

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

KINGMAN PARK CIVIC ASSOCIATION :

Appellant, : Case No.: 21110

v.

**DISTRICT OF COLUMBIA DEPARTMENT :
TRANSPORTATION and DISTRICT
OF COLUMBIA DEPARTMENT OF
BUILDINGS**

**Building Permit No.
B2208662
Permit Nos: PA11036705
PA382395
TA89767**

Appellees. :

**APPELLANT'S OPPOSITION TO DEPARTMENT OF BUILDING'S MOTION TO
DISMISS**

Kingman Park Civic Association (KPCA) opposes the D.C. Department of Buildings motion to dismiss KPCA's appeal of Building Permit No. B2208662 for lack of jurisdiction. The opposition is based upon the following reasons:

BACKGROUND FACTS

Kingman Park Civic Association (KPCA) files this appeal against the D.C. Department of Buildings and Department of Transportation based upon of fraud, waste and abuse and violation of DC Zoning Laws. The appeal is based upon the transformation of a traffic triangle to a triangle "park" to obtain a One Hundred and Twenty-Five Thousand Dollar (\$125,000.00) grant award by a group known as "Friends of Kingman Park Civic Association (FOKP)."

Kingman Park was established in 1928. Kingman Park Civic Association was founded at the inception of the neighborhood in 1928. The association has preserved the history, culture, and architecture of the neighborhood for over 94 years. In 2012, Kingman Park Civic Association

applied for and nominated Spingarn Senior High School as an historic landmark. On November 29, 2012, the D.C. Historic Preservation Review Board (HPRB) approved KPCA's nomination and designated Spingarn as a historic landmark placing it on the DC Inventory of Historic Places. On May 12, 2014, Spingarn was placed on the National Register of Historic Places.

Thereafter, KPCA nominated Browne Junior High School, Phelps Vocational High School, Spingarn Senior High School, and Young Elementary School as an Educational Campus. On May 28, 2015, HPRB approved the application and designated Browne, Phelps, Spingarn, and Young as an Historic District Educational Campus.

On the application and nomination of KPCA, the D.C. Historic Preservation Review Board designated the Kingman Park neighborhood as an historic district and placed Kingman Park on the D.C. Inventory of Historic Places on May 3, 2018. The neighborhood was subsequently placed on the National Register of Historic Places. In 2020, KPCA filed an application for the expansion of the Kingman Park Historic District. The HPRB approved KPCA's expansion nomination on July 30, 2020. The four KPCA nominations were approved after public hearings before the DC Historic Preservation Review Board.

In 2015, a new neighborhood group calling itself the Friends of Kingman Park Civic Association (FOKP) was formed. The group confused both neighborhood residents and city government officials by naming its group with the almost original name of the Kingman Park Civic Association (KPCA). The newly formed Friends group strongly opposed the historic designation of Kingman Park because "Friends" (FOKP) had little or no knowledge of the history, culture, and significance of Kingman Park. However, during year 2021, FOKP and Robert Coomber received a \$125,000 grant from the DC Arts and Humanities Commission.¹

¹ Ebony Payne, is and was the 7D (ANC) Advisory Neighborhood Commissioner during the relevant period was and is a member of the "Friends of Kingman Park Civic Association." Ms. Payne's mother serves as the

In year 2021, the grant awardees (Robert Coomber and the Friends of Kingman Park Civic Association) filed an application with the D.C. Historic Preservation Review Board seeking approval of the \$125,000 grant construction art project in the Kingman Park Triangle. The applicants falsely and maliciously asserted in Section 1 of the application that the Triangle's address 320 21st Street NE (Triangle Park bound by 21st NR Oklahoma, and D Streets NE). The applicants further listed the Lot and Square as N/A. In Section 7 of the application, the applicants falsely maintained that the art, benches, bleachers and new sidewalk would not cause a change in the building footprint or lot occupancy. They also maintained that a **zoning variance or special exception** would not be required. *See, attachment – Application for Referral to the Historic Preservation Review Board.*

On December 15, 2023, a DOB construction Permit (B2208662) was issued to the "Wm W Baum Roman Catholic Archbishop of Washington", listing the owner's address as St. Benedict Moor Church, 320 21st Street, N.E. The Square was listed as 0000 and no lot number was given. The address of the project is listed as 0 D & 21st St. NE.²

THE BZA HAS JURISDICTION OVER THE INSTANT APPEAL

Title 11 DCMR § 302.1, states that [A]ny person aggrieved or any officer or department of the government of the District of Columbia or the federal government affected by an order, requirement, decision, determination, or refusal made by an administrative officer or body, including the Mayor of the District of Columbia, in the administration or enforcement of the Zoning Regulations may file a timely zoning appeal with the Board. For the purposes of this

President of FOKP. The ANC was and is engaging in a "conflict of interest" by supporting this \$125,000 construction proposal.

² In fact, the construction site is not owned by the Roman Catholic Church. Interestingly, grant applicant Robert Coomber, is also a recipient of part of the \$125,000 grant, and he is an agent for Wm W Baum Roman Catholic Archbishop of Washington, the individual who was issued the permit.

subsection, a discretionary decision not to bring an enforcement action for a violation of the Zoning Regulations shall not be deemed a “refusal.”

Here, the District of Columbia Department of Buildings issued Building Permit No. B2208662, using a factitious address for the public space triangle at the corner of D & 21st Street NE. More specifically, DOB issued the permit and listing the owner’s address St. Benedict Moor Church 320 21st Street, N.E., Washington, D.C. 20002-671. The permit cited the Zone designation as RF-1, and the Square as 0000. There was no indication of a lot number or designation. In fact, the Square and lot numbers for 320 21st Street, N.E., is Lot 0033, Square 4558. The agent for the alleged owner is Bob Coomber at 425 21st Street, N.E., Washington, D.C. 20002.

The attempt to pass this off as the address location of the permitted construction is nothing short of being intentionally false and a misrepresentation of the truth. How do we know this? Because DOB used the Church’s address for a vacant city triangle, which has no address, Lot or Square number. Yet, the Church’s Lot and Square is Lot 0033, Square 4558. There was no mistake in D0B’s decision to falsify the Permit.

Title 11 DCMR 100.4, provides that [T}he Board pursuant to § 8 of the Zoning Act, D.C. Official Code §§ 6-641.07(f) and (g)(1), shall also hear and decide zoning appeals where it is alleged by the appellant that there is error in any order, requirement, decision determination, or refusal made by any administrative officer or body, including the Mayor, in the administration and enforcement of the Zoning Regulations.

The error in the DOB Permit issue is the representation that (1) the owner’s address is St. Benedict Moor Church, 320 21st Street, N.E.; (2) permission is granted to “Wm W Baum Roman Catholic Archbishop of Washington”; and (4) Bob Coomber of 425 21st NE, Washington, DC 20002 is Wm W Baum’s agent. Nothing is further from the truth. DOB now admits that it is a

public arts project at “triangle park.” In DOB’s motion to dismiss, the government asserts that “Appellant appeals DOB’s issuance of the Building Permit (Ex. A: Building Permit No. B2208662) issued on December 15, 2023, related to public art installation at the triangle park, known as Swept Park, at the corner of D & 21st Streets NE.” The alleged art installation is the construction of metal benches, bleachers, metal boxes, and new walkways. This is an alteration of the site.

Title 12A – Building Codes Supplement, § 101.5 Jurisdiction, provides that, The *Construction Codes* shall apply to buildings, structures and premises within the limits of the District of Columbia, including buildings, structures and premises owned, occupied or controlled by the government of the District of Columbia or any of its independent agencies.

Further, the permit admits that it is an “addition Alteration Repair.” This would require an application and approval by the BZA for any change in the character of the triangle. Kingman Park Triangle has served as a “**Traffic Triangle**” approximately (88) eighty-eighty years. The longstanding Traffic Triangle has served as a safety device providing pedestrians and vehicular drivers with an unobstructed view of approaching vehicles from the intersecting roadways between Oklahoma Avenue, D Street, and 21st Street. Any change or designation of the traffic triangle requires the review and approval of the BZA.

The applicants falsely and intentionally stated that they were not required to go before the DC Board of Zoning Adjustment. The applicants made this false assertion because they were fully aware that the triangle did not have a designated Lot or Square number. Unfortunately, DOB was willing to allow this misapplication of the law and accommodate the applicants by sidestepping BZA application process.

Title 12A – Form and content of application, § 105.3.2.10, provides in part, [I]nclude the applicant's certification that the information provided in the application is true and correct to the best of the applicant's knowledge, and acknowledging that a false statement in an application may subject the applicant to penalties as listed in Section 105.3.3...

The applicant has asserted that there is no need to apply for permission to get the project approved before the Board of Zoning Adjustment. That is incorrect. The applicant, Friends of Kingman Park Civic Association applied for a \$125,000 grant and listed the DC Department of Transportation as the property owner, but the permit is issued to Wm W Baum Roman Catholic Archbishop of Washington with the owner's address as 320 21st Street, N.E. This was done to surreptitious facilitate the immediate award and release of \$125,000 to FOKP and Bob Coomber.

Title 12A Board of Zoning Adjustment Order, § 105.6.1.3, provides in part that, [W]hen a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked, effective ten (10) days after the Board of Zoning Adjustment Order is served upon the permit holder.

CONCLUSION

KPCA respectfully moves the BZA to deny DOB's motion. Because District of Columbia law must be complied with by the private and public sector, therefore the decision of DOB to issue this erroneous permit should be reversed and the permit revoked.

Respectfully submitted,

/s/*Frazer Walton, Jr.*
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing was served by electronic mail to Brian W. Lampert, Office of the DOB General Counsel (brain.lampert1@dc.gov) on the 6th day of October 2024, and Kathleen Miskovsky, Attorney Advisor (Kathleen.miskovsky@dc.gov), DC Department of Transportation, ANC 7D 7D05@anc.dc.gov, and SMD 7D05, 7D05@anc.dc.gov.

/s/ Frazer Walton, Jr.
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