



BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A  
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.:

Motion of:

☐ Applicant

☐ Petitioner

☐ Appellant

☐ Party

☐ Intervenor

☐ Other \_\_\_\_\_

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Points and Authorities:

On a separate sheet of 8 ½" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

☐ Yes, consent was obtained by all parties

☐ Consent was obtained by some, but not all parties

☐ No attempt was made

☐ Despite diligent efforts consent could not be obtained

Further Explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on this

D

D

day of

Month

,

Y

Y

Y

Y

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:

☐ Mailed letter

☐ Hand delivery

☐ E-Mail

☐ Other \_\_\_\_\_

Signature:

*Cynthia Hunter*

Print Name:

Address:

Phone No.:

E-Mail:

Board of Zoning Adjustment  
District of Columbia  
CASE NO.21235  
EXHIBIT NO.24

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

March 1, 2025

Dear Board of Zoning Adjustment,

I, Cynthia Hartley, hereby submit this motion to reopen BZA case 21235 to accept into record my response to the Office of Planning Report (**Exhibit A**) along with supporting documentation. The Office of Planning sent their report to me via email on February 24, 2025. There are a few aspects of the report that need clarification. I have only now been able to draft a response and assemble the supporting documentation.

**Page 1, II LOCATION AND SITE DESCRIPTION**

The Office of Planning states “*Both adjacent properties are developed with single dwelling houses*”. However, 5062 Central Ave SE has a basement apartment used as a short-term rental by the previous homeowner, which makes it a single-family house with an accessory apartment.

**Page 2, OFFICE OF PLANNING ANALYSIS,**

*Extraordinary or Exceptional Situation*

The Office of Planning states “*no Certificate of Occupancy permit was needed because DoB understood the project to include one principal unit and one accessory apartment*”. In an email dated, February 24, 2017 Jasmine Ohi of Ohi Engineering, the engineering firm that submitted the building permit application, emailed David Griggs of DCRA informing him “**We are proposing a change of occupancy and the homeowner will be obtaining a certificate of occupancy.**” (**Exhibit B**) This implies that the units would be rental since a certificate of occupancy is not required for a single-family home with an accessory apartment.

Moreover, while “*DoB understood the project to include one principal unit and one accessory apartment*”, they issued the permit for a flat. A conversation with an architect or engineer does not supersede what is written on the permit. Essentially, the DoB made a mistake. They admitted they made a mistake in an email from Mr. Rohan Reid dated March 24, 2024, “**I am waiting for confirmation on whether any additional action will be necessary to correct the description of work on building permit B1702150 which currently indicates two separate units (a flat), and which is in error.**” (**Exhibit C**)







The Office of Planning further states “*According to the Applicant, the development professionals who represented her through the permit approval process, informed her that the second unit was approved.*” However, the development professionals, Paul Wharton Construction Services (general contractor) and Charles Mobley & Associates (3<sup>rd</sup> party

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

inspector) informed me that a certificate of occupancy was not required, which was why I proceeded to rent out the units. (**EXHIBIT D**) There was never a question as to whether the second unit was approved because the building permit indicated that we were allowed to have a flat, which is defined as “A dwelling used exclusively as a residence for two (2) families living independently of each other.” Had we not received a permit for a flat, we would not have proceeded with the extensive renovation to make the basement a livable apartment, and it would have remained a single-family house.

According to DOB files, DCRA realized they made a mistake on the permit one month after the renovations and final inspection were completed. On September 21, 2017, DCRA surreptitiously revoked the building permit. **“Building permit B1702150 was issued with an incorrect scope of work that reflects a use that is not allowed by zoning regulations. The applicant must surrender this building permit and obtain a new building permit that reflects the zoning approved use as a single-family dwelling with an accessory apartment.”** Even if DCRA had notified me of their error, I would not have been able to undo all the renovations and recover the expenses incurred.

**Figure 1: DC Department of Buildings SCOUT Database**

Keyword search 							
Address ↓	Unit ↓	SSL ↓	Applied To ↓	Status ↓	Applied ↓	Removed ↓	Description ↓
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			YearBuiltPrior1978 <a href="#">SHOW DETAILS</a> 
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			soil <a href="#">SHOW DETAILS</a> 
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			WMATA <a href="#">SHOW DETAILS</a> 
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied	2024/08/01		Zoning <a href="#">SHOW DETAILS</a> 
5058 CENTRAL AVE SE		5286 0837	Parcel	Removed	2017/09/21	2024/03/28	Zoning <a href="#">HIDE DETAILS</a> 
<b>Detailed Description:</b> DO NOT ISSUE ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY WITHOUT APPROVAL FROM THE ZONING ADMINISTRATOR, DEPUTY ZONING ADMINISTRATOR, OR SUPERVISORY ZONING TECHNICIAN. Building permit B1702150 was issued with an incorrect scope of work that reflects a use that is not allowed by the zoning regulations. The applicant must surrender this building permit and obtain a new building permit that reflects the zoning approved use as a single family dwelling with an accessory apartment. If the applicant does not surrender the building permit, it will be revoked by DCRA. HOLD TEMP REMOVED THEN REPLACED ON 9/14/18 TO ENTER REPORT INTO THE SYSTEM. (TJ) hold temp removed then replaced on 9/29/18 to enter information into the system (TJ) 3-28-24: The zoning administrative hold is being lifted to allow processing of solar permit application SOL2400621. The Office of Zoning Administration (OZA) confirmed that the zoning approval of B1702150 is for a single family dwelling with an accessory apartment.							
<b>Owner Name:</b> CYNTHIA HARTLEY							

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

*Resulting in an Undue Hardship to the Owner.*

The Office of Planning states “*the property was not approved for two principal dwelling units, so the second unit is not a legal one, and the hardship to the owner does not result from an exceptional situation related to the property.*” While the Office of Planning acknowledges that I am facing a hardship, it maintains that it is not due to the property. However, having already established that DCRA is responsible for issuing a building permit for a two unit flat instead of a single-family house with an accessory apartment, hardship to the owner does result from an exceptional situation related to the property. DCRA has multiple review processes in place to ensure properties and buildings follow municipal regulations. However, in this rare instance, DCRA made a mistake on the building permit, presenting an exceptional situation that is resulting in hardship. Not only would I face hardship if I had to move into the property, but I am also facing hardship by not being able to obtain a certificate of occupancy, without which I cannot have the units inspected for a business license, which in turn restricts me from obtaining a rental license. So, as the Office of Planning has pointed out, it is an illegal rental unit that can only be made legal with a certificate of occupancy.

*No Substantial Impairment to the Zoning Regulations*

The Office of Planning states “*the Regulations specifically provide a conforming option for a second unit - an accessory apartment - that would meet the intent of the regulations and address the Applicant’s goal to provide a second unit on the site.*” However, as a single-family home with an accessory apartment, I would need to live in the house. This means that I would have to move from my current house, severing ties with the community in which I have lived for more than 15 years. The compounds the hardship I would face if relief is not granted.

**VII ADVISORY NEIGHBORHOOD COMMISSION**

As an update, I presented my application to ANC7C on Thursday, February 13, 2025. By unanimous vote, ANC7C voted to support my application. A letter from them is forthcoming.

Sincerely,



Cynthia Hartley

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

**EXHIBIT A**

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** February 21, 2025

**SUBJECT:** BZA Case 21235, 5058 Central Ave. SE - request to permit a second principal dwelling.

### **I. OFFICE OF PLANNING RECOMMENDATION**

Based on the information provided to the record to date and the relevant use variance criteria, the Office of Planning (OP) recommends **denial** of the following use variance relief pursuant to Subtitle X § 1000:

- Subtitle U § 201.1 Matter of Right Uses  
 (one principal dwelling unit permitted; approval of two principal dwelling units proposed)

While OP recognizes that this would impact existing tenants of the building, the application does not sufficiently demonstrate an exceptional condition resulting in an undue hardship on the owner, or that this would not harm the integrity of the zoning regulations for this zone.

### **II. LOCATION AND SITE DESCRIPTION**

Address	5058 Central Avenue SE
Applicant	Cynthia Hartley on behalf of 5058 Central Ave Trust
Legal Description	Lot 837, Square 5286
Ward, ANC	Ward 7, ANC 7C
Zone	R-2, low density residential zone allowing one principal unit in a detached or semi-detached form. One accessory dwelling unit also permitted by-right.
Lot Characteristics	Generally, a rectangular lot with an alley in the rear
Existing Development	Semi-detached house recently reconfigured as a two-unit building (a flat)
Adjacent Properties	Both adjacent properties are developed with single-dwelling houses
Surrounding Neighborhood Character	This residential neighborhood is predominantly composed of attached and detached single dwelling houses.

Proposed Development	The Applicant converted this single dwelling house into a two-dwelling house. Both units are occupied with rental tenants – the owner does not reside on-site. The proposal would allow the second unit to remain. No additions or alterations to the building are proposed as part of this application.
----------------------	--

### III. LOCATION



### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: R-2	Regulation	Existing	Proposed	Relief
Uses U § 201	One max. principal dwelling unit permitted.	Two dwelling units	Two Principal dwelling units	<b>Variance Relief Requested</b>

### V. OFFICE OF PLANNING ANALYSIS

#### X§1000 Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses

#### **Extraordinary or Exceptional Situation Resulting in an Undue Hardship to the Owner**

#### **Extraordinary or Exceptional Situation**

In 2016 the Applicant purchased the property with the intent to convert it into two rental units. Department of Building (DoB) issued a building permit ([Exhibit 7A](#)) for the property and no Certificate of Occupancy permit was needed because DoB understood the project to include one principal unit and one accessory apartment, which is permitted under zoning and does not require a Certificate of Occupancy. According to the Applicant, the development professionals who

represented her through the permit approval process informed her that the second unit was approved. Therefore, the Applicant rented out both units as she intended.

OP discussed this case with DoB staff and reviewed the emails between DoB and the Applicant ([Exhibit 7C](#)). Although the staff member who originally issued the 2017 building permit is no longer at the DoB, other staff have been able to provide details on the situation.

The building permit description of work says the project is for two units. In 2017, accessory apartments were relatively new so DoB did not have a clear way of representing them in building permits, and at the time, it was standard practice to say two units when representing single dwelling houses with accessory units. When the permit was issued, DoB discussed with the Applicant's development team that the second unit could only be used as an accessory unit because a second principal unit is not permitted by-right.

Although OP sympathizes with the Applicant's situation OP does not consider this an exceptional situation. The misunderstanding appears to mainly be between the Applicant and her development team and not with the DoB.

#### **Resulting in an Undue Hardship to the Owner**

If the relief is not granted, then at least one of the tenants in the units would have to leave, which would be a significant hardship to the tenant(s). For the owner, this would mean the loss of the rental income. She argues that the alternative options to remove the second unit or to move into the house and rent out the second unit as an accessory unit are not practical solutions. Converting the house back to its single dwelling configuration would be too costly. The option of the owner moving into the house and renting out an accessory unit would not allow her enough rental income to afford the property. OP also believes the second unit may not meet the size limits of an accessory apartment so this option may require zoning relief.

However, the property was not approved for two principal dwelling units, so the second unit is not a legal one, and the hardship to the owner does not result from an exceptional situation related to the property.

#### **No Substantial Detriment to the Public Good**

The use variance allowing the retention of the second unit should not result in substantial detriment to the public good. OP is not aware of neighborhood complaints arising from the existing situation. The Zoning Regulations allow for a second unit to be provided in the R-2 zone as an accessory apartment, but this provision requires that one of the units be occupied by the owner of the property.

#### **No Substantial Impairment to the Zoning Regulations**

Granting the requested use variance would be contrary to the intent of the zoning regulations for this zone. No exceptional situation leading to an undue hardship to the owner has been sufficiently identified on the property. Furthermore, the integrity of the Zoning regulations could be seen to be eroded if the relief were granted, particularly since the Regulations specifically provide a conforming option for a second unit - an accessory apartment - that would meet the intent of the regulations and address the Applicant's goal to provide a second unit on the site.



## **VI. OTHER DISTRICT AGENCIES**

In an email to OP, DDOT stated they have no objection to the proposal. As of the writing of this report, there are no comments from other District agencies in the record.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

As of the writing of this report, no report from ANC 7C has been filed to the record.

## **VIII. COMMUNITY COMMENTS TO DATE**

As of the writing of this report, no comments from the community have been filed to the record.

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

**EXHIBIT B**

**Subject:** Fwd: RE: Structural Review: B1702150  
**Date:** Monday, February 27, 2017 at 2:22:59 PM Eastern Standard Time  
**From:** Paul W. Wharton  
**To:** jasmine@ohiengineeringgroup.com  
**CC:** Cynthia Hartley

That's not bad and can be completed very quickly and efficiently. The construction of the unit separation is on the drawing now. Add a couple details for the ceiling construction and insulation/sound requirement and this is done.

Getting out of my Lift see you shortly.

Paul W.

Sent on the new Sprint Network from my Samsung Galaxy S®4  
Paul W. Wharton  
(240) 375-5125

----- Original message -----

From: "Griggs, David (DCRA)" <[david.griggs@dc.gov](mailto:david.griggs@dc.gov)>  
Date: 02/27/2017 1:54 PM (GMT-05:00)  
To: Jasmine Ohi <[jasmine@ohiengineeringgroup.com](mailto:jasmine@ohiengineeringgroup.com)>, Cynthia Hartley <[cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com)>, "Paul W. Wharton" <[pwbuid90@aol.com](mailto:pwbuid90@aol.com)>  
Cc: Ohi Group PLLC <[kamran@ohiengineeringgroup.com](mailto:kamran@ohiengineeringgroup.com)>  
Subject: RE: Structural Review: B1702150

If you want a code modification to provide the project with exception to not provide the IBC 2012 minimum for fire spread prevention and life safety, you will need to request an evaluation from the a Building official and provide evidence that the proposed plans is "less hazardous" than the existing. IEBC 407.1

**From:** Jasmine Ohi [mailto:[jasmine@ohiengineeringgroup.com](mailto:jasmine@ohiengineeringgroup.com)]  
**Sent:** Friday, February 24, 2017 5:30 PM  
**To:** Griggs, David (DCRA); Cynthia Hartley; Paul W. Wharton  
**Cc:** Ohi Group PLLC  
**Subject:** Re: Structural Review: B1702150

Thank you -

We are proposing a change in occupancy and the homeowner will be obtaining a certificate of occupancy. From my understanding of the information you've provided and based on table 407.1 IEBC, it appears that the life and fire risk will remain the same (5, lowest risk). How may I obtain approval from the building official so the building use may change without conforming to all the building code requirements?

Thank you,

Jasmine Ohi

Ohi Engineering Group, PLLC

[jasmine@ohiengineeringgroup.com](mailto:jasmine@ohiengineeringgroup.com)

1025 Thomas Jefferson St NW, Suite 420 East

Washington, DC 20007

cell: 703.401.5672

office: 202.499.5588

On Fri, Feb 24, 2017 at 9:01 AM, Griggs, David (DCRA) <[david.griggs@dc.gov](mailto:david.griggs@dc.gov)> wrote:

These type of projects do not easily fall into one category or the other. Please read the scope and scope exceptions of the DCMR Ch. Below are some general guidelines you can use for code study on this project.

Note: If a one *dwelling* of a structure constructed of two *semi-detached* single-family *dwelling*s is increased to two *dwelling units* and constitutes three semi-detached *dwelling units*, the IBC and IEBC is used to review the project. The project can be reviewed as an R-3 per [IBC 302] if no lot that could apply for a Certificate of Occupancy has more than two *dwelling units*.

- If an addition is added to the building that increases the existing *fire area*, the entire *fire area* shall comply with ch. 9 of the IBC per [IEBC1102.3]. NFPA 13D system is permitted per [IBC903.3.1.3].
- If the work proposed constitutes a *Change of Occupancy* or will require a Certificate of

Occupancy to be issued, a portion or the entirety of the space shall comply with Ch. 9 of the IBC per IEBC 407.1 & 407.2]. Subject to the approval of the building official, the building use may be allowed to change without conforming to all of the code requirements, provided the new use is less hazardous, based on life and fire risk than the existing per [IEBC 407.1].

- If in an *existing building* without a sprinkler system, the work is limited to renovations (level 1-3) with no addition and will not require a certificate of occupancy, sprinkler system is not required.

**From:** Jasmine Ohi [mailto:[jasmine@ohiengineeringgroup.com](mailto:jasmine@ohiengineeringgroup.com)]

**Sent:** Thursday, February 23, 2017 3:02 PM

**To:** Griggs, David (DCRA)

**Cc:** Ohi Group PLLC

**Subject:** Structural Review: B1702150

David,

Hope you are well.

I have a question about a building permit application in which you are the structural reviewer and have left several comments (B1702150).

In particular, the basis of the following comment is unclear to me:

*The scope of work described and the adjacent semi-detached property provide no less than three dwelling units. This condition exceeds the exceptions provided in IBC/12DCMR section 101.2.3. The project is governed by the 12DCMR/IBC and IEBC. Per IEBC 505.1 the work area exceeds 50% and is considered a level 3 renovation.*

Although this is a semi-detached structure, only the portion on the homeowner's property (lot 837, house number: 5058) is being modified and only this portion of the structure is owned by our client. Is this circumstance different than simply converting the single dwelling unit at 5058 Central Ave into a 2-unit flat? That has been our approach with all other rowhouses/semi-detached that we have converted into two units.

Thank you,

Jasmine Ohi

Ohi Engineering Group, PLLC

[jasmine@ohiengineeringgroup.com](mailto:jasmine@ohiengineeringgroup.com)

1025 Thomas Jefferson St NW, Suite 420 East

Washington, DC 20007

cell: [703.401.5672](tel:703.401.5672)

office: [202.499.5588](tel:202.499.5588)

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

**EXHIBIT C**

**Subject:** Re: Zoning hold inquiry  
**Date:** Thursday, March 28, 2024 at 3:05:16 PM Eastern Daylight Time  
**From:** DC Department of Buildings  
**To:** cynthiahartley@hotmail.com

Hi Ms. Hartley,

I am following up to inform you that the review of the inspection information is complete and it confirms that the maximum gross floor area (GFA) for the accessory apartment is not being exceeded. Further, the Office of Zoning Administration (OZA) has confirmed that they approved building permit B1702150 for a single family dwelling with and accessory apartment.

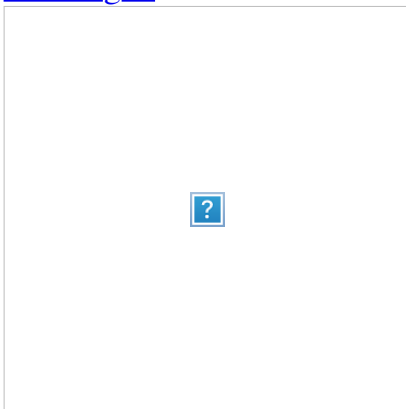
Based on this information, the zoning administrative hold has been removed from DOB's permit system to allow further processing of solar permit application SOL2400621. OZA will communicate this information to DOB's Permit Team to allow the application to continue in the review process.

I am waiting for confirmation on whether any additional action will be necessary to correct the description of work on building permit B1702150 which currently indicates two separate units (a flat), and which is in error.

Thank you for your patience and follow up with me. My apologies for the previous delays. Please let me know if you have any questions.

Regards,

**Rohan Reid** | *Program Analyst, Office of Zoning Administration*  
The Department of Buildings  
Government of the District of Columbia  
[dobcs@dc.gov](mailto:dobcs@dc.gov) | 1100 4th St SW, DC 20024  
main: 202.671.3500 | desk: 202.442.4648 | cell: 202.805.8311  
[dob.dc.gov](http://dob.dc.gov)



On Tue, Mar 26, 2024 at 7:12 PM <[dob@dc.gov](mailto:dob@dc.gov)> wrote:  
Hi Ms. Hartley,



I was out of the office last week. I will check on the status of the review of the inspection information and get back to you. I hope to wrap this up and communicate the determination this week. Thanks for your patience.

On Sat, Mar 23, 2024 at 5:20 PM <[cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com)> wrote:

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to [phishing@dc.gov](mailto:phishing@dc.gov) for additional analysis by OCTO Security Operations Center (SOC).

Good morning, Mr. Reid,

I completely overlooked your email below. I just read it now. Thank you for following up.

An inspector did come out to see measure the square footage of the basement on April 13. I look forward to hearing back from you and remain hopeful for a favorable outcome.

Kindly,  
Cynthia

Cynthia Hartley  
"Life is not a dress rehearsal."

On Tue, Mar 12, 2024 at 10:05 PM <[dob@dc.gov](mailto:dob@dc.gov)> wrote:

Good afternoon Ms. Hartley,

I apologize for the delay in getting in touch with you. The Office of Zoning Administrator (OZA) can lift the administrative zoning hold to allow further processing of the solar permit application following an inspection confirmation that the basement conforms with the gross floor area limitation for an accessory apartment.

As you are aware, OZA approved building permit B1702150 to allow an accessory apartment in the basement; however, the description of work on the application stated a conversion from a single family dwelling into two units (flat). Additionally, certificate of occupancy (C of O) application CO1703872 was submitted. Further, there was no final inspection information in DOB's permit system for B1702150, which is required. The property was flagged as a result because two units would not be allowed as a matter of right in the property's zone R-2.

OZA understands that there may have been some confusion as to how an accessory apartment should be represented in the description of work on permit applications at that time and may be able to resolve the matter via the aforementioned inspection. As such, OZA has asked the inspections division to visit the property tomorrow. Once OZA receives the result of the inspection and have reviewed it, we can share the final determination regarding removal of the administrative zoning hold - which we hope is favorable.

I am available tomorrow via email and phone, so please let me know if there are additional questions.

On Tue, Mar 12, 2024 at 10:01 PM <[dob@dc.gov](mailto:dob@dc.gov)> wrote:

Good afternoon Ms. Hartley,

I apologize for the delay in getting in touch with you. The Office of Zoning Administrator (OZA) can lift the administrative zoning hold to allow further processing of the solar permit application following an inspection confirmation that the basement conforms with the gross floor area limitation for an accessory apartment.

As you are aware, OZA approved building permit B1702150 to allow an accessory apartment in the basement; however, the description of work on the application stated a conversion from a single family dwelling into two units (flat). Additionally, certificate of occupancy (C of O) application CO1703872 was submitted. Further, there was no final inspection information in DOB's permit system for B1702150, which is required. The property was flagged as a result because two units would not be allowed as a matter of right in the property's zone R-2.

OZA understands that there may have been some confusion as to how an accessory apartment should be represented in the description of work on permit applications at that time and may be able to resolve the matter via the aforementioned inspection. As such, OZA has asked the inspections division to visit the property tomorrow. Once OZA receives the result of the inspection and have reviewed it, we can share the final determination regarding removal of the administrative zoning hold - which we hope is favorable.

I am available tomorrow via email and phone, so please let me know if there are additional questions.

On Mon, Mar 11, 2024 at 2:46 PM <[rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)> wrote:

From: Cynthia Hartley [cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com)

Sent: Friday, March 8, 2024 12:31 PM

To: Reid, Rohan (DOB) [rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)

Subject: Re: Zoning & Solar Permits at 5058 Central Ave SE

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to [phishing@dc.gov](mailto:phishing@dc.gov) for additional analysis by OCTO Security Operations Center (SOC).

You don't often get email from

[cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com). Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Hi Mr. Reid,

I'm following up my last email of 3 weeks ago and our prior phone call. I just spoke

with Ms. Dixon who sent you a message asking that you contact me. Could you please give me an update on approving permit #SOL2400621 for the solar panel?

Kindly,  
Cynthia

Cynthia Hartley  
"Life is not a dress rehearsal."

---

From: Cynthia Hartley  
<[cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com)<mailto:cynthiahartley@hotmail.com>>  
Sent: Wednesday, February 14, 2024 10:03 AM  
To: [rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)<mailto:rohan.reid@dc.gov>  
<[rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)<mailto:rohan.reid@dc.gov>>  
Subject: Zoning & Solar Permits at 5058 Central Ave SE

Dear Mr Reid,

I hope this email finds you well. I am following up on the status of the permit for the solar panels and the zoning issue that we discussed a few weeks ago. If you could please give me a call, my number is 917-803-3303.

Kindly,  
Cynthia

Cynthia Hartley  
"Life is not a dress rehearsal."

---

From: Cynthia Hartley  
<[cynthiahartley@hotmail.com](mailto:cynthiahartley@hotmail.com)<mailto:cynthiahartley@hotmail.com>>  
Sent: Monday, January 22, 2024 6:14 PM  
To: [rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)<mailto:rohan.reid@dc.gov>  
<[rohan.reid@dc.gov](mailto:rohan.reid@dc.gov)<mailto:rohan.reid@dc.gov>>  
Subject: Permit #SOL2400621

Dear Mr. Reid,

I am in the process of having solar panels installed on a property at 5058 Central Ave SE, WDC 20019. The installer, Ipsun Solar, recently informed me that there is a zoning hold on the subject permit #SOL2400621. Last week I spoke with Ms. Epps in zoning, and she said there was not a hold, but whatever it is attached to the property, it has been there since 2018. Could you please research this for me, advise on the status, and let me know what I need to do to address this.

Kindly,  
Cynthia

917-803-3303

Cynthia Hartley

"Life is not a dress rehearsal."

On October 1, 2022, the Department of Consumer and Regulatory Affairs (DCRA) transitioned into the District's newest agencies. The Department of Buildings (DOB) and the Department of Licensing and Consumer Protection (DLCP) are now available to serve you. Learn more about the transition at [DCRATransition.dc.gov](https://dcratransition.dc.gov/)<https://dcratransition.dc.gov/> or each agency by visiting [dob.dc.gov](https://dob.dc.gov/)<https://dob.dc.gov/> or [dlcp.dc.gov](https://dlcp.dc.gov/)<https://dlcp.dc.gov/>

On Fri, Mar 8, 2024 at 5:15 PM <[+19178033303](mailto:+19178033303)> wrote:

Voice Message

On Tue, Jan 23, 2024 at 9:03 PM <[dob@dc.gov](mailto:dob@dc.gov)> wrote:

Good afternoon Ms. Hartley,

I am now in receipt of your inquiry and will call you in a few minutes.

On Fri, Jan 19, 2024 at 2:35 PM <[+19178033303](mailto:+19178033303)> wrote:

Transferred Voice Message

On Fri, Jan 19, 2024 at 2:32 PM <[+19178033303](mailto:+19178033303)> wrote:

Voice Message

**BZA Case 21235**  
**Use Variance Relief from Subtitle U § 201.1, Matter of Right Uses**  
**Movant: Cynthia Hartley**

**EXHIBIT D**



Outlook

---

**Re: Business license, no C of O required!**

---

**From** pwbuild90 <pwbuild90@aol.com>  
**Date** Tue 8/15/2017 6:29 PM  
**To** Cynthia Hartley <cynthiahartley@hotmail.com>

Well, let's see what the answer is tomorrow. I was at zoning today and the information I sent was their answer. We will see.  
Paul W

Sent from my Sprint Samsung Galaxy S7.

----- Original message -----

**From:** Cynthia Hartley <cynthiahartley@hotmail.com>  
**Date:** 8/15/17 4:58 PM (GMT-05:00)  
**To:** pwbuild90 <pwbuild90@aol.com>  
**Subject:** Re: Business license, no C of O required!

Hi Paul,

It is my understanding that since this is a rental property and not a primary residence, I do need a C of O. However, I will head down to DCRA tomorrow morning to follow up. Thanks!

Regards,

Cynthia

---

**From:** pwbuild90 <pwbuild90@aol.com>  
**Sent:** Tuesday, August 15, 2017 12:06 PM  
**To:** cynthiahartley@hotmail.com  
**Subject:** Business license, no C of O required!

Hi Cynthia,  
The property will not need a C of O because the use did not change and even with the "accessory unit" it remains classified as single family residence.

Complete the business license application, pay the fee and you are set. Bring your LLC registration documents & walk it thru! All the inspection finals are in the system. NO on-site zoning inspection required. You are good-to-go!

PAUL W

Sent from my Sprint Samsung Galaxy S7.