

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

Case No. 19818

Appellant's Reply to Property Owner's Response

The Appellant, Stephen Cobb, files this one-argument reply to DCRA's Response to Intervenor's Statement (Exhibit 53). Specifically, DCRA misapplies the alteration–demolition standard applied by the Zoning Administrator.

According to DCRA, the Administrator applies a four-part test to determine whether a structure has been razed: whether the proposed construction (1) changes the gross floor area of the property; (2) changes the lot occupancy; (3) changes the height of the non-conforming structure; and (4) retains a minimum of 40% of the pre-existing wall surface area (Exhibit 53 at 3). While DCRA does not provide a citation for this statement, it appears that this purported test comes from the Administrator's Determination Letter Re: 2717 Ontario Road, NW (Exhibit 1 to this Reply). There, however, the Zoning Administrator applied a much different standard: "The proposed Project shall be considered an alteration of and addition to the existing rowhouse as approximately 65% of the exterior envelope is being retained" (*Id.* at 1). Here, by contrast, the Property Owner has retained less than 25% of the exterior envelope, leaving only most of the front wall. DCRA's test, then, is not an accepted test to determine whether a construction project amounts to an addition or a demolition.