



ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Jacqueline Arguelles
ANC 1A02 - Calvin Woodland
ANC 1A03 - Alex Hogan
ANC 1A04 - Betty Pair
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ANC 1A11 - Dotti Love Wade

November 14, 2007

Board of Zoning Adjustment
One Judiciary Square, second floor south
Washington, DC 20001

Vertical stamp: RECEIVED NOV 15 2007

To Whom It May Concern:

This letter is written with regards to the report of ANC1A on BZA case 17671, concerning the building permit for the property located at 1432 Monroe Street, NW.

At its November 14th, 2007 meeting, for which due notice was given and a quorum of 8 Commissioners were present, ANC1A voted 8 in favor, 0 opposed, with 0 abstentions to approve attached response to the District of Columbia's motion to dismiss BZA case 17671.

Sincerely,

Signature of Dotti Love Wade
Dotti Love Wade, ANC1A11
Chair

Signature of Anne Theisen
Anne Theisen, ANC1A05
Vice Chair
Chair, ANC1A Planning Zoning Committee

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17671
EXHIBIT NO. 18



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**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, NW
Washington, DC 20001**

**ANC1A Response to the District of Columbia's
Motion to Dismiss regarding BZA Appeal No. 17671.**

The notices sent by DCRA to inform Advisory Neighborhood Commissions of which building permits have been issued contain minimal information, at best. The announcements include the date of the permit's issuance, the permit number, the address and location of the lot, and a brief description of the work being done. These notices do not provide enough information to make any determination as to whether or not a permit was issued in error or whether a project is compliant with zoning laws.

DC taxpayers should reasonably be able to expect the Office of the Zoning Administrator and DCRA to adequately perform their duties so that no project will be approved and permitted if it is not compliant with zoning regulations. The project at 1432 Monroe Street, NW was permitted in error, and ANC1A's BZA appeal 17671 should continue, as it was filed in a timely manner in accordance with DC's Zoning Laws.

In Zoning Case Number 02-01, section 3112.2 (a), from September 9, 2002, the Zoning Commission ruled that, "An appeal shall be filed within sixty days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of. ..." ANC1A had knowledge of the problems with the project at 1432 Monroe Street, upon receipt of the project plans that show that the construction drawings exceed FAR, lot coverage, height, set back of rooftop elements, and show an illegal closed court but no parking.

Section 3112.2 (b) of the same case states that, "If the decision complained of involves the erection, construction, reconstruction, conversion, or alteration of a structure or part thereof, the following subparagraphs shall establish the latest date on which an appeal may be filed:

b. No appeal shall be filed later than ten days after the date on which the structure or part thereof in question is under roof. For purposes of this subparagraph, the phrase "under roof" means the state of completion of a structure or part thereof when the main roof of the structure or part thereof, and the roofs of any structures on the main roof or part thereof, are in place.

Therefore, as this project is not yet under roof, we have ample time yet to file our appeal.

In its conclusions of BZA Appeal 16879 regarding Sunrise Assisted Living, LLC, the BZA determined that it "is authorized under the Zoning Act of 1938, approved June 20, 2938 (52 Stat. 797, 799; DC Official Code 6-641.07 (f) and (g)(1) (2001), to hear and decide appeals where it is alleged by an appellant that there is an error in any decision by an administrative official in the carrying out of enforcement of the Zoning Regulations."

I include a memo from the Director of DCRA acknowledging that an error was made in the decision to grant this permit, as the plans exceed FAR. We contend there are other violations of zoning restrictions, as well.

Certainly, it cannot be reasonably argued that appeals must be filed within sixty days of a permit being issued. If that were the case, DC residents or their ANC Representatives would have to request and review every building permit, as it is issued, and compare it to the permitted plan set in order to ensure that the Office of the Zoning Administrator has done its job correctly. Expecting the community to perform reviews of this depth places an undue burden on the ANC and taxpayers. It also has the potential to place an undue burden on the BZA, as it could encourage more appeals, motivated by the need to meet an extreme definition of "timely".

Accepting as correct DCRA'S interpretation of this ordinance would make it nearly impossible for anyone to meet the sixty day requirement. This interpretation might even encourage developers to hold off on actual construction in order to forgo a possible appeal of their plans.







In the case of this particular appeal, ANC1A tried for weeks to get copies of the building plan set, and DCRA was unable to provide one. How were we to determine a problem with the permit without a plan set to review? As we were finally issued a complete plan set for review by DCRA on May 4th, certainly a May 11th filing can be considered timely.


Respectfully submitted,



Anne Theisen, Commissioner of ANC1A05
Vice Chair, ANC1A
Chair, ANC1A Planning and Zoning Committee

Start Date	End Date	Address	City	State	Dir	Lat	Long	Area	Count	Description	Category	Value	Company	Phone
12/21/2006 07:49:48	97549	1221	HARVARD	ST	NW	2853	43	1		CONVERSION AND RENOVATION OF SINGLE FAMILY RESIDENTIAL STRUCTURE TO (2) CONDOMINIUM FLATS. FULL GUT RENOVATION TO STRUCTURE RENOVATION TO INCLUDE ARCHITECTURAL FINISHES, MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS	use change	\$280,000.00	Cade Construction, LLC	79944
12/21/2006 12:44:31	101821	2301	CONNECTICUT	AVE	NW	2540	2005	1		RENOVATION TO EXISTING CONDO UNIT #5C. AS PER ATTACHED DWGS. INTERIOR ONLY.	ALTERATION AND REPAIR	\$106,000.00	ANN ELWAN	79973
12/21/2006 15:19:31	100954	3501	14TH	ST	NW	2827	806	1		INTERIOR RENOVATION ON EXISTING OFFICE BUILDING. Laminate existing walls and ceiling basement (approx 56 sheets) relocate electric meter from inside to outside	ALTERATION AND REPAIR	\$167,500.00	MARIA E. AYALA	79994
12/22/2006 10:49:52	102060	2905	11TH	ST	NW	2657	126	1		REPAIR AND RENOVATION.	ADDITION/ALTERATION/REPAIR	\$17,000.00	Joyce Roberts KALORAMA 3308	80038
12/22/2006 12:10:07	101117	1816	KALORAMA	RD	NW	2553	29	1		LOAD CHANGE. DEMO REAR THIRD STORY OF HOUSE & BUILD THIRD STORY ADDITION & DECK AND INTERIOR ALTERATIONS AND REPAIRS AS PER PLANS.	ADDITION/ALTERATION/	\$211,200.00	'ASSOC. LLC	80059
12/22/2006 12:30:34	94484	2240	CATHEDRAL	AVE	NW	2206	64	1		Change of use from SFD to two family flat provide egress, fire spe. Electrical as required, remove interior stair between basement 1st floors create closet	ADDITION/ALTERATION/	\$24,500.00	ROBERT MORRIS	80065
12/22/2006 14:19:45	100967	1419	MERIDIAN	PL	NW	2684	530	1		PARTIAL DEMO OF INTERIOR WALL, INSTALL NEW LVL BEAM. NO MECHANICAL, ELECTRICAL OR PLUMBING.	ADDITION/ALTERATION/	\$10,000.00	Dan Reeves	80091
12/22/2006 14:57:52	102256	1758	LANIER	PL	NW	2580	485	1		REBUILD EXISTING DECK WITH NEW ROOF ABOVE.	ALTERATION AND REPAIR	\$500.00	ANDREW W DEUTZ	80094
12/26/2006 08:16:05	101380	1210	EUCLID	ST	NW	2865	78	1		Interior Renovations/ two story rear addition	ALTERATION AND REPAIR	\$2,000.00	KULEWICZ	80120
12/26/2006 08:21:16	101021	775	COLUMBIA	RD	NW	2890	110	1		Two stories scaffolding in rear of house for tuck pointing	ADDITION/ALTERATION/	\$25,000.00	Mohamoud Ali	80121
12/27/2006 09:40:45	102306	1011	S	ST	NW	334	24	1		RENOVATION TO EXISTING MCDONALDS RESTAURANT. THRID PARTY REVIEW. Building permit revision to permit # 101288 to alter plumbing riser diagram	ADDITION/ALTERATION AND REPAIR	\$500.00	Bob Holum	80176
12/27/2006 11:38:48	95896	2334	GEORGIA	AVE	NW	2877	1033	1		DEMOLITION & REPAIR OF WORK IN BASEMENT DUE TO WATER & MOISTURE DAMAGE. TO INCLUDE REPLACEMENT OF DRYWALL, CARPET, BASEBOARD & INTERIOR-DOORS.	ALTERATION AND REPAIR	\$482,000.00	MCDONALDS, USA	80188
12/28/2006 08:11:15	102340	2780	WOODLEY	PL	NW	2208	70	1		Underpinning of structure per attached plans	Revision	\$0.00	Sharl Wilson	80227
12/28/2006 15:23:10	102362	1207	CLIFTON	ST	NW	2865	41	1		RENOVATION, ADDITION & CONVERSION OF EXISTING SFD TO A 4 UNIT APT. BLDG, NEW ELEC. PLBG, & HVAC.	DEMOLITION UNDERPINNING	\$1,500.00	PABLO MARTINEZ 1830 18th Street NW LLC	80241
12/28/2006 17:27:42	96575	1830	18TH	ST	NW	0132	0251	1				\$48,650.00		80247
12/15/2006 10:25:46	90426	1432	MONROE	ST	NW	2676	762	1			ADDITION/ALTERATION/	\$175,000.00	PETER DABROWSKI	79507

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 You forwarded this message on 11/13/2007 8:01 PM.

From: Argo, Linda (DCRA)
[Linda.Argo@dc.gov] Sent: Tue 11/13/2007 6:32 PM
To: Theisen, Anne (ANC 1A05)
Cheh, Mary (COUNCIL); Faust,
Cc: Jeremy (COUNCIL); LeGrant, Matt
(DCRA); Rogers, Eric (DCRA); Vargas,
Heather (DCRA)
RE: AN URGENT MATTER
Subject: REGARDING 1432 MONROE
STREET, NW
Attachments:

[View As Web Page](#)

Commissioner Thiesen:

I have asked Zoning Administrator (ZA) Matthew Le Grant to contact you and set up a meeting following the Thanksgiving holiday. As you know the BZA continued the ANC's appeal to January 15th, 2008. Well before that meeting the ZA received a commitment from the property owner to correct the plans - which all parties agree show that excessive Floor Area Ratio (FAR) was incorrectly approved - to reduce this excess FAR. Although there are other issues with the plans, Mr. Le Grant is willing to meet with you so that we can resolve as many of the issues as possible, or at least "agree to disagree" on those issues which the BZA will have to ultimately decide. Finally, before any revised building permit is issued to reflect revised plans, Mr. Le Grant will offer you and other interested neighbors a chance to review the plans.

I hope this information is helpful.



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CERTIFICATE OF SERVICE

Case 17671

I hereby certify that a copy of the foregoing ANC1A response to the District of Columbia's Motion to Dismiss was served by e-mail this 20th day of November to the following:

Robert Cooper, Esquire
Cooper and Crickman
rcooper@cocrlaw.com

Matthew LeGrant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Matthew.legrant@dc.gov

Dennis M. Taylor
General Counsel
Department of Consumer and Regulatory Affairs
Dennis.taylor@dc.gov

Anne Theisen, ANC1A05 Commissioner
Vice Chair, ANC1A
Chair, ANC1A Planning and Zoning Committee