

Board of Zoning Adjustment

Case #21235

Use Variance Relief

5058 Central Ave SE
Washington, DC 20019

March 5, 2025



Board of Zoning Adjustment
District of Columbia
CASE NO. 21235
EXHIBIT NO. 25

Exceptional Situation

Department of Consumer and Regulatory Affairs
 Permit Operations Division
 1100 4th Street SW
 Washington DC 20024
 Tel. (202) 442 - 4589 Fax (202) 442 - 4862

B **BUILDING PERMIT**

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 04/26/2017
 Expiration Date: 04/26/2018

PERMIT NO. B1702150

Address of Project: 5058 CENTRAL AVE SE		Zone: R-2	Ward: 7	Square: 5286	Suffix:	Lot: 0837
Description Of Work: Interior renovation and conversion from single family into 2 unit flat, including mechanical, electrical and plumbing. Lower basement slab and new basement entry.						
Permission Is Hereby Granted To: Cynthia Hartley		Owner Address: 1524 NEAL ST NE WASHINGTON, DC 20002-3918		PERMIT FEE: \$1,438.80		
Permit Type: Alteration and Repair	Existing Use: Single Family	Proposed Use: Flat (Two Family)			Plans:	
Agent Name: Ohi Engineering Group, PLLC	Agent Address: 1025 Thomas Jefferson St Nw, Suite 420 E 20007	Existing Dwell Units: 1	Proposed Dwell Units: 2	No. of Stories: 2	Floor(s) Involved:	
Conditions/ Restrictions:						

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.
 All Construction Done According To The Current Building Codes And Zoning Regulations:

Paul Wharton Construction
Mobley & Associates

Renovation &
C of O

Solar Panel

BZA

2016 2017 2018 2019 2020 2021 2022 2023 2024 2025

Ohi Engineering
Building
Permit

Rented
Home

Zoning
Issue

Basis for Relief of Use Variance

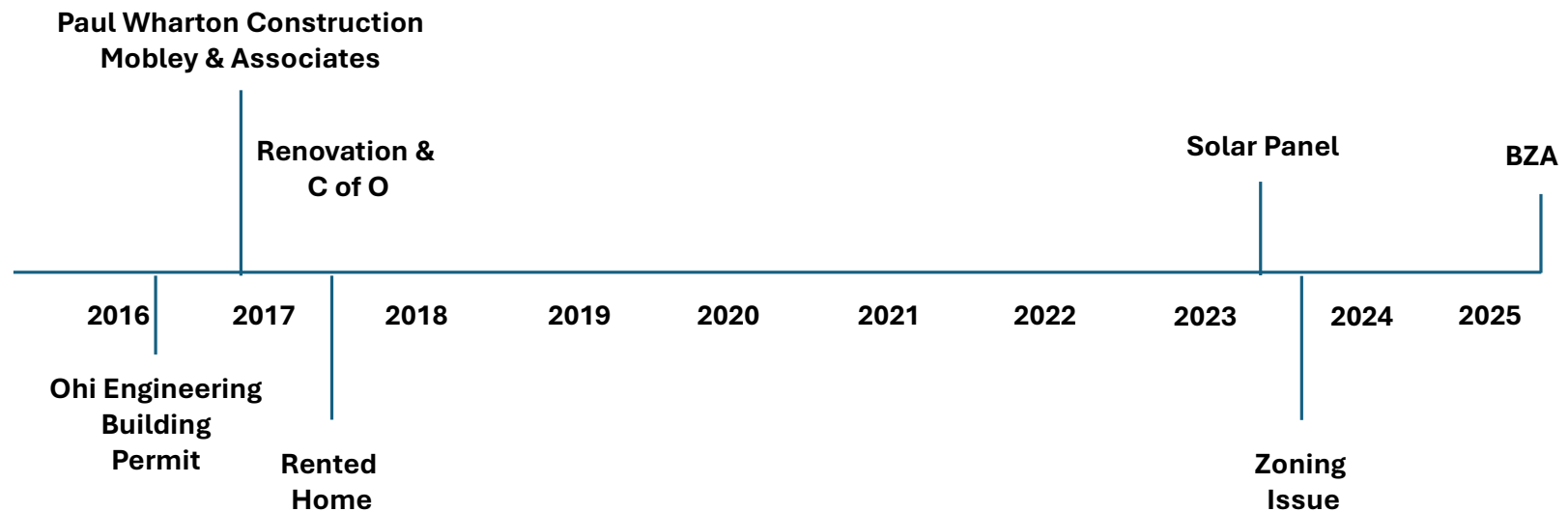
DCMR Section X-1000.1

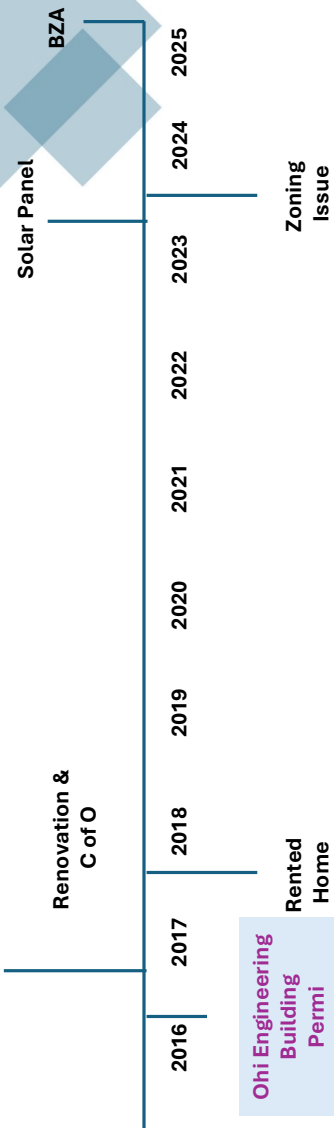
1) Extraordinary or exceptional situation.

2) Resulting in practical difficulties or undue hardship to owner

3) Granted without substantial detriment to public good or integrity of zone plan.

Exceptional Situation Timeline of Events





Exceptional Situation

From: Jasmine Ohi [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 -

1 of 4

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

Exceptional Situation

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Renovation &
C of O

Solar Panel

BZA

2016 2017 2018 2019 2020 2021 2022 2023 2024 2025

Ohi Engineering
Building
Permit

Rented
Home

Zoning
Issue

Exceptional Situation



PAUL WHARTON
CONSTRUCTION SERVICES

8726 MISSION ROAD | JESSUP MD 20794
PH: 301-830-8996 F: 301-830-8897
EMAIL: info@pw-cs.com

CONSULTING AGREEMENT

THIS AGREEMENT ("Agreement") made January 7, 2017, Between Paul Wharton Construction Services ("PWCS") and Cynthia Hartley., Owner, ("Owner"), collectively the ("Parties").

PWCS is a construction and real estate services firm, licensed to do business in the District of Columbia, Maryland. PWCS provides services for pre-construction design build consulting, estimates and schedules to prospective commercial and residential clients. Our pre-construction services also include modular home construction and renovation projects; PWCS takes on various assignments related to construction and development as requested by the owner.

The Owner/Client wishes PWCS to provide pre-construction budget and building consulting services inclusive of contract and project management services for the properties located at 5058 Central Ave. SE Washington, DC 20019 for the entirety of the parcel square 5266 and lot 837 found at this address in the DC land records.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged the Parties agree as follows:

Paul Wharton Construction
Mobley & Associates

Renovation &
C of O

Solar Panel
BZA

2025
2024
2023
2022
2021
2020
2019
2018
2017
2016

Ohi Engineering
Building
Permit

Rented
Home

Zoning
Issue

2016 2017 2018 2019 2020 2021 2022 2023 2024 2025

Ohl Engineering
Building
Permit

Rented
Home

Zoning
Issue

Exceptional Situation

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS THIRD-PARTY INSPECTION COMPLETION CERTIFICATION

Date 8/14/17 Third Party Agency Clarence Mobley Assoc. DCRA Approval # 57010702
Professional In Charge George I. Worsley, Jr. Inspector LARRY WEMYS
Permit Number M1701270 Inspector Signature [Signature]
Project Address 5058 Central Ave. SE

Inspection Discipline: ☐ Electrical ☐ Plumbing ☒ Mechanical ☐ Building ☐ Fire ☐ Sprinkler
Inspection Type: ☐ Ground Work ☐ Footing ☐ Foundation ☐ Slab ☐ Rough ☐ Gas ☐ Insulation
☒ Final ☐ Hydro ☐ Hood Suppression

Separate Form for Each Discipline
Fire and Sprinkler requires electrical or plumbing permit, Hood Suppression Requires Mechanical Permit)
TPF on Separate Form)

CERTIFICATION

I, George I. Worsley, Jr., professional-in-charge of the third party inspection activities performed by Larry Wemys in the project identified above, hereby certify and attest under oath that the final condition of the construction and installation of the specified scope of said project were inspected under my direct supervision, for conformance

Scope of Certification

Mechanical Final

Disclaimer

DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS THIRD-PARTY INSPECTION COMPLETION CERTIFICATION

Date 8/14/17 Third Party Agency Clarence Mobley Assoc. DCRA Approval # 73992729
Inspector LARRY WEMYS
Inspector Signature [Signature]

☐ Building ☐ Fire ☐ Sprinkler
☐ Slab ☐ Rough ☐ Gas ☐ Insulation

Suppression Requires Mechanical Permit)

Scope of Certification

Electrical Final

Disclaimer

The scope of this certification is restricted to the code installation of the specified scope of said project were

DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS THIRD-PARTY INSPECTION COMPLETION CERTIFICATION

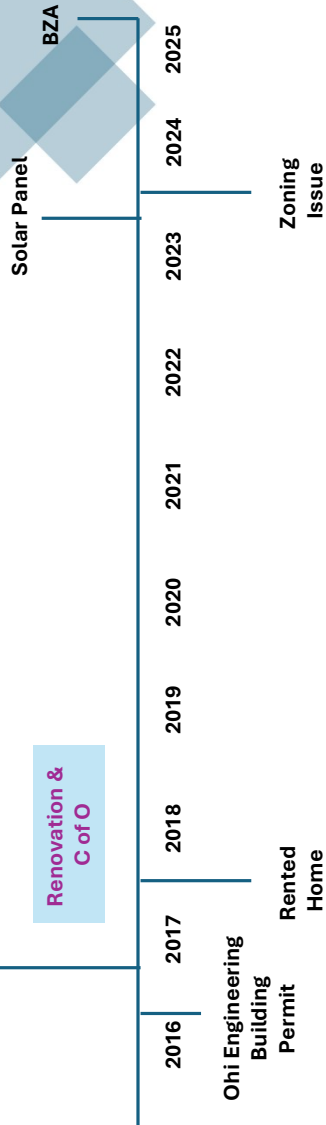
Date 8/14/17 Third Party Agency Clarence Mobley Assoc. DCRA Approval # 08454990
Inspector LARRY WEMYS
Inspector Signature [Signature]

☐ Building ☐ Fire ☐ Sprinkler
☐ Slab ☐ Rough ☐ Gas ☐ Insulation

Suppression Requires Mechanical Permit)

Scope of Certification

Plumbing Final



Exceptional Situation

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS THIRD-PARTY INSPECTION COMPLETION CERTIFICATION

Date 8/14/17 Third Party Agency CLARENCE MOBLEY ASSOC. DCRA Approval # 37406219
Professional In Charge CLARENCE MOBLEY Inspector CLARENCE MOBLEY
Permit Number B1702150 Inspector Signature CE
Project Address 5058 Central Ave. SE

Inspection Discipline: ☐ Electrical ☐ Plumbing ☐ Mechanical ☒ Building ☐ Fire ☐ Sprinkler
Inspection Type: ☐ Ground Work ☐ Footing ☐ Foundation ☐ Slab ☐ Rough ☐ Gas ☐ Insulation
☒ Final ☐ Hydro ☐ Hood Suppression

Separate Form for Each Discipline
(Fire and Sprinkler requires electrical or plumbing permit, Hood Suppression Requires Mechanical Permit)
(TPF on Separate Form)

CERTIFICATION

I, CLARENCE MOBLEY, professional-in-charge of the third party inspection activities performed by SELF in the project identified above, hereby certify and attest under oath that the final condition of the construction and installation of the specified scope of said project were inspected under my direct supervision, for conformance with the construction documents approved by DCRA. This certification includes the discipline checked above. The inspected systems and/or construction features were

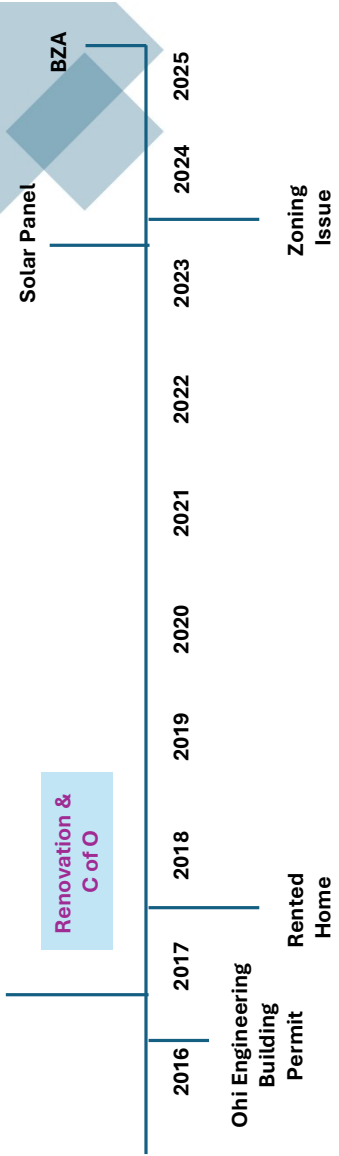
Scope of Certification

Building Final

Disclaimer

The scope of this certification is restricted to the code and/or regulatory compliance inspection performed by the inspection agency on behalf of DCRA and pursuant to provisions of the HomeStart Regulatory Improvement

Paul Wharton Construction
Mobley & Associates



Exceptional Situation

10/10/24, 3:58 PM

Mail - Cynthia Hartley - Outlook

 Outlook

Re: Reimbursement - closeout

From Cynthia Hartley <cynthiahartley@hotmail.com>
Date Thu 8/10/2017 8:37 AM
To Paul W. Wharton <pwbuild90@aol.com>

The C of O should be in the name Mar-Woo Properties, LLC. The address is 1524 Neal Street NE, Washington, DC 20002. The EIN is 45-2938886.

Regards,
Cynthia

From: Paul W. Wharton <pwbuild90@aol.com>
Sent: Thursday, August 10, 2017 8:12 AM
To: cynthiahartley@hotmail.com
Subject: Reimbursement - closeout

Good Morning Cynthia,
We are almost at the end. Here are the final expenses for reimbursement from the 22nd of July thru this week. I attached the invoice and the backup documents.

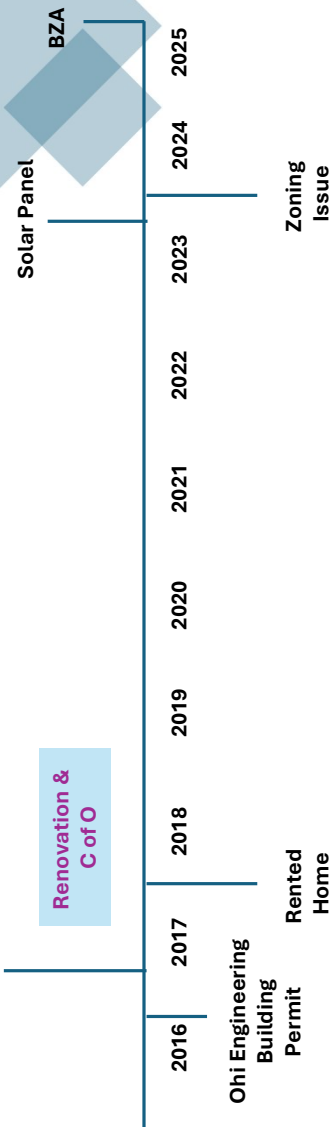
There are several subcontractors to close out:
Electrical Creation - Electrical; JG Webster - HVAC; Honesty Plumbing - Plumbing; Cassius Rolle - Painting (Extra Exterior Porch & Roof parapet metal) I will forward the balances in my system.

Honesty will have several adjustments his final payment for repairs that were made at my direction. The plumber Carroll Little (reimbursement to PWCS) has been paid. The painter, Cassius Rolle will be reimbursed for wall repairs & repainting in areas effected. I will complete the recap today.

Will the owner information be the same for the DCRA closeout documents Mr. Mobley completes? If not I need the Name, Address & FED ID# for the name going on the certificate of occupancy.



Paul W. Wharton
(240)375-5125



Exceptional Situation

----- 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

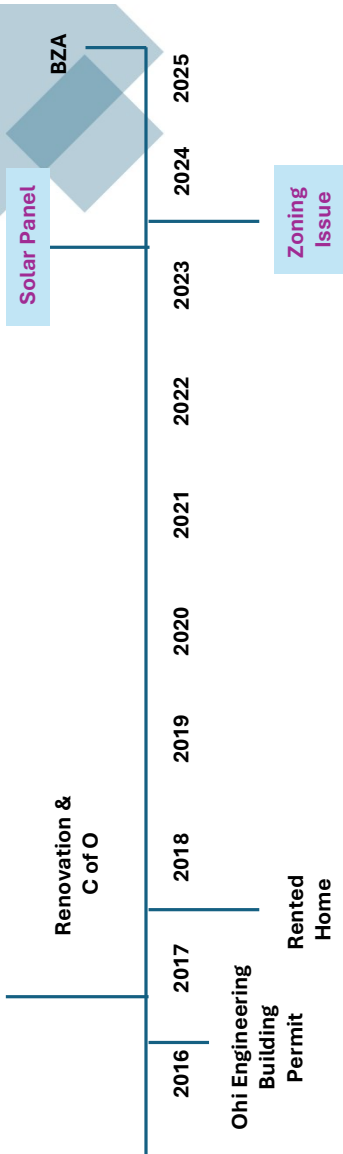
From: pwbuild90 <pwbuild90@aol.com>
Sent: Tuesday, August 15, 2017 12:06 PM
To: cynthiahartley@hotmail.com
Subject: Business license, no C of O required!

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



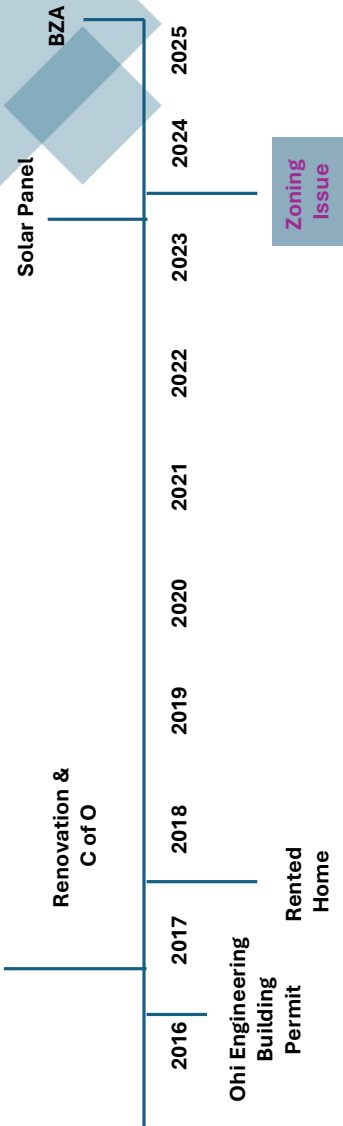
Exceptional Situation

From: Cynthia Hartley
<cynthiahartley@hotmail.com>
Sent: Monday, January 22, 2024 6:14 PM
To: rohan.reid@dc.gov
<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



Exceptional Situation



+ Add new application 2

My Applications > Application Number CO2403039

APPLICATION NUMBER CO2403039

5058 CENTRAL AVE SE, WASHINGTON DC

DENIED



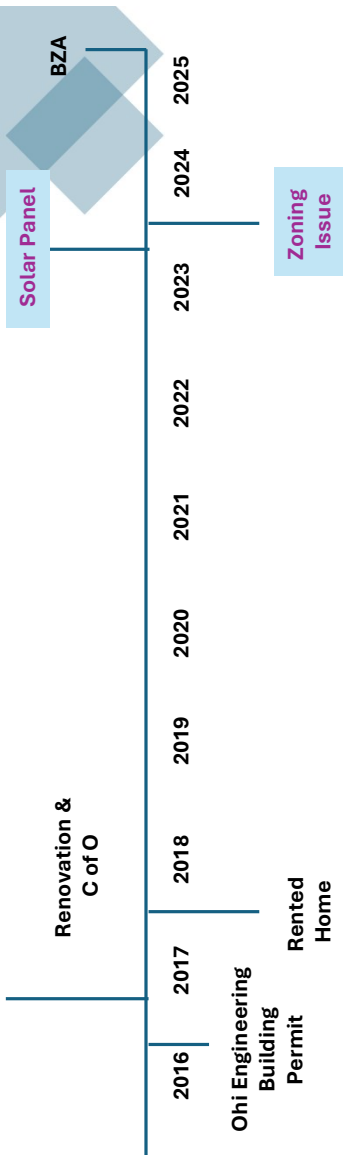
THIS APPLICATION IS DENIED

During the review process this application was denied by one of the reviewers. Interaction with this application is no longer available.

Reviewer (Division) - **Daniel Calhoun (Zoning)**

Denial reason:

A certificate of occupancy is NOT required for a Single-Family Dwelling with an accessory apartment.



Exceptional Situation

Subject: Re: Zoning hold inquiry
Date: Tuesday, March 12, 2024 at 6:05:32 PM Eastern Daylight Time
From: DC Department of Buildings
To: cynthiahartley@hotmail.com

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.

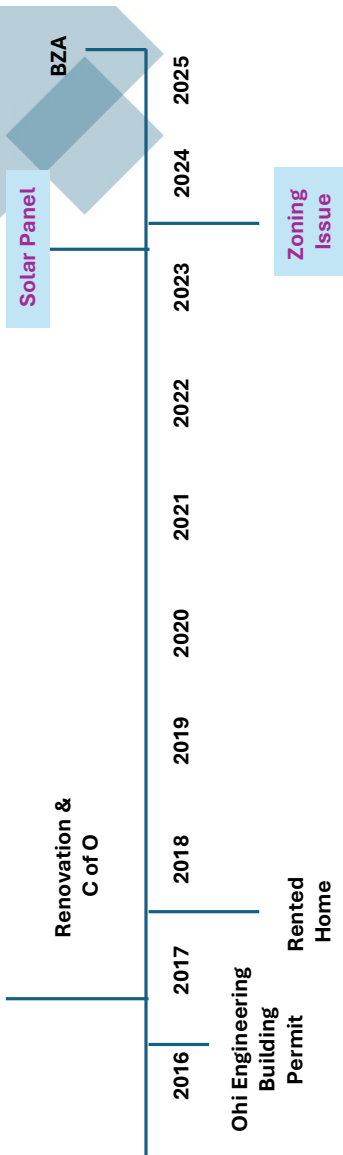
As you are aware, OZA approved building permit B1702150 to allow an accessory apartment in the basement; however, the description of work on the application stated a conversion from a single family dwelling into two units (flat). Additionally, certificate of occupancy (C of O) application CO1703872 was 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.

Regards,

Rohan Reid | Program Analyst, Office of Zoning Administration
The Department of Buildings
Government of the District of Columbia
dobes@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | desk: 202.442.4648 | cell: 202.805.8311
dob.dc.gov



Exceptional Situation

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.

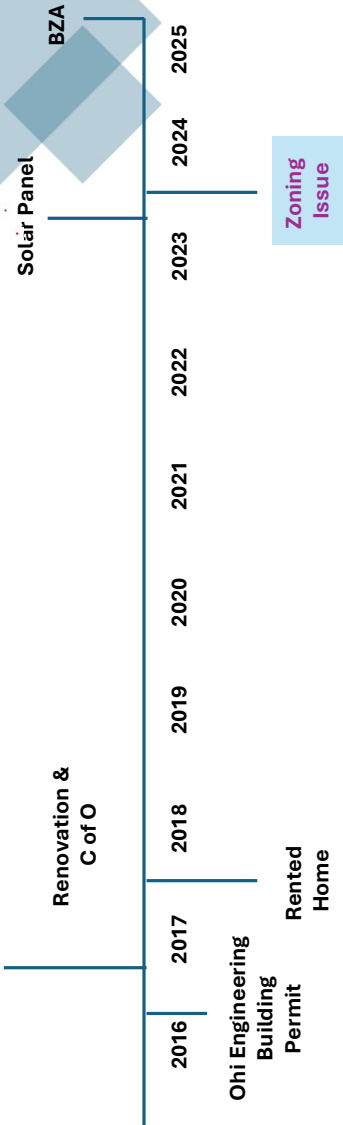
Based on this information, the zoning administrative hold has been removed from DOB's permit system to allow further processing of solar permit application SOL2400621. OZA will communicate this information to DOB's Permit Team to allow the application to continue in the review process.

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



Exceptional Situation

Keyword search

Address ↓	Unit ↓	SSL ↓	Applied To ↓	Status ↓	Applied ↓	Removed ↓	Description ↓	
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			YearBuiltPrior1978	SHOW DETAILS ▼
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			soil	SHOW DETAILS ▼
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied			WMATA	SHOW DETAILS ▼
5058 CENTRAL AVE SE		5286 0837	Parcel	Applied	2024/08/01		Zoning	SHOW DETAILS ▼
5058 CENTRAL AVE SE		5286 0837	Parcel	Removed	2017/09/21	2024/03/28	Zoning	HIDE DETAILS ▲


Detailed Description:

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.

Owner Name:
CYNTHIA HARTLEY



Exceptional Difficulty & Hardship Non-Compliance

- No Certificate of Occupancy
 - No Business License
 - No Registration with DHCD
 - No Legal Standing
 - Personal financial loss > \$10,000
- 

Exceptional Difficulty & Hardship Renovation Costs

1. Basement Compliance	\$30,000
2. Double HVAC	\$ 6,000
3. Double Electrical Panels	\$ 7,000
4. Double Plumbing	\$ 3,000
5. Double Appliances,	\$ 4,000
Total	\$50,000





Exceptional Difficulty & Hardship Displacement of Tenants

Option 1

Move in

Option 2

Sell



Without Detriment to Public Good

Uniformity of
appearance

Original
footprint of
home

Safe, affordable,
energy efficient
housing





Q & A

