

Emails To and From ZA regarding Side Roof Deck 6/3/17-6/6/17

>> > From: nef
>> > Sent: Saturday, June 03, 2017 6:53 PM
>> > To: Ndaw, Mamadou (DCRA)
>> > Cc: Tondro, Maximilian
>> > Subject: 3616 11th St NW side deck Subtitle C Section 1502.1C1A
>> > Importance: High
>> >
>> > It appears that Subtitle C Section 1502.1C1A, requires the railing for the
>> > contested 3rd floor side deck to be a 1 to 1 ratio away, which would
>> require
>> > the side deck on the 3rd floor to be setback almost 4 feet.
>> >
>> > Can you please advise as to how they are being allowed to build their deck >> to
>> > the party line not only without regard to my 100-year old windows, but also
>> > without regard to this setback rule?
>> >
>> > Thank you,
>> > Nefretiti M.
> ----- End of Forwarded Message

> On 6/5/17 7:32 AM, "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov> wrote:
>
>> > Hello,
>> >
>> > The Section you are referring to applies to railings on rooftop decks. The
>> > side deck as approved is rather a balcony and is not subject to that
>> > provision.
>> >
>> > Sincerely,
>> > Mamadou Ndaw
>> > Supervisory Zoning Technician
>> > Office of the Zoning Administrator - DCRA

----- Forwarded Message

> From: nef
> Date: Mon, 05 Jun 2017 16:30:26 -0400
> To: "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov>
> Cc: "maximilian.tondro@dc.gov" <maximilian.tondro@dc.gov>, "Parker-Woolridge,
> Doris (DCRA)" <doris.parker-woolridge@dc.gov>, "Bailey, Christopher (DCRA)"
> <christopher.bailey@dc.gov>, "Thomas, Charles (DCRA)" <charles.thomas@dc.gov>
> Subject: Re: 3616 11th St NW side deck Subtitle C Section 1502.1C1A
>

Board of Zoning Adjustment
District of Columbia
CASE NO.19573
EXHIBIT NO.21

> Hello Mr. Ndaw,
>
> I am told that although the zoning regulations do not provide a definition for
> a balcony, it refers to the Webster's Dictionary for terms not defined. And
> Webster's says that a balcony is a "platform projecting from the wall of an
> upper floor of a building..."jutting out" over a main floor. This is not a
> "platform projecting" and is not "jutting out."
>
> It is my understanding that zoning describes two types of balconies; an
> interior and an exterior balcony. An exterior balcony is one that is
> cantilevered from the exterior wall of the building and either open to the
> sky, except that another cantilevered balcony on an upper floor projects above
> it. Whereas, an interior balcony is enclosed in the sides and has a floor
> above, thereby creating an alcove effect thus the only opening is where the
> railing is.
>
> But even if this structure is somehow deemed to be a balcony, Section 1502.1
> references guardrails in general, regardless of and without reference to their
> specific purpose.
>
> Also, a building can have multiple rooftops. It is my understanding that a
> "rooftop" is the roof of a building on any floor once it is unimpeded above by
> an intervening floor or roof and open to the sky. That seems to fit what this
> appears to be...
>
> Also, please note, if anyone fell from that side deck, with my deep window
> well opening right in front of it, they could fall not just 1 floor down, but
> 3 floors down. So this also does not seem like a very safe approval...
>
> Can you please let me know zoning's perspective on the above?
>
> Thank you,
> -NM

> From: nef
> Sent: Monday, June 05, 2017 5:03 PM
> To: Ndaw, Mamadou (DCRA)
> Cc: Tondro, Maximilian; Parker-Woolridge, Doris (DCRA); Bailey, Christopher
> (DCRA); Thomas, Charles (DCRA)
> Subject: FW: 3616 11th St NW side deck Subtitle C Section 1502.1C1A
>
> P.s. Actually, they'd fall not just 3 floors down, but 3 floors down into some
> else's property...

----- Forwarded Message

From: nef
Date: Fri, 09 Jun 2017 12:53:39 -0400

To: "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov>
Cc: "Tondro, Maximilian" <maximilian.tondro@dc.gov>, "Bailey, Christopher (DCRA)" <christopher.bailey@dc.gov>
Subject: Re: 3616 11th St NW side deck Subtitle C Section 1502.1C1A

What do you mean by "interpretation"? That the "10-feet" is not anywhere in the code? If not, where are ZA interpretations catalogued?

-NM

On 6/6/17 10:03 AM, "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov> wrote:

> Hello Ms. Nefretiti,
>
> The Zoning Administrator interpretation when it comes to differentiating roof
> decks from balconies, is that roofs that are not more than 10 feet in depth
> are deemed balconies and are not subject to setback requirements under
> Subtitle C §1502.1. Moreover the said Section does references roof along with
> guard rail, see below:
> Penthouses, screening around unenclosed mechanical equipment, ..., roof decks,
> trellises,
> and any guard rail on a roof shall be setback from the edge of the roof.
>
> Sincerely,
>
>
> Mamadou Ndaw
> Supervisory Zoning Technician
> Office of the Zoning Administrator - DCRA

----- Forwarded Message

From: nef <dcnef@earthlink.net>
Date: Fri, 09 Jun 2017 12:53:39 -0400
To: "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov>
Cc: "Tondro, Maximilian" <maximilian.tondro@dc.gov>, "Bailey, Christopher (DCRA)" <christopher.bailey@dc.gov>
Subject: Re: 3616 11th St NW side deck Subtitle C Section 1502.1C1A

What do you mean by "interpretation"? That the "10-feet" is not anywhere in the code? If not, where are ZA interpretations catalogued?

-NM

No response received by Pro Se Appellant from ZA for more than 1 month until 7/12/17, in the hearing for Case 19510, at which DCRA's ZA attempted to combine this related case with the other case and dismiss both simultaneously.