

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal of
Advisory Neighborhood Commission 6A

BZA Appeal no. 17468
Public Hearing: May 16, 2006

Cross Appeal of Mr. Endalkachew Tesfaye

ANC 6A

**INTERVENOR'S CROSS APPEAL AGAINST DCRA AND
MOTION TO DISMISS AND OPPOSITION TO APPEAL OF ANC 6A**

The Intervenor, Mr. Endalkachew Tesfaye, by and through undersigned counsel, respectfully: 1) brings this Cross Appeal challenging the March 22, 2006 decision of the Zoning Administrator disapproving the Intervenor's application for a Certificate of Occupancy; and 2) submits this Motion to Dismiss and Opposition to the pending Appeal of Advisory Neighborhood Commission 6A.

Intervenor's Cross Appeal:

The Intervenor submits this Cross Appeal of the Department of Consumer and Regulatory Affairs and/or Zoning Administrator's decision on March 22, 2006 to deny the issuance of a Certificate of Occupancy for a "6 unit apartment (condo) building" at 1124 E Street, N.E. (Square 984, Lot 44) ("Property") in violation of the Zoning Regulations. A copy of this letter is attached as Exhibit 1.

The Board has jurisdiction to hear this Cross Appeal pursuant to 11 DCMR §§ 3100 and 3101. The issues, facts and witnesses are identical to the pending Appeal of ANC 6A. It is in the interest of all of the parties and economy of the Board's resources to hear and decide both appeals rather than be forced to adjudicate two (2) separate appeals.

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 17468

EXHIBIT NO. 17

ANC 6A Appeal:

Advisory Neighborhood Commission 6A (ANC 6A) appeals from the decision of the Zoning Administrator (ZA) to issue approvals for electrical, fire, mechanical and plumbing disciplines (DCRA Tracking No. 236 D5)¹ with the intention of issuing building permits to allow the expansion of a nonconforming apartment building from 3 units to 6 units. Appellant, ANC 6A, alleges that the ZA erred by giving said approvals without consideration of the underlying R-4 zoning use and the parking requirements under 2115.

I. Background:

The Intervenor is the developer of the Property and owner of three (3) of the six (6) completed condominium units. Three of the units have been sold to individual homeowners. The Property is improved with a two-story residential building originally constructed in about 1901. The Property is zoned R-4 and has been used as an apartment house (3 units) since before the enactment of the current Zoning Regulations in May 1958. A copy of the most recent Certificate of Occupancy, B60942 for "Apartment House", dated April 14, 1967 and Certificate of Occupancy B43718 for "Apartment House," dated July 15, 1964 are attached as Exhibit 2. The following is a chronology of recent events involving the Property:

February 2, 2005: DCRA issued Building Permit B469531 authorizing "Interior Renovation and New Electrical Mechanical and Plumbing" for an Apartment House with 6 units and 2 parking spaces. Exhibit 3 [Note: Building Permit Application was approved by Zoning on January 10, 2005 by "Faye O."].

February 25, 2005: Intervenor begins construction at the Property.

¹ Tracking No. "236 D5" is referenced on the approved building permit application for Building Permit No. B469531 issued on February 2, 2005. Exhibit 3. NOTE: Electrical, Plumbing and Mechanical permits are not subject to zoning review and issued only after the underlying building permit, including zoning approval, has been issued.

- April 13, 2005:** DCRA approved a revision to Building Permit B469531 with Building Permit B471488 authorizing enclosure of existing covered Balcony. Exhibit 4. [Note: Approved by "Faye O." on April 6, 2005].
- May 12, 2005:** DCRA approved Electrical Permit EL 97387 authorizing installation of one service/meter 401 -800 amps, 12 smoke detectors, 12 low voltage, 32 outlets, 30 lights, 6 central a/c units, 6 electric ranges, 6 clothes dryers, 6 garbage disposals, and 6 dishwashers in an use group R2 Apartment (building). Exhibit 5.
- June 15, 2005:** DCRA approved Plumbing Permit PLBG 99415 authorizing the installation of 4 bath tubs, 6 water closets, 4 washer boxes, 4 sinks, 6 basins, 4 dishwashers and 4 water heaters in an use group R2 Apartment (building). Exhibit 6.
- July 8, 2005:** DCRA approved four (4) Air Conditioning Permits (AC 100899, AC 100900, AC 100901 and AC 100902) each of which authorized refurbishing an air conditioning condenser on the roof of the use group R2 Apartment (building). Exhibit 7.
- August 24, 2005:** Zoning Administrator's Office approves Condominium Plats and Plans for six-unit condominium. Exhibit 8.
- September 7, 2005:** Condominium Plat recorded by D.C. Surveyor.
- November 2005:** Intervenor sells two (2) of the six (6) units.
- November 2005:** Substantial Completion for improvements.
- December 13, 2005:** ANC 6A filed BZA Appeal No. 17468.
- December 30, 2005:** **FINAL APPROVAL** (Plumbing and Mechanical Inspections) for Use and Occupancy for Units A, B, C & D. Exhibit 9.
- January 17, 2006:** **FINAL APPROVAL** (Electrical Inspection) for Use and Occupancy for Units A, B, C and D. Exhibit 10.
- January 17, 2006:** **FINAL APPROVAL** (Building Inspection) for Fire and for Use and Occupancy for Units A, B, C and D. Exhibit 11.
- February 21, 2006:** **FINAL APPROVAL** (Building Inspection) for Basement 2 units. Exhibit 12.
- February 23, 2006:** **FINAL APPROVAL** (Building Inspection/Fire Protection) for Units E and F. Exhibit 13.
- February 23, 2006:** **FINAL APPROVAL** (Plumbing Inspection) for Units E and F. Exhibit 14.

- February 23, 2006:** **FINAL APPROVAL** (Electrical Inspection) for Units E and F. Exhibit 15.
- February 23, 2006:** **FINAL APPROVAL** (Mechanical Inspection) for Units E and F. Exhibit 16.
- February 24, 2006:** Intervenor submitted application for Certificate of Occupancy.
- March 2006:** Mr. Crews is quoted in Voice of the Hill newspaper, stating that "Building Permit was issued in error." Exhibit 17.
- March 22, 2006:** Letter from Mr. Crews disapproving Certificate of Occupancy Application. Exhibit 1.

DCRA issued two separate building permits (the first, 15 months ago; and the second, 13 months ago) authorizing the interior work for a six-unit apartment building at the Property. The authorized work has been completed in accordance with the permits and all of the Final Inspections have been completed and approved. Under the two Building Permits issued by DCRA which remain valid,² Mr. Tesfaye has satisfied all the applicable requirements and no legal basis exists for denying the Certificate of Occupancy. Further, DCRA, as a matter of law, is estopped from denying the Certificate of Occupancy.

II. Argument

A. The ANC 6A Appeal Was Not Timely Filed

Section 3112.2 of the Zoning Regulations require that an appeal be filed "timely" with the Board. That section provides:

"An appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should

² No action has been taken to revoke the Building Permits. The Zoning Administrator is not authorized to revoke a building permit. 12 DCMR § 105.6 (January 2004). At all times relevant to this case, the "Code official" has been Mr. Lennox Douglas, Acting Administrator of BLRA.

have had notice of knowledge of the decision complained of, *whichever is earlier.*" (emphasis added).

11 DCMR § 3112.2(a) (Z.C. Order No. 02-01, February 7, 2003).

In the present case, ANC 6A filed its appeal with the Board on December 13, 2005: more than ten (10) months after the original building permit (February 2, 2005); more than nine (9) months after construction began; eight (8) months after the revision to the original permit (April 13, 2005); and more than five (5) months after the final Air Conditioning permits were issued (July 8, 2005). Beginning no later than February 25, 2005, ANC 6A had actual notice of the construction at the Property and that one or more permits had been issued. However, ANC 6A, without explanation, waited more than nine (9) months to file this Appeal. It can not be disputed that this Appeal is untimely and must be dismissed by the Board for lack of jurisdiction.

While the Board lacks jurisdiction to consider the ANC 6A Appeal, the Intervenor's Cross Appeal is timely having been filed less than sixty (60) days after the March 22, 2006 Zoning Administrator's decision appealed.

B. The Appeal is Barred Under the Equitable Doctrine of Estoppel.

The applicability of the equitable doctrine of estoppel is well established in District of Columbia zoning law. See *Smith v. District of Columbia Board of Zoning Adjustment*, 342 A.2d 356 (DCCA 1975); *Lyke c. DC BZA*, 383 A.2d 7 (1978); *Goto v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 917 (DCCA 1980).

The elements of estoppel are that the claimant is required to prove: (i) that he acted in good faith; (ii) on affirmative acts of the District; (iii) made expensive and permanent improvements in reliance thereon; and (iv) the equities are strongly in the claimant's favor. See also *District of Columbia v. Cahill*, 60 App. DC 342 (1931). Based on the clear and undisputed

facts of this case, including the repeated affirmative actions of DCRA and the inaction by ANC 6A for more than nine (9) months, the Board and the District are estopped from granting the ANC 6A appeal. Specifically, the Intervenor acted in good faith and without knowledge of the ANC 6A Appeal. These actions were based on the affirmative approval by DCRA of at least seven (7) building and other permits issued over a six (6) month period. As authorized by these permits, the Intervenor spent more than \$800,000 in completing the authorized work at the Property. Substantial completion at the Property and the sale of two units occurred prior to the filing of the ANC 6A Appeal. All the construction has been completed, inspected, finally approved and three (3) units sold. No one can disagree that it would be fundamentally unfair and punitive to the Intervenor and the new individual unit owners to grant the ANC 6A Appeal at this late date. Similarly, the Zoning Administrator's attempt to retroactively disapprove the existing building permits is incorrect, without proper authority, unjust and undermines the finality and reliability of the building permit process. In the future, no one would be justified in relying on permit or approval issued by DCRA.

C. No Zoning Violation.

Beyond the Zoning Administrator's failure to act in accordance with established procedures and issue the Certificate of Occupancy, he has not offered a valid and/or well-informed basis in the Zoning Regulations for his actions.

1. Valid, Existing Conforming Use.

The Property, prior to issuance of the Building Permits, was a valid and conforming use for several reasons. First, the use of the Property as an Apartment House for three units was valid and authorized most recently by Certificate of Occupancy No. B60942. Second, the use of

the Property was and continues to be a conforming use. The Zoning Regulations define "nonconforming use" as follows:

"[A]ny use of land or of a structure, or of a structure and land in combination, lawfully in existence at the time this title or any amendment to this title became effective, that does not conform to the use provisions for the district in which the use is located. A use lawfully in existence at the time of adoption or amendment of this title that would thereafter require special exception approval from the Board of Zoning Adjustment shall not be deemed a nonconforming use. That nonconforming use shall be considered a conforming use, subject to the further provisions of §§ 3104.2 and 3104.3 (30 DCR 3922)."

11 DCMR § 199.1 (Emphasis added).

Based on the long established application of this definition and the undisputed facts, the following must be concluded. The apartment house use existed prior to the enactment of the current Zoning Regulations. However, the apartment house does conform to the use provisions in the R-4 zone. Specifically, 11 DCMR § 330.5 permits as a matter-of-right, the use (conversion) of a structure existing before May 12, 1958 as an apartment house. Accordingly, the apartment house use fails to meet the definition of "nonconforming" and must be treated as a conforming use.

2. § 401.3 Not Applicable.

As a valid, existing, and conforming use, the apartment house use is not subject to the restrictions in 11 DCMR § 401.3 (900 square feet of lot area per unit). Section 401.3 would only apply in the case of a conversion of another existing use (e.g. other than apartment house) to an apartment house. Here, no conversion has occurred with the continuation of the longstanding apartment house use.

3. No Expansion of Apartment House.

Finally, there has been no expansion of the apartment house use. As authorized by the two (2) DCRA issued building permits, the interior renovation occurred entirely within the existing building envelope without any expansion of the space devoted to apartment house use. The reconfiguration of the existing apartment house interior space from 3 to 6 units is not relevant or controlling to the issue of expansion of the permitted use.³ Further, the two (2) existing off-street spaces satisfy the parking requirement and those spaces are in compliance with the Zoning Regulations.

D. Zoning Administrator Acted Improperly, Without Justification, and Beyond the Scope of His Authority in Denying the Certificate of Occupancy).

The Intervenor was issued several permits by DCRA (long before the current Zoning Administrator was hired) which were repeatedly determined to be (and are in fact) in compliance with the Zoning Regulations. All the authorized work has been completed and all final inspections approved. There exists no valid or authorized basis for the Zoning Administrator to deny the Certificate of Occupancy. The Intervenor was entitled to complete the work authorized by the building permits. 11 DCMR § 3202.4. Further, the Intervenor, upon completion of the work and inspection was entitled to issuance of a Certificate of Occupancy in accordance with approved use ("Apartment House, 6 units, 2 parking spaces," Exhibit 3) under the building permits. 12 DCMR § 110.3 (January 2004).

III. Witnesses

At the hearing, at least following will be witnesses for the Intervenor:

1. Mr. Endalkachew Tesfaye
2. Mr. Olutoye Bello, Zoning Expert

³ Alterations, repairs, modernizations to a non-conforming use are permitted (11 DCMR § 2002.4), provided the non-conforming use is not enlarged. 11 DCMR § 2002.5.

IV. Conclusion

For the foregoing reasons, the ANC 6A Appeal must be DISMISSED as untimely and barred by the doctrine of estoppel and the Intervenor's Cross Appeal GRANTED and DCRA directed to issue the requested Certificate of Occupancy without further delay or interference.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.



John Patrick Brown, Jr., Esquire



Lyle M. Blanchard, Esquire

1620 L Street, N.W., Suite 900
Washington, D.C. 20036-5605

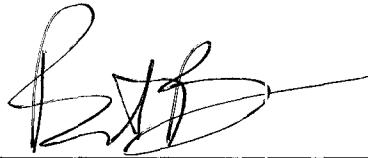
May 9, 2006

CERTIFICATE OF SERVICE

I hereby certify that foregoing Intervenor's Cross Appeal Against DCRA and Motion to Dismiss and Opposition to Appeal of ANC 6A was mailed first-class, postage prepaid, this 9th day of May, 2006, to:

David Rubenstein, Esquire
Acting General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Room 9400
Washington, D.C. 20002

Mr. Joseph Fengler, Chair
Advisory Neighborhood Commission 6A
815 F Street, N.E.
Washington, D.C. 20002



Lyle M. Blanchard, Esq.

1

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



March 22, 2006

Endalkachew Tesfaye
7050 Solomon Seal Court
Springfield, VA 22152

Re: 1124 E Street, NE
Washington, DC

Dear Mr. Tesfaye:

Your certificate of occupancy application filed on February 24, 2006, to use 1124 E Street NE as a 6 unit apartment (condo) building is disapproved. This property is located within an R-4 District, which does not allow your proposed use for the size of your lot.

Occupancy records indicate that a previous certificate of occupancy was issued authorizing a non-conforming use as a 3 unit apartment building. This use predated the current zoning regulations, which allows this existing use, but designates it as non-conforming.

11 DCMR Sec. 2000.3 requires that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls. 11 DCMR Sec. 401.3 requires that in an R-4 district, existing buildings can be used as apartment buildings only if the lot size allows 900 square feet per unit. In order for you to expand the number of units to 6, you would need a minimum lot size of 5,400 square feet.

Under 11 DCMR 3100.2 you may appeal this decision to the Board of Zoning Adjustment (BZA) located at 441 4th Street. NW, Suite 200S, Washington, DC.

In the alternative, you may apply to the BZA under 11 DCMR 3103 for a variance to waive the minimum lot size requirement.

Best regards,



Bill Crews
Zoning Administrator for the District of Columbia

2

CERTIFICATE OF OCCURANCY

No. B 60942

Washington, D.C. APRIL 14TH, 1967

Permission is hereby granted to UNITED CHURCH OF GOD, INC.
to use the FIRST & SECOND floor(s) of the building located on Lot 44 Square 984
known as premises 1124 - E - STREET, N. E. for the following
purpose(s): APARMENT HOUSE

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated.
ONLY for the premises, or part thereof, and for the purpose(s) indicated
above, and IS NOT TRANSFERABLE to another person or premises under ANY
conditions. ANY CHANGE in the type of business, ownership of business, or
part of premises used therefor, will render this Certificate VOID and a NEW
Certificate must be obtained.

DEPT. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.

SEE IMPORTANT NOTICE ON REVERSE SIDE HEREOF
OFFICE COPY

DUPLICATE

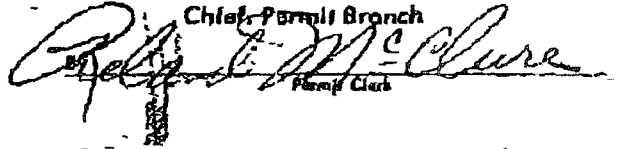
ZONE

R-4

FEE

\$ 22.00

Chief, Permit Branch


Ralph E. McClure
Permit Clerk

CERTIFICATE OF OCCUPANCY

No. B 43718

Washington, D.C., JULY 15TH, 1964

Permission is hereby granted to UNITED CHURCH OF GOD, INC.
to use the 1ST & 2ND floor(s) of the building located on Lot 111 Square 981,
known as premises 1121 E STREET, N. E. for the following
purpose(s): APARTMENT HOUSE

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated,
ONLY for the premises, or part thereof, and for the purpose(s) indicated
above, and IS NOT TRANSFERABLE to another person or premises under ANY
conditions. ANY CHANGE in the type of business, ownership of business, or
part of premises used therefor, will render this Certificate VOID and a NEW
Certificate must be obtained.

DEPT. OF LICENSES & INSPECTIONS, GOV'T. OF DIST. OF COL.

ZONE A-1

FEE \$ 10.00

Chief, Permit Branch

Mary Savage

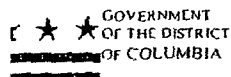
OFFICE COPY

3

05-00024

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER
P.C. No.	O.G. No.	R-4	
A. No.	S.L. No.	Ward No.	Receipt No.

No. B 60940



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
Tel 202-442-4589 Fax 202-442-4862

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

PLANS

WARRANTY TO FILE
Date

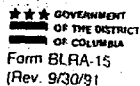
ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

Address of Proposed Work		Suite No.	2. Lot	3 Square	4 Application Date
1124 E ST. NE			44	984	10/21/04
Owner of Building or Property		6 Address (include Zip Code)		7 Phone	
ENDAKACHEW TESFAYE		7050 SOLOMON SEAT CT. SPRINGFIELD, VA. 22152		703-569-2519	
Agent for Owner. (if applicable)		9 Address (include Zip Code)		10. Phone	
BENYAM BAHUN		2626 TURNER RD #304		202-423-9019	

Type of Proposed Work (check all applicable boxes)

☐ New Building
☐ Addition
☒ Alteration and Repair
☐ Retaining Wall
☐ Fence
☐ Shed
☐ Garage
☐ Sign
☐ Projection



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B469531

Date 2/2/05 (Type) ALTERATION AND REPAIR
Address of work 1124 "E" STREET NE.

Permission is hereby granted to

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

INTERIOR RENOVATION AND NEW ELECTRICAL, MECHANICAL AND PLUMBING.
SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED.
THIS PERMIT AUTHORIZES CONSTRUCTION BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM
BUT NOT THRU SATURDAYS. AFTER HOURS PERMITS ARE REQUIRED FOR TIMES AFTER
WEDNESDAYS AND SUNDAYS. Length Height To be occupied as Projections.

Zone B-4
Height of terrace above grade

Address of owner 7050 SOLOMON SEAT CT. SIL. SPR. MVA. 22152
Deposit No. Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

"FALSE STATEMENTS OR MISREPRESENTATION OF FACTS ON A PERMIT APPLICATION AND/OR PLANS IS SUBJECT TO CRIMINAL PENALTIES PURSUANT TO DC LAW 22-2405".
DIRECTOR PATRICK CANAVAN ACTING DIRECTOR.

FEE PAYABLE \$ 1570.00
FOR INSPECTIONS CALL 727-8624 442-4641

APR 05 11 32 AM '05
C. SOUVENIR
BUILT STRUCTURE & EQUI

Chief, Permit Issuance Branch

Permit Clerk

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

- Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
- Complete Section C if the proposed work is razing a building. (Page 2)
- Complete Section D if the proposed work is a retaining wall. (Page 2)
- Complete Section E if the proposed work is a fence. (Page 3)
- Complete Section F if the proposed work is a shed/garage. (Page 3)
- Complete Section G if the proposed work is an awning. (Page 3)
- Complete Section H if the proposed work is a sign. (Page 3)

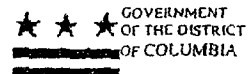
OFFICIAL USE ONLY				
R	P	H	A	
M				
P				
E				W U Yes U No
F				PLANS
S				U No U Sm U Lg

236-D

05-00024

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER
CPC No	OG No	R-4	
FPA No	SL No	Ward No	Receipt No

No. B 6002



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
Tel 202-442-4589 Fax 202-442-4862

PLANS

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
By _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work 1124 E ST. NE		Suite No	2 Lot 44	3 Square 984	4 Application Date 10/21/04
5 Owner of Building or Property ENDALKACHEN TSEFAYE		6 Address (include Zip Code) 7050 SOLOMON SEAL CT. SPRINGFIELD, VA. 22152		7 Phone 703-569-2519	
8 Agent for Owner, (if applicable) BENYAM BERHUN		9 Address (include Zip Code) 2626 JUNKAN RD #304		10. Phone 202-423-9019	

11 Type of Proposed Work (check all applicable boxes)

☐ New Building	☐ Retaining Wall	☐ Garage
☐ Addition	☐ Fence	☐ Sign
☒ Alteration and Repair	☐ Shed	☐ Projection
☐ Building	☐ Awning	☐ Other (Specify) _____

12 Description of Proposed Work
INTERIOR RENOVATION AND NEW ~~STAIRS~~ PER
ELECTRICAL, MECHANICAL AND PLUMBING.

13 Address(es) of Building or Property F.D. THINGS UNIT APP.		14 Ex No of Stories of Bldg 2 FB	15 Ex No of Dwelling Units 3	Official Use Only Miscellaneous FEE	
16 Address(es) of Building or Property F.D. 6 UNITS (SAME)		17 Prop No of Stories of Bldg 2 FB	18 Prop No of Dwelling Units 6	By	Date
19 Date 1/04	20 Completion Date of work 06/01/05	21 Method of Removing Construction Debris ☒ Pick-up Truck ☒ Dumpster ☐ Other (specify)		22 Does the proposed work involve disturbing the earth or razing a building? ☒ Yes, answer q 23 ☐ No, SKIP q 23-27	
23 Area of disturbed ground greater than 50 sq ft? answer q. 24-25 SKIP q. 24-25	24 Soil Erosion Control Methods SEE NOTES	25 Area of Offsite Drainage N/A sq ft	26. No of Footings or Columns N/A	27 Size of Footings or Columns N/A	

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
Complete Section C if the proposed work is razing a building. (Page 2)
Complete Section D if the proposed work is a retaining wall. (Page 2)
Complete Section E if the proposed work is a fence. (Page 3)
Complete Section F if the proposed work is a shed/garage. (Page 3)
Complete Section G if the proposed work is an awning. (Page 3)
Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY					
	R	P	H	A	
M					236-D
P					
E					
F					
S					
					W ☐ Yes ☐ No
					PLANS
					☐ No ☐ Sm ☐ Lg

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A PERMIT CONTROL**

- ☐ 1 Fine Arts by _____ Date _____
- ☐ 2 Historic by _____ Date _____
- ☐ 3 Cap Gateway by _____ Date _____
- ☐ 4 NCPC _____ Date _____
- ☐ 5. WH/Obs Precinct by _____ Date _____
- ☐ 6 Flood Control by _____ Date _____
- ☐ 7 WMATA by _____ Date _____
- ☐ 8 Condem by _____ Date _____
- ☐ 9 Rental Accom by _____ Date _____
- ☐ 10 Chinatown Distr. by _____ Date _____
- ☐ 11 Utility Clearance by _____ Date _____
- ☐ 12 General Liability Ins. Policy
Clearance by _____ Date _____

B. CLEARANCE TO FILE PLANS

- ☐ 1 Zoning by: _____ Date _____
- ☐ 2 DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by _____ Date _____
- ☐ 3 DDOT - Consumer Engineer
Cleared by _____ Date _____
- ☐ 4 ERA - Erosion Control
Cleared by _____ Date _____

Restrictions of the Permit:

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL
INSTALLATION PERMITS ARE REQUIRED

TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639

C PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by _____ Date 11-3-06
- ☐ 2. Information Center by _____ Date _____
- ☐ (a) ABRA by _____ Date _____
- ☐ (b) Noise Control by _____ Date _____
- ☐ (c) Industrial Safety by _____ Date _____
- ☐ (d) Vector Control by _____ Date _____
- ☐ (e) D C Animal by _____ Date _____
- ☐ (f) Police Dept by _____ Date _____
- ☒ 3. Zoning by Page 0 Date 1/10/05
Zoning Update by _____ Date _____
Zoning Overlay approval by _____ Date _____
- ☒ 4. DDOT - Permit and Records Division/Deposit #
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by PD Date 2/2/05
- ☒ 5. Water/Sewer Design Branch
Consumer Eng. by Rice Date 2/4/05
- ☐ 6 Environmental Regulation Administration
☐ Environmental Policy Review
Control No _____ Date 2/1/05
☐ Erosion Control by: _____ Date _____
☐ Storm Water Mgmt by _____ Date _____
Plan No _____
- ☐ Air Quality by _____ Date _____
- ☒ Underground Storage by _____ Date 2/1/05
- ☒ 7. Mechanical Eng. Review by AM Date 2/1/05
- ☒ 8 Plumbing Eng. Review by _____ Date _____
- ☒ 9 Electrical Eng Review by: Qelub Date 1-28-05
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by _____ Date _____
☐ (b) Medical X-Ray Plan Rev.
by: _____ Date _____
- ☒ 11 Fire Protection Plan Review
by: AD Date 1/18/05
- ☐ 12 D.C. Fire Dept (Fire Prevention Plan Review Section)
by: _____ Date _____
- ☐ 13. Elevator Plan Rev Sec. by _____ Date _____
- ☐ 14. Plumbing Insp Rev. by: _____ Date _____
- ☐ 15. Construction Insp. Branch (Field Check)
by _____ Date _____
- ☐ 16 Historic Pres Div by _____ Date _____
- ☒ 17 EISF. AM Date 1/16/05
- ☒ 18 Structural Eng by AM Date 2/2/05
- ☐ 19. Permit and Certificate Issuance Counter
by: CYA Date 2-2-05
- ☐ 20. QC By B Date 2-2-05

ZONING

C of O Number _____ Date _____

Existing Use(s) Apt House

Proposed Use _____

- ☒ New Bldg
☒ P.O.D
☐ File in
room 2124

6 units
2 parking spaces
interior work only

Job No 236-D BZA Case No _____ PUD Order No _____

DDOT - PUBLIC SPACE

Street Name _____

Street Width _____

Road Width _____

Sidewalk Width _____

Parking _____

Restrictions _____

P.O.D

4

*** GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION GOVERNMENT

BUILDING PERMIT

Reg# 3 04/13/05 at 16:10 0177 04
Receipt# 160790 Amount \$****140.00

PERMIT NO. B471488

Date 4/13/05 (Type) ADDITION

Address of work 1124 "E" STREET N.E.

Permission is hereby granted to

UNDAKACHEN TRESAYE
who is authorized to perform the work described herein at the
address shown above in strict accordance with the conditions
stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

ENCLOSURE OF (OPEN) BALCONY -- CONVERTING INTO BEDROOM.
DUCTWORK AND ELECTRICAL INCLUDED. REARRANGING THE UNIT.

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED.

Builder - PERMIT AUTHORIZE CONSTRUCTION BETWEEN THE HRS. 7:00 AM - 7:00 PM
Width of Bldgs. SATURDAYS. AFTER HOURS PERMIT ARE REQUIRED FOR TIME AFTER 7:00 PM SUN
Zone R-4 WARD: 6
Height of terrace above grade
To be occupied as APT. / RESIDENTIAL

Address of owner 7050 SOLOMON SEAT CT. SW LENOXFIELD VA. 22151

Deposit No. Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

(Owner)
NO.

DATE

FEE PAYABLE

\$ 140.00

TOTAL PERMIT FEE \$

FILING FEE \$

BUILD. STRUCTURE & EQUI
Loft 4 Square 984

FOR INSPECTIONS CALL 727-7562 * 442-4641

Projections:

Chief, Permit Issuance Branch

By

E. KING

Permit Clerk

PATRICK CANAVAN ACTING DIRECTOR

DIRECTOR

P
E
R
M
I
T

*** GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

Reg# 3 04/13/05 at 16:10 017-04
Receipt# 160790 Amount \$****140.00
PERMIT NO. B471488

Date 4/13/05 (Type) ADDITION
Address of work 1124 "E" STREET N.E.

BUILD. STRUCTURE & EQUI
Lot# 4 Square 984

Permission is hereby granted to

TOTAL PERMIT FEE \$
FILING FEE \$

INDIA YACHTEN TRISTAYE
who is authorized to perform the work described herein at the
address shown above in strict accordance with the conditions
stated on BOTH sides of this permit.

(Owner)
NO.

DATE

FEE PAYABLE

\$ 140.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL 727-7562* 442-4641

ENCLOSURE OF (OPEN) BALCONY -- CONVERTING INTO BEDROOM.
DUCTWORK AND ELECTRICAL INCLUDED. REARRANGING THE UNIT.

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED.

THIS PERMIT AUTHORIZE CONSTRUCTION BETWEEN THE HRS. 7:00 AM - 7:00 PM
Width of Bldgs. SATURDAYS. Length HOURS PERMIT ARE REQUIRED FOR TIME AFTER 7:00 PM SUN.
Zone R-4 WARD: 6 To be occupied as APT. / RESIDENTIAL
Height of terrace above grade

Address of owner 7050 SOLOMON SEAT CT. SPRINGFIELD VA. 22151
Deposit No. Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

By E. KING

Chief, Permit Issuance Branch

Permit Clerk

PATRICK CANAVAN ACTING DIRECTOR

DIRECTOR

P
E
R
M
I
T

05-00080

3

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	R-4			By:
H.P.A. No:	S.L. No:	Ward No: 6	Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
Tel 202-442-4589 Fax 202-442-4862

BLRA-33
(Rev. 2/04)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
By _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 1124 E ST. N.E.		Suite No.	2 Lot 44	3 Square 984	4 Application Date 3/30/05
WASHINGTON, D.C.		6 Address (include Zip Code) 7050 SOLOMON SEAT CT.			7 Phone 571-277-8381
5 Owner of Building or Property ENDALKACHEW TEFAYE		8 Address (include Zip Code) SIL. FLD. VA. 22152			9. Address (include Zip Code) 13017 PANTON DR.
8 Agent for Owner: (if applicable) S. Freeman		Upper Marlboro, Md. 20774			10. Phone 240-304-4751
11. Type of Proposed Work (check all applicable boxes) ☒ New Building ☒ Addition ☐ Alteration and Repair ☐ Raze Building ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☐ Sign ☐ Projection ☐ Other (Specify) _____ *False statements or misrepresentation of facts on a permit application and/or plans is subject to criminal penalties pursuant to DC law 22-2405.*					
12. Description of Proposed Work ENCLOSURE OF OPEN BASEMENT, CONVERTING IT TO A BEDROOM. DUCTWORK & ELECTRICAL INCLUDED. REARRANGING THE UNIT					
13 Existing Use(s) of Building or Property RESIDENTIAL APT		14 Ex. No of Stories of Bldg 2 w Basement	15 Ex No of Dwelling Units	Official Use Only Miscellaneous FEE \$ 140 -	
16 Proposed Use(s) of Building or Property RESIDENTIAL APT		17 Prop No of Stories of Bldg 2 w Bas	18 Prop. No of Dwelling Units	By: [Signature]	Date: 4/13/05
19 Starting Date ASAP	20 Completion Date of work	21 Method of Removing Construction Debris ☐ Pick-up Truck ☒ Other (specify) Dumpster		22 Does the proposed work involve disturbing the earth or razing a building? ☐ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☐ Yes, answer q. 24-25 ☒ No, SKIP q. 24-25		24. Soil Erosion Control Methods		25. Area of Offsite Drainage sq. ft	26. No of Footings or Columns
				27 Size of Footings or Columns	

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
Complete Section C if the proposed work is razing a building. (Page 2)
Complete Section D if the proposed work is a retaining wall. (Page 2)
Complete Section E if the proposed work is a fence. (Page 3)
Complete Section F if the proposed work is a shed/garage. (Page 3)
Complete Section G if the proposed work is an awning. (Page 3)
Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY				
	R	P	H	A
M				
P				
E				
F				
S				
W ☐ Yes ☐ No				
PLANS				
☐ No ☐ Sm ☐ Lg				

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY)**A. PERMIT CONTROL**

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC by: _____ Date: _____
- ☐ 5. W.H./Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. Rental Accom. by: _____ Date: _____
- ☐ 10. Chinatown Distr. by: _____ Date: _____
- ☐ 11. Utility Clearance by: _____ Date: _____
- ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. DDOT - Consumer Engineer
Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
Cleared by: _____ Date: _____

Restrictions of the Permit:

**SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL
INSTALLATION PERMITS ARE REQUIRED.**

**TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639**

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: Wiggs Date: 3/28/05
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) ABRA by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: _____
- ☒ 3. Zoning by: Fay Date: 4/6/05
Zoning Update by: _____ Date: _____
Zoning Overlay approval by: _____ Date: _____
- ☐ 4. DDOT - Permit and Records Division/Deposit #
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
Control No. _____ Date: _____
by _____ Date: _____
- ☐ Erosion Control by: _____ Date: _____
- ☐ Storm Water Mgmt. by: _____ Date: _____
Plan No _____
- ☐ Air Quality by: _____ Date: _____
- ☐ Underground Storage by: _____ Date: _____
- ☒ 7. Mechanical Eng. Review by: JAA Date: 4-13-05
- ☒ 8. Plumbing Eng. Review by: JAA Date: 4-13-05
- ☒ 9. Electrical Eng. Review by: JAA Date: 4-13-05
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
☐ (b) Medical X-Ray Plan Review by: _____ Date: _____
- ☐ 11. Fire Protection Plan Review
by: _____ Date: _____
- ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date: _____
- ☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 14. Plumbing Insp Rev. by: _____ Date: _____
- ☐ 15. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 16. Historic Pres. Div. by: _____ Date: _____
- ☐ 17. EISF: _____ Date: _____
- ☒ 18. Structural Eng. by: RO Date: 4/13/05
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: Wiggs Date: 4/13/05

ZONING

C of O Number 43718 Date 7/15/04

Existing Use(s) Apartment house

Proposed Use 1st & 2nd floors

- ☐ New Bldg
- ☐ P.O.D.
- ☐ File in room 2124

Revision to Bldg permit #

B469531 issued 2/2/05 Enclose

Job No.

BZA Case No

PUD Order No.

DDOT PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

part of area within roofed
porch area.

5

E

ELECTRICAL PERMIT

BLDG PMT. B

PERMIT NO.

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

DATE : 5/12/2005

EL 97387

ADDRESS OF PROJECT:

PRCLID : **0984**
(square)

-0000- **0044**
(lot)

WARD: **6**

ZONE: **R4**

1124 E ST NE

OWNER'S NAME:

OWNER'S ADDRESS:

OWNER'S TELEPHONE NO.

ENDALKACHEW TESFAYE

7050 SOLOMON SEAL CT

CONTRACTOR'S NAME:

CONTRACTOR'S ADDRESS:

CONTRACTOR'S PHONE NO.

EMERGENCY SECURITY

**1109 K ST. N.E
WASHINGTON
DC**

Zip : **20002-**

BUS. **(202)546-4200 x**

FAX.

MASTER ELECTRICIAN:

LICENSE #

PHONE NO.

TALBERT E. DOWLING

0000000631

☐ NEW ☒ REMODEL ☐ REPLACEMENT ☐ REPAIR

CURRENT USE:

R2 APARTMENT

PROPOSED USE:

DESCRIPTION OF WORK:

1-800 AMP, 12 SMOKE DET., 12 LOW VOLTAGE.

FLOOR NUMBERS:

FEE :

\$647.00

32	OUTLETS	1	SERVICE/METER 401 - 800 AMP
30	LIGHTS	0	
6	CENTRAL A/C	0	
6	ELECTRIC RANGE	0	
6	CLOTHES DRYER		
6	GARBAGE DISPOSAL		
6	DISH WASHER		

This permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit. THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all electrical inspections, call 202-442-4843 or fax your request to 202-442-4863.

David A. Clark
DIRECTOR

PERMIT CLERK:

L. BARKSDALE

EXPIRATION DATE:

May - 12 - 2006

6

P

PLBG 99415

PLUMBING PERMIT

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

BLDG PMT. B469531

DATE : 6/15/2005

ADDRESS OF PROJECT:

1124 E ST NE

PRCLID : **(1984** **-0000-** **0044**
(square) (lot)
WARD: **15** ZONE : **R4**

OWNER'S NAME:

ENDALKACHEW TESFAYE

OWNER'S ADDRESS:

7050 SOLOMON SEAL CT

OWNER'S TELEPHONE NO.

CONTRACTOR'S NAME :

SCOTT PLUMBING

CONTRACTOR'S ADDRESS :

**7501 FINNS LANE
LANHAM
MD**

CONTRACTOR'S PHONE NO.

BUS. (301)459-3238 x

FAX.

MASTER PLUMBER :

JERONE SCOTT

LICENSE #

0000001317

4 BATH TUBS

6 WATER CLOSETS

4 WASHER BOX

4 SINKS

6 BASINS

4 DISHWASHER

4 WATER HEATERS

DESCRIPTION OF WORK :

FEE :

\$652.00

PROPOSED USE:

R2 APARTMENT

TYPE OF WORK :

This permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit. THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all plumbing inspections, call 202-442-4642 or fax your request to 202-442-4863.

**David A. Clark
DIRECTOR**

PERMIT CLERK:

LUCRETIA BARKSDALE

EXPIRATION DATE:

Jun - 15 - 2006

FILE COPY

7

AC

AIR CONDITIONING PERMIT

PERMIT NO.

AC 100899

BLDG PMT. B469531

DATE : 7/8/2005

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

ADDRESS OF PROJECT :

1124 E ST NE

PRCLID :

0984

(square)

-0000-

0044

(lot)

WARD : 6

ZONE : R4

OWNER'S NAME:

ENDALKACHEW TESFAYE

OWNER'S ADDRESS:

7050 SOLOMON SEAL CT

OWNER'S TELEPHONE NO.

CONTRACTOR'S NAME :

CACE MECHANICAL CORP

CONTRACTOR'S ADDRESS :

10133 PRINCE PLACE #404
UPPER MARLBORO
MD

CONTRACTOR'S PHONE NO.

BUS: (301)908-6561 x

FAX:

TYPE OF WORK:

REFURBISH

USE GROUP :

R2 APARTMENT

REFURBISH

EQUIPMENT TYPE:

(AIR CONDITIONING)

REFRIGERANT EFFECT/# NUMBER OF COMPRESSORS:

REFRIG. EFFECT: 0 - 120000 BTU/h:

1

EQUIPMENT MAKER :

GOODMAN

COOLING METHOD

☒

AIR

EQUIPMENT MODEL :

CP1E18-1

☐

WATER

TO BE INSTALLED : 0

TYPE OF REFRIGERANT:

R-22

CONDENSER LOCATION :

ROOF

DESCRIPTION OF WORK :

#A

FEE :

\$46.00

This permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all inspections, call 202-442-4460 or fax your request to 202-442-4863.

DAVID A. CLARK
DIRECTOR

PERMIT CLERK:

LUCRETIA BARKSDALE

EXPIRATION DATE:

Jul - 8 - 2006

AC

AIR CONDITIONING PERMIT

PERMIT NO.

AC 100900

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

BLDG PMT. B

DATE : 7/8/2005

ADDRESS OF PROJECT :

1124 E ST NE

PRCLID : **0984**
(square)

WARD : **6**

-0000- 0044
(lot)

ZONE : **R4**

OWNER'S NAME:

ENDALKACHEW TESFAYE

OWNER'S ADDRESS:

7050 SOLOMON SEAL CT

OWNER'S TELEPHONE NO.

CONTRACTOR'S NAME :

CACE MECHANICAL CORP

CONTRACTOR'S ADDRESS :

**10133 PRINCE PLACE #404
UPPER MARLBORO
MD**

CONTRACTOR'S PHONE NO.

BUS: (301)908-6561 x

FAX:

TYPE OF WORK :

**REFURBISH
REFURBISH**

USE GROUP :

R2 APARTMENT

EQUIPMENT TYPE :

(AIR CONDITIONING)

EQUIPMENT MAKER :

GOODMAN

COOLING METHOD

☒ AIR

TO BE INSTALLED : **0**

TYPE OF REFRIGERANT :

R-22

CONDENSER LOCATION :

ROOF

REFRIGERANT EFFECT# NUMBER OF COMPRESSORS:

REFRIG. EFFECT: 0 - 120000 BTU/h: **1**

EQUIPMENT MODEL :

☐ WATER

DESCRIPTION OF WORK :

#B

FEE :

\$46.00

This permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all inspections, call 202-442-4460 or fax your request to 202-442-4863.

**DAVID A. CLARK
DIRECTOR**

PERMIT CLERK:

LUCRETIA BARKSDALE

EXPIRATION DATE:

Jul - 8 - 2006

AC

AIR CONDITIONING PERMIT

PERMIT NO.

AC 100901

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

BLDG PMT. B

DATE : 7/8/2005

ADDRESS OF PROJECT :

1124 E ST NE

PRCLID :

0984

(square)

-0000-

0044

(lot)

WARD : 6

ZONE : R4

OWNER'S NAME:

ENDALKACHEW TESFAYE

OWNER'S ADDRESS:

7050 SOLOMON SEAL CT

OWNER'S TELEPHONE NO.

CONTRACTOR'S NAME :

CACE MECHANICAL CORP

CONTRACTOR'S ADDRESS :

10133 PRINCE PLACE #404
UPPER MARLBORO
MD

CONTRACTOR'S PHONE NO.

BUS: (301)908-6561 x

FAX:

TYPE OF WORK :

REFURBISH

USE GROUP :

R2 APARTMENT

REFURBISH

EQUIPMENT TYPE :

(AIR CONDITIONING)

REFRIGERANT EFFECT# NUMBER OF COMPRESSORS:

REFRIG. EFFECT: 0 - 120000 BTU/h: 1

EQUIPMENT MAKER :

GOODMAN

COOLING METHOD

☒

AIR

EQUIPMENT MODEL :



WATER

TO BE INSTALLED : 0

TYPE OF REFRIGERANT:

R-22

CONDENSER LOCATION :

GROUND

DESCRIPTION OF WORK :

#C

FEE :

\$46.00

This permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all inspections, call 202-442-4460 or fax your request to 202-442-4863.

DAVID A. CLARK
DIRECTOR

PERMIT CLERK:

LUCRETIA BARKSDALE

EXPIRATION DATE:

Jul - 8 - 2006

COPY

AC

AIR CONDITIONING PERMIT

PERMIT NO.

AC 100902

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

BLDG PMT. B

DATE : 7/8/2005

ADDRESS OF PROJECT :	PRCLID : 0984 (square)	-0000-	0044 (lot)
1124 E ST NE	WARD : 6	ZONE : R4	
OWNER'S NAME: ENDALKACHEW TESFAYE	OWNER'S ADDRESS: 7050 SOLOMON SEAL CT	OWNER'S TELEPHONE NO.	
CONTRACTOR'S NAME: CACE MECHANICAL CORP	CONTRACTOR'S ADDRESS: 10133 PRINCE PLACE #404 UPPER MARLBORO MD	CONTRACTOR'S PHONE NO. BUS: (301)908-6561 x FAX:	

TYPE OF WORK: REFURBISH REFURBISH	USE GROUP : R2 APARTMENT	REFRIGERANT EFFECT# NUMBER OF COMPRESSORS: REFRIG. EFFECT: 0 - 120000 BTU/h: 1
EQUIPMENT TYPE: AIR CONDITIONING)		
EQUIPMENT MAKER : OODMAN	COOLING METHOD ☒ AIR ☐ WATER	# TO BE INSTALLED : 0
EQUIPMENT MODEL :	TYPE OF REFRIGERANT: R-22	CONDENSER LOCATION: GROUND
DESCRIPTION OF WORK : D	FEE : \$46.00	

permit authorizes the contractor to perform the work described herein at the address shown above, under the conditions stated on this permit.
PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED. For all inspections, call 202-442-4460 or fax your request to 202-442-4863.

DAVID A. CLARK DIRECTOR	PERMIT CLERK: LUCRETIA BARKSDALE	EXPIRATION DATE: Jul - 8 - 2006
----------------------------	-------------------------------------	------------------------------------

COPY

8

LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DELORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DUPUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
JOHN PATRICK BROWN, JR.
LEWIS F. MORSE
ROGER D. LUCHS
JAMES D. SADOWSKI
DONALD F. HOLMES, JR.

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410

www.gdllaw.com

ABRIELLE B. ANDERSON*
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ALFRED M. GOLDBERG
JOSHUA M. GREENBERG
JARED S. GREENSTEIN*
MONIC Y. HALSEY
GUY R. JEFFRESS
M. RYAN JENNESS
MIRIAM HELLEN JONES
ISABEL P. SABIO**

OF COUNSEL
MICHAEL T. CREHAN

*ADMITTED IN MD ONLY
**ADMITTED IN VA ONLY

JPB@GDLLAW.COM

May 10, 2006

BY HAND DELIVERY

Mr. Geoffrey H. Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W., Suite 200
Washington, D.C. 20001

Re: BZA Appeal No. 17468
1124 E Street, N.E. (Square 984, Lot 44)

Dear Mr. Griffis:

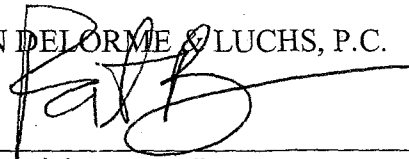
Yesterday, this firm filed Intervenor's Cross Appeal Against DCRA and Motion to Dismiss and Opposition to Appeal of ANC 6A. This pleading was filed without Exhibit 8 (Condominium Plat approved by Zoning Administrator) which, at that time was unavailable.

Enclosed please find an original and twenty (20) copies of Exhibit 8.

Thank you for your patience and cooperation in this matter.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: 

John Patrick Brown, Jr.

JPB:sp

Enclosure

cc: Mr. Joseph Fengler, Chair, ANC 6A
David Rubenstein, Esq., General Counsel, DCRA

289068v1

RECEIVED
D.C. OFFICE OF ZONING
2006 MAY 10 PM 3:35

#18

PLAT AND PLANS OF CONDOMINIUM SUBDIVISION
E STREET FLAT CONDOMINIUM
1124 E STREET, N.E.
WASHINGTON D.C.
LOT 44 SQUARE 984

CONDOMINIUM BOOK 354 PAGE 17
RECORDED TIME 1:30 PM
RECORDED DATE SEPTEMBER 7, 2005
SURVEY RECORDED ON ANNEX
PLATS 1 TO 3

Certification of Owner

In accordance with the Condominium Act of 1976, D.C. law 1-89, and Technical and Clarifying Amendment Act of 1992, D.C. law 9-82, the undersigned owner of Lot 44 in Square 984, as recorded in Subdivision Book 30 Page 67 among the land records of the Office of the Surveyors of the District of Columbia, hereby subdivides one building shown hereon into 6 Condominium Units and 2 parking Units with certain General and Limited Common Elements as more fully set forth in the Declaration and By-Laws of the project recorded in the Office of the Recorder of Deeds of the District of Columbia as Instrument Numbers 2005116643 and 2005116648 recorded on August 19, 2005

The undersigned owner further requests that the Condominium Project as shown on the attached Plat & Plans consisting of 3 sheets, be accepted for recordation in the Office of the Surveyor of the District of Columbia.

The undersigned owner, being duly sworn, hereby certifies, deposes and states that it is the record owner in fee simple of the above mentioned property, including improvements, and that no other person or persons other than the undersigned has any real interest or claim therein, that the Owner is in peaceful occupation thereof, there are no pending suits or actions affecting the title to said property including improvement that there is one trust against the property and that the use of the individual units conform to the applicable Laws and Regulations of the District of Columbia.

Subscribed and sworn to me this
this 18th day of July, 2005

Notary Public
My Commission Expires on 04/30/2009

Subscribed and sworn to me this
this 18th day of July, 2005

Notary Public
My Commission Expires on 04/30/2009

Registered Engineer's Certificate

I hereby Certify that these Plat & Plans are correct: That they represent a field survey made under my direction: That all of the units have been substantially completed, and that information shown herein is in conformation with the records of the Office of the Surveyors of the District of Columbia and comply with the requirements of the Condominium Act of 1976, D.C. Law 1-89.

7/14/05
DATE
Rajendra B. Lal
RAJENDRA B. LAL
DISTRICT OF COLUMBIA
PROFESSIONAL ENGINEER
REGISTERED NO. 7630



OFFICE OF TAX AND REVENUE
7-29-2005

SHIP CORRECT ACCORDING TO RECORDS OF THIS OFFICE 7-29-05
L. TAXES PAID TO 9-30-05
AID ARREARS 7-29-05
AID SPECIAL ASSESSMENTS 7-29-05

I KNOWLEDGE THAT THIS IS NOT A TAX
STATEMENT AS INTENDED BY D.C. CODE 47-405.

OWNER R. D. S.
BENCH MARK
SOUTHWEST CORNER BENTLEY ROAD AND 23rd PL., NE
NORTHEAST CORNER DOORILL (CAP TELEPHONE CO.)
FIELD BOOK: 4305 PC 81 MAP NO. 10-18
ELEVATION: 54.92 PER D.C. DEPARTMENT OF PUBLIC WORKS DATA

Survey and Plats by
KRIS CONSULTANT

1813 ELTON ROAD, ADELPHI, MD. 20783
TEL: (301) 439-1891 FAX: (301) 439-5636
EMAIL: ENTER1813@AOL.COM

**DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS**

I HEREBY CERTIFY THAT THIS CONDOMINIUM SUBDIVISION
COMPLIES WITH THE ZONING REGULATIONS OF THE
DISTRICT OF COLUMBIA.
ZONING R-4

Travis Palmer
ZONING ADMINISTRATION
REGULATIONS DIVISION

CERTIFICATION OF OFFICE OF THE SURVEYOR, D.C.

OFFICE OF THE SURVEYOR, D.C.
September 7, 2005
THESE PLAT AND PLANS ARE ACCEPTED FOR RECORDATION IN ACCORDANCE WITH THE CONDOMINIUM
ACT OF 1976 TECHNICAL AND CLARIFYING AMENDMENT ACT OF 1992 D.C. LAW 9-82

Robert D. Smith
SURVEYOR, D.C.

SHEET 1 OF 3

9

LOURENCO CONSULTANTS

5016 Connecticut Avenue, NW
Washington, DC 20008-2023

(202) 966-0042
(202) 966-1534 Fax
AL@Lourenconsult.com

Inspection Report # 051238

Rev. 05/05

LCI Project # _____

Date: 12-30-05

Address of Inspection: 1124 E 5th NE Suite: _____

Permit Number: PLBG 99415 Requestor: _____

Inspection Discipline: ☐ Bldg. ☒ Plbg. ☐ Mech. ☐ Elec.
☐ Fire ☐ F/A only ☐ F/S only
☐ Other: _____

Type of Inspection: ☐ Groundwork ☐ Rough-in ☐ Concealment ☒ Final
☐ Occupancy ☐ Other: _____

Inspection Results: Per U & O

Action Required: _____

☒ Approved ☐ Disapproved ☐ Could not inspect ☐ Canceled
☐ Other: _____ Approval Sticker #: PF 4476

Approved plans on site: ☒ Yes ☐ No ☐ N/A
Items matched plans: ☒ Yes ☐ No ☐ N/A
Is revision required? ☐ Yes ☒ No ☐ N/A
"As-built" plans required: ☐ Yes ☒ No ☐ N/A

Inspected by: M L Date: 12-30-05

Professional-In-Charge: _____ Date: _____

Received by: _____ Date: _____

Reviewed by: _____ Date: _____

LOURENCO CONSULTANTS

5016 Connecticut Avenue, NW
Washington, DC 20008-2023

(202) 966-0042
(202) 966-1534 Fax
AL@Lourenconsult.com

Inspection Report #051230-1

Rev. 05/05

LCI Project #: _____

Date: 12-30-05

Address of Inspection: 1124 5th NE Suite: _____

Permit Number: AC 100902 Requestor: _____

Inspection Discipline: ☐ Bldg. ☐ Plbg. ☒ Mech. ☐ Elec.
☐ Fire ☐ F/A only ☐ F/S only
☐ Other: _____

Type of Inspection: ☐ Groundwork ☐ Rough-in ☐ Concealment ☒ Final
☐ Occupancy ☐ Other: _____

Inspection Results: For U+O
Units A, B, C, & D

Action Required: _____

☒ Approved ☐ Disapproved ☐ Could not inspect ☐ Canceled
☐ Other: _____ Approval Sticker #: MF 1460

Approved plans on site: ☒ Yes ☐ No ☐ N/A
Items matched plans: ☒ Yes ☐ No ☐ N/A
Is revision required? ☐ Yes ☒ No ☐ N/A
"As-built" plans required: ☐ Yes ☒ No ☐ N/A

Inspected by: [Signature] Date: 12-31-05

Professional-In-Charge: _____ Date: _____

Received by: _____ Date: _____

Reviewed by: _____ Date: _____

10

E

FL 97387

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

EF- 10337

BUILDING AND LAND REGULATION ADMINISTRATION
THIRD-PARTY INSPECTIONS PROGRAM

ELECTRICAL INSPECTION

FINAL APPROVAL

Restrictions:

for ETO A, B, C, & D units
only

☐ None

☒ Hang up to be completed

Address 1124 Eth NE Floor

Date 1-17-06 Inspector (print) McCormick

Insp. No. 1 Signature M^c McCormick

Insp. Agency LCI

B

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BF- 10066

BUILDING AND LAND REGULATION ADMINISTRATION
THIRD-PARTY INSPECTIONS PROGRAM

BUILDING INSPECTION

FINAL APPROVAL

Restrictions:

For use for V&O Units A, B, C, & D only

☐ None

☒ Heavy Up to be completed

Address 1124 Est NE

Floor

Date 1-12-06

Inspector (print)

McConne h

Insp. No. 1

Signature

McConne h

Insp. Agency

LCI

12

B

BF- 10906

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
THIRD-PARTY INSPECTIONS PROGRAM

BUILDING INSPECTION

FINAL APPROVAL

Restrictions:

☒ None

☐

Address

1124 E 5th NE

Floor

Basement 2 units

Date

7/21/96

Inspector (print)

R. G. Conner

Insp. No.

1

Signature

R. G. Conner

Insp. Agency

LCI

13

BF- 10908

BUILDING INSPECTION

Restrictions:

Fire Protection

☒ None

☐

Address

1124 E 5th NE

Floor

A & F

Date _____

2/23/06

Inspector (print)

Russ Grant

Insp. No.

改

Signature

R. J. Blomquist

Insp. Agency

RC

14

P

DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

PF- 3913

THIRD-PARTY INSPECTIONS PROGRAM
PLUMBING INSPECTION

FINAL APPROVAL

Restrictions:

☒ None



Address 1124 ESTATE Floor EEF
Date 7/23/06 Inspector (print) R. W. A. Conner
Insp. No. 26 Signature R. W. A. Conner
Insp. Agency LC

15

E

EF- 10419

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
THIRD-PARTY INSPECTIONS PROGRAM

ELECTRICAL INSPECTION

FINAL APPROVAL

Restrictions:

☐ None

1

Address

1124 E ST NE

Floor

2nd

Date

2/23/06

Inspector (print)

R. W. O'Connell

Insp. No.

22

Signature

R. W. O'Connell

Insp. Agency

LCI

16

M

DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

MF- 1446

THIRD-PARTY INSPECTIONS PROGRAM
MECHANICAL INSPECTION

FINAL APPROVAL

Restrictions:

☒ None ☐

Address 1624 E 51st St Floor EIF
Date 2/29/06 Inspector (print) Rick O'Connell
Insp. No. 25 Signature Rick O'Connell
Insp. Agency LCI

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DCRA to Revoke E St. Condo Permits

BY GARY EMERLING

The Department of Consumer and Regulatory Affairs said it plans to revoke the certificate of occupancy for an E Street townhouse converted into six condominiums in an effort to amend what residents say was an agency error that allowed the illegal conversion in the first place.

"You may see with the work that we're doing as we get into the neighborhoods and staff up, especially in zoning, you may see more of this where we're taking action in areas where these things are being brought to our attention," department spokeswoman Linda Argo said. "And hopefully they're brought to our attention and we catch some of this stuff earlier."

The problem began when regulatory department issued permits to expand the townhouse — located at 1124 E St., NE — from three to six units, according to Joe Fengler, head of the Northeast Capitol Hill advisory neighborhood commission.

The building — which normally would only be able to house two units — was issued a certificate of occupancy for three units prior to 1958, when city zoning laws were changed. It was then grandfathered into compliance with city code. An occupancy certificate was not issued for the remaining three condos.

However, city regulations state that each unit must be allotted at least 900 square feet. The entire lot is only 1,710 feet, and legally could only accommodate three units because of its grandfathered status.

"Once it was brought to my attention and I reviewed it, that's where I realized the building permit was issued in error," city Zoning Administrator Bill Crews said. "It should not have been issued."

The lot also must have at least one parking space that measures 9 feet wide by 19 feet long for every three units. Crews said the spaces at the condominiums do not comply with the regulations.

"They're not long enough," he said. "There's a limit on how steep the driveway can be and this driveway is steeper than allowed. In effect they don't comply with the parking requirements."

Despite these violations, Fengler and area residents said construction continued at the site until the units were completed, rendering the regulatory department responsible for issuing the permits in the first place, and then doing nothing to rectify the error.

“One of my main sources of aggravation with this whole thing is the city did nothing, nothing, nothing,” said a resident near the townhouse who did not want to be identified. “I’m a little concerned that a developer comes in and isn’t worried about the neighborhood and the city says that’s fine.

“It sends the absolute wrong message.”

Residents also said workers ignored two stop-work orders issued by the regulatory department — one to discontinue work on Sundays and one to stop working until an electrical permit was obtained.

The owner of the lot, listed as Endalkachew Tesfaye, could not be reached for comment.

However, Phil DiRuggiero, a Realtor for Urban Land Company, which is selling the units at the site, said three of the condos are already under contract and that he was not aware of the zoning violations.

“I hadn’t heard of that,” he said. “I’m hired to sell the units as the seller describes them to us ... anything that we have we have documents approved by the city, and if the city has approved it, that’s what they’ve done.”

Crews said penalties for violating the stop work orders are under review by regulatory department staff, but that enforcing Sunday stop-work orders can be “hit-and-miss,” meaning it can be hard to catch construction crews in the act.

The developer also may not face penalties for the electrical permit order, because one was obtained after the order was issued, putting the developer back in legal compliance.

However, Crews and Argo both said they are requesting the department’s general counsel to prepare a notice of intent to revoke the certificate of occupancy at the townhouse and hope to have the issue resolved in the near future.

“It’s gone on long enough,” Crews said.

Meanwhile, Fengler and the advisory commission have filed an appeal with the Board of Zoning Adjustment, stating that the regulatory department erred in issuing permits at the site and requesting a formal review by zoning board to either uphold or repeal the department’s actions.

“Our commission understands why DCRA would want to avoid a lawsuit for negligence, [but] we believe the developer has responsibility to build in compliance with the zoning code,” Fengler said. “The zoning regulations on the Web and in this case are very clear.”

Fengler said the appeal has been placed on the zoning board agenda and is scheduled to be heard in May.