington , DC 20001

RE: Case No. 16984—ANC-2A's Appeal Before the Board of Zoning Adjustment

Dear Ms. Kress:

On December 30, 2002 the above cited Appeal, consisting of the 6 page ANC 2A submission with 8 attachments, was hand-delivered to your Office. In the Conclusion section on page 5 the submission contained a duplication of its first paragraph. To facilitate the reading of the appeal, we attach a corrected page 5, which deletes the duplicate un-bolded first paragraph of the Conclusion. We would be grateful if you could arrange for the corrected page replace the one submitted on December 30, 2002.

Thank you for your forbearance.

Respectfully submitted,

Elizabeth Elliott
Chair, ANC-2A

Attachment

c. Conrad Cafritz

BZA
Case No. 16984
Exhibit No. 14

Board of Zoning Adjustment
District of Columbia
CASE NO.16984
EXHIBIT NO.14

permit, but did not allow Commissioner Tyler to take it (or a copy of it) along. However, she noted the following: The number of the permit is #B47779 issued on August 7, 2002 for lot 884, square 16, which is the location of the River Inn, 924 25th St. N.W., 20037.

Prior to this discovery, and following the preliminary examination of the plans, Commissioner Tyler met with Zoning Administrator Robert Kelly on November 15, 2002 to bring the violations contained in the plans to his attention. He agreed that the actions described above constituted violations. Incredibly, Mr. Kelly said that it was impossible with his present regulatory staff to enforce the provisions of 11DCMR, Section 351.2 (c). (Att. 3), even although all that is involved is passing along the sidewalk to see whether the restaurant is visible from the street which it now has been for a number of months. Mr. Kelly also e-mailed subsequently that he could not find any application for n expansion by the hotel, and when Commissioner Tyler explained that the application would not be for an expansion, but for a renovation, he did not reply. In summary, Commissioner Tyler's repeated and numerous attempts to obtain the legally required enforcement of the Zoning Regulations by the Zoning Administrator met with failure.

On December 28, 2002, Commissioner Tyler received a telephone call from Mr. Honaker, General Manager of the River Inn. He stated that the extension of the recessed wall, as approved in the plans, would not take place. Commissioner Tyler asked that Mr. Honaker confirm his statement in writing, which he said he could not do.

Conclusion

**The applicant knowingly requested approval from DCRA of improper expansion plans, disguised as renovation plans, actions that were revealed to him in ANC-2A's written submission for the Public Space Committee hearing on May 23, 2002. The Zoning Administrator erred in approving these improper plans, elements of which are in direct contravention of the provisions set forth in Sections 350.4(d) and 351.2 of 11DCMR, and issuing a building permit in violation of the above-cited provisions. Had ANC-2A received the proper required notification of this permit approval, which, as noted above, it did not, the Zoning Administrator's error could have been caught in time and thus prevented.**

**This is to respectfully request the Board of Zoning Adjustment (BZA) that: (a) on the basis of the evidence elaborated above, the BZA uphold the appeal of Advisory**