

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



February 12, 2008

Anne Theisen, Commissioner
Advisory Neighborhood Commission 1A
2905 11th Street, N.W.
Washington, D.C. 20001


Re: BZA Appeal No. 17671 (1432 Monroe Street, N.W.) ANC 1A

Dear Ms. Theisen:

The Office of Zoning received your letter (attached) on February 11, 2008, withdrawing the above-cited appeal. Please be advised that pursuant to subsection 3113.10 of the Zoning Regulations your appeal is hereby **WITHDRAWN**. No further action will be taken on this appeal.

If you have any questions, please call Richard S. Nero Jr., Deputy Director of Operations at (202) 727-6311.

SINCERELY,


JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attachment

cc: Ward One, Councilmember Jim Graham
rsn

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17671

EXHIBIT NO. 26

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

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E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

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ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Jacqueline Arguelles
ANC 1A02 - Calvin Woodland
ANC 1A03 - Alex Hogan
ANC 1A04 - Betty Pair
ANC 1A05 - Anne Theisen

ANC 1A06 - Samuel Johnson
ANC 1A07 - Larry Ray
ANC 1A08 - Janisha Richardson
ANC 1A09 - Donny Gonzalez
ANC 1A10 - Lamwood Johnson
ANC 1A11 - Dotti Love Wade

February 11, 2008

Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Appeal No. 17671

Dear Members of the Board of Zoning Adjustment:

It is with great reluctance that ANC 1A withdraws its appeal in the captioned case, as DCRA has not provided a set of fully stamped drawings on which its new permit for the project (Building Permit No. 114636) was based.

Although DCRA provided a set of drawings that appear to resolve each matter raised by the ANC in Appeal No. 17671, only the cover sheet is stamped. We reiterate our position that normal practice and policy is for each relevant sheet to be stamped to ensure that it has been reviewed and approved by the respective discipline, as is the case with life/safety on the drawings provided to the ANC. Such a procedure is the only way to ensure that any future construction will conform to the revised set and the only way to deter potential fraud.

In withdrawing this appeal, ANCIA notes that its appeal appears to have resulted in a correction of the six areas in which the Zoning Administrator erred in approving Building Permit No. 90426. However, we also note that it took the ZA more than six months after the filing of the appeal to correct the error, while never acknowledging the error to the BZA – in fact, doing just the opposite by defending the appeal. ANCIA is also troubled by the fact that council for DCRA worked diligently to prevent this case from being heard at all, thereby, attempting to deny the right of appeal to the taxpaying residents living near this project.



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ANC 1A10 - Lenwood Johnson
ANC 1A11 - Dotti Love Wade

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANC1A filing to the DC BZA was served by e-mail this 11th day of February, 2008, 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

While each and every page of the plans used to approve during 1998-1999 were not stamped and signed by the Office of the Zoning Administrator, ANCIA expects that each and every page submitted to its office be treated as the final plan as though signed by the Zoning Administrator with all the same legal restrictions and responsibilities. ANCIA also expects no further changes to plans will be.

Respectfully,



Aune Theisen
Vice Chair, ANC 1A

cc: Mayor Adrian Fenty
Councilmember Vincent Gray
Councilmember Jim Graham
Councilmember Mary Cheh
Councilmember Phil Mendelson
Linda Argo, Director of DCRA