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February 10, 2016

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Office of Zoning
Government of the District of Columbia
Ms. Marnique Y. Heath, Chairperson
BOARD OF ZONING ADJUSTMENT
441 – 4th Street, NW Suite 200S
Washington, DC 20001

RE: BZA Case #19189
Letter of Opposition

Dear Chairperson Heath:

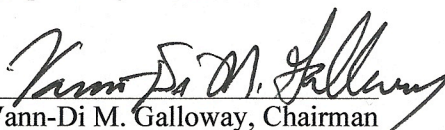
With respect to BZA Case #19189: application of Christopher R. Leary, pursuant to 11 DCMR § 3103.2, for a variance from the use requirements under § 320.3: to convert a one-family dwelling into a flat in the R-3 District at premises 5523-13th St., NW (Square 2933 Lot 24), **ANC 4C opposes the applicant's request** for his failure to follow-thru in withdrawing his application before the BZA, as promised in a December 28, 2015 e-mail – highlighted and attached – after determining it would be more cost effective to wait out the moratorium period for the city's new zoning rewrite, which effectively would allow the applicant the opportunity to convert his property into a flat, as a matter of right.

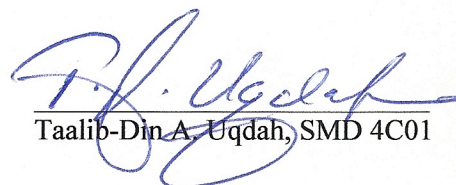
Between December 02, 2015 and December 28, 2015, there were several fruitful discussions between the applicant and myself, as his Single Member District (SMD) Commissioner, but in a final e-mail correspondence on the 28th, the applicant stated in part: *"I will submit a formal request to withdraw my request before the scheduled hearing date."*

As of the date, hereinabove written, that request to withdraw BZA Application #19189 has not been forthcoming. Out of an abundance of caution on Wednesday, February 10, 2016, at a properly noticed public meeting, held in a public forum, which required the presence of at least five (5) SMD Commissioners to constitute a quorum and that quorum being present, upon consideration of the above narrative and the applicant's attached e-mail, **concluded by a vote of eight (8) yeas and zero (0) nays, to oppose the applicant's request for a variance from the use requirements under § 320.3: to convert a one-family dwelling into a flat in the R-3 District at premises 5523-13th St., NW.**

And in a second vote of eight (8) yeas and zero (0) nays, appointed SMD 4C01 Commissioner Taalib-Din A. Uqdah, as the Commission's designee to represent the interest of ANC 4C before the BZA in the above referenced case.

Respectfully submitted,


Vann-Di M. Galloway, Chairman


Taalib-Din A. Uqdah, SMD 4C01

P.O. Box 60847
Washington, DC 20039

801 Shepherd Street, NW Board of Zoning Adjustment
Washington, DC 20011 District of Columbia

CASE NO.19189
EXHIBIT NO.26

Permit drawings

MICHAEL7 <christopher.leary45@gmail.com>

Mon 12/28/2015 8:29 PM

To:

Ugdah, Taalib-Din A. (ANC 4C01);

You replied on 1/28/2016 2:35 PM.

Yes Sir, this process is definitely one in the same as the one you informed me of. I will submit a formal request to withdraw my request before the scheduled hearing date.

And gain, thank you for all of your support.

Ugdah, Taalib-Din A. (ANC 4C01)

Mon 12/28/2015 8:20 PM

Good Evening Sir: What you're referring to, may be part of the same process I discussed with you during your initial call to me. This could be part of the city's Zoning Rewrite process that I told you about that had been going on since 2007. The only difference

Christopher.leary42@gmail MICHAEL7 <christopher.leary45@gmail.com>

Mon 12/28/2015 7:20 PM

Greetings Mr. Ugdah,

Happy Holidays to you and your family also.

Recently, a certain turn of events transpired within the District of Columbia as it pertains to accessory apartments. As of January 14, 2016, The District as a matter of right will legally allow this process. The actual bill will go into effect in the spring of 2016. All things considered, it would be more cost effective to allow the process to take its course, and avoid unnecessary legal fees connected with applying for and acquiring legal fees.

In conclusion, I would like to extend my gratitude to you and your office for the guidance up to this point. This process has been slow, confusing and costly. It was very refreshing to meet someone connected to DC, gov't with a carriage before the horse approach.

Thank you Mr. Ugdah,

Sincerely,

Christopher Leary

Opposition to BZA Case #

Christopher.leary42@gmail MICHAEL7 <christopher.leary45@gmail.com>

Mon 2/8/2016 8:58 PM

To: Ugdah, Taalib-Din A. (ANC 4C01);

Hello Mr. Ugdah,

My apologies for not reaching out to you.

I did speak to BZA, just w few days agom. I am considering transferring the request to the new owner. As of today I have decided to terminate the process completely.

I will cc you in my email to Mr. Varga from BZA.

Thank you for your assistance,

Mr. Leary

FW: DCRA phone #

Christopher.leary42@gmail MICHAEL7 <christopher.leary45@gmail.com>

Mon 2/8/2016 9:06 PM

To: Leary, Christopher (MPD);

Cc: Ugdah, Taalib-Din A. (ANC 4C01);

Dear Mr. Varga,

I received your email earlier today regarding the information I requested.

I am formally withdrawing my BZA for the proper known as 5523 13th, St, Nw, WDC 20011

P.S. I will cc Mr. Ugdah notifying him of my decision to terminate this process, so he does not have to appear on the hearing date in question.

Thanks you,

Mr. Leary