

May 11, 2007

Re: Building Permit # 90426, 1432 Monroe Street, NW

Appeal of the November 6, 2006 Decision of the Zoning Administrator to permit:

Conversion of 1432 Monroe Street, NW from Residential One/Two Family to Residential Multi-Family in the R-5-B zone

Summary of Grounds for Appeal:

1. Allowable height exceeded (Section 400.1)

The height of residential buildings or structures in an R-5-B district shall not exceed 50 feet.

The permitted drawings indicate a building height exceeding 50 feet with a cornice line that is "variable" and a building section that incorrectly reflects the relationship of the top of the sidewalk to the building dimensions.

Rooftop elements not set back from exterior walls. (Section 400.7)

Additionally, rooftop elements exceeding 50 feet in height are not properly setback from the exterior walls.

2. Allowable Lot Occupancy exceeded (Section 403.2)

The allowable lot occupancy for a multi-family structure in the R-5-B zone is 60%. The proposed building as permitted exceeds the allowable 60% lot occupancy because the applicant's calculations incorrectly portray both the size of the building lot and the footprint of the proposed building.

Additionally, because the closed court exceeds the minimum required dimensions, it should also be counted toward lot occupancy. We calculate the actual lot occupancy to be approximately 70%.

3. No parking indicated in plans (Section 2100.2):

No application for a building permit for a building or structure to be erected on or after May 12, 1958 shall be approved unless there is included with the plans for the building or structure a parking plan showing the location, dimensions, and grades of all parking spaces and approaches thereto in accordance with the provisions of this chapter.

Parking Requirement (Section 2101.1)

An apartment house or multiple dwelling in the R-5-B zone requires one parking space for every two dwelling units. The project includes four dwelling units, and therefore requires two parking spaces.

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percent (10%) of the width standard; provided, that: (a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection; and (b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.

History of Neighborhood involvement:

Timely Filing: This appeal is filed on May 11, 2007, approximately 35 days following the time we first attempted to view the permitted drawing set for this project and within a week after we became reasonably certain of a problem with the permit upon reviewing the drawings, and thus the appeal is timely filed.

Detailed History:

1. The Zoning Administrator approved the project for zoning on November 6, 2006.
2. The project received final permits on December 15, 2006.
3. **Construction activity became apparent at the site during the first week of April 2007.**
4. On April 3, 2007, the residents of Monroe Street became aware of construction activities at 1432 Monroe Street that we suspected might not meet the requirements of the R-5-B zoning in effect for that lot. The entire back of the building had been removed and the contractor began to lay out a foundation that extended to the rear property line at the alley. Additionally, the foundation wall along the adjacent property appeared to encroach on the neighbor's property.
5. On April 4, 2007, I contacted the zoning administrator asking for his help in securing the drawings or in answering our concerns about the project.
6. On April 5, 2007, the residents of Monroe Street contacted DCRA to make an appointment to view the drawings for the project; the appointment was scheduled for April 9, 2007 by an employee named Mabel.
7. On April 9, 2007, we arrived for our scheduled appointment at DCRA to review the drawings for the project. Mabel indicated when we arrived that she had no knowledge of our appointment or her agreement to pull the drawings for our review. At that point in time, she searched in the office for the drawings, but was able to produce only a partial set while we waited. We reviewed the partial set, which left us unable to determine whether the project met the applicable zoning, although the building appeared to be too tall and too large for the site based on the dimension strings noted on the drawing set.
8. Also on April 9, 2007, I once again left messages for the zoning administrator who put me in contact with Ms. Jeanette Anderson of his office. Ms. Anderson contacted me and assured me that an inspector would be sent out within a week, but I never heard back. When I phoned the following week, I got voice mail, and played telephone tag with Ms. Anderson for the next week. I called the illegal construction inspection office directly on April 19, 2007, inquiring about the inspection that was supposed to have occurred and left a message for Tomeka Jones. I never heard back from Ms. Jones. Finally, I appealed to the mayor's office and to Councilmember Mary Cheh. At that point we got a response.

9. Between April 19, 2007 and May 4, 2007, we worked with DCRA to get the drawings and developed a dialog of the problem. When we finally received the drawings, we realized that no plat was included, and the drawings have confirmed what we suspected, which is that the project exceeds allowable height, lot occupancy, floor area ratio, does not provide any parking, and additionally violates the zoning requirements for minimum dimensions of a closed court. Additionally, there appears to be a problem with provisions for emergency egress from the structure, as egress is required to be made through the closed court, through which there is no escape from the property.
10. Although DCRA posted a stop work order on the property on April 23, 2007, it was removed by the developer on April 30, 2007, and construction resumed in full force that morning. In response to our protest, a new stop work order was posted the same day. The zoning administrator has admitted that the work under construction does not comply with the permitted drawing set, but has still not made a determination of whether the project drawings themselves are properly permitted.
11. Although DCRA managed to find a full set of drawings on April 24, 2007 for their own review, Jeanette Anderson of DCRA refused to make them available to us for copy and directed us back to the same counter where Mabel was unable to provide the drawings earlier in the month. **On May 4, 2007, we were finally provided with a copy of the project drawings by DCRA and we reviewed them immediately.**
12. On May 9, 2007, DCRA provided a copy of the plat that was used in reviewing the project.
13. On May 9, 2007, ANC 1A voted to appeal the decision of the zoning administrator in approving this project.

In order to preserve our rights for a timely appeal, and because we believe that the project has not been properly permitted, and in the absence of a determination from the zoning administrator as to whether this project has been properly permitted, we are filing this appeal of the zoning administrator's decision to permit this construction.

Proof of Grounds for Appeal will be provided by:

Our analysis of the permitted drawing set for the project, annotated photographs of the site, evidence of measurements taken at the site, and copies of correspondence with DCRA about the project.

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