

March 6, 2026

VIA EMAIL

Alexandra Wilson, Esq.  
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**RE:** 6117 32<sup>nd</sup> PL NW - Square 2019, Lot 0008 (“Subject Property”)

Dear Ms. Wilson:

I have reviewed your letter dated December 29, 2025 and your subsequent communication dated January 7, 2026 requesting equitable estoppel on behalf of your clients, Mr. and Mrs. Rosenbaum, property owners of the subject property, of enforcement of 11-D DCMR § 208.3 in connection with the Stop Work Order issued on December 29, 2025 (See Exhibit A- Stop Work Order) related to **B2504679**, and I hereby deny the request for equitable estoppel.

To make this determination, I examined the specific building permit application, plans, and plat, and the elements that you identified in support of your request for equitable estoppel, and I have concluded that:

- **Acting in Good Faith:** Mr. and Mrs. Rosenbaum acted in good faith by hiring an architect. However, it is incumbent on the architect to take into account all applicable federal, state, and municipal building laws and regulations and shall not knowingly design a project in violation of such laws and regulations. The architect failed to familiarize themselves with

Zoning Administrator Interpretation 10: Demolition vs Raze for Zoning Purposes, which establishes the minimum threshold at which the demolition of a building is not considered a raze, or the complete removal of a building. This interpretive guidance document has been published and available to the public since October 1, 2019. The Office of Zoning Administration must be informed whether a building’s footprint is changing and, if so, the percentage of the removal of the total building’s enclosing wall area, to determine if there is a complete removal of the building or a zoning raze.

In cases of a partial demolition of a building in which the footprint is being expanded and therefore some of the enclosing perimeter walls are being completely removed, the Office of Zoning Administration will, on a case-by-case basis, review the percentage of the removal of the building’s enclosing exterior wall area and determine a minimum percentage of wall area that has to be retained. Generally, a minimum of 40-50% of the existing enclosing exterior wall area must be retained, so as not to constitute a complete removal of a building or a zoning raze. The architect did not avail themselves of a Zoning Preliminary Design Review Meeting (PDRM) or seek clarification to ensure the vesting of the nonconforming side yard at the property.

- **Affirmative Acts by the Jurisdiction:** DOB issued B2504679 on September 23, 2025. The scope of work for the permit as submitted was characterized as an interior remodel and addition and the job was assigned to the D-R job class for projects of 2,000 square feet or less (includes ALL additions). The scope reads as follows: [Complete interior remodel and addition to existing single-family home. All new building systems and finishes. Home will be unoccupied during construction.](#)

Based on this classification and description of work, zoning approved the permit in the first review cycle on May 29, 2025 with the following approval language:

- *Addition, alteration and repair of existing single dwelling unit in the R-1B. New accessory apartment in the lower level. Parking provided in Garage.*
- *Pursuant to U-253, either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.*
- *Pursuant to U-253.6, The total number of persons that may occupy the accessory apartment shall not exceed three (3)*
- *Pursuant to U-253.13, Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Buildings and the property shall be inspected for relevant housing code compliance.*

The permit application contained additional internal inconsistencies that obscured the intent to demolish the existing building. The DC Office of Surveyor's building plat depicted the nonconforming side yard of 4.9 feet (north) and included the following notes along the north property line, which reinforced the zoning approval as an addition, alteration and repair and not as a zoning raze.

- STEP 2<sup>ND</sup> FLOOR ADDITION BACK 2" TO MAIN 5'-0" MIN. FROM PROPERTY LINE
- NEW 2<sup>ND</sup> FLOOR & ATTIC ADDITION OVER EXISTING 1<sup>ST</sup> FLOOR FOOTPRINT

The wall check, which is to be performed when the foundation is one foot above grade, that was submitted November 21, 2025 (see attached Wall Test Report) showed the demolition of the existing building. The wall check was reviewed for consistency with DC surveying standards by the Office of the Surveyor and was then forwarded to the Office of Zoning Administration for review. When the zoning technician reviewed the wall check, the zoning raze was identified and the applicant was notified of the zoning raze and loss of vesting of the nonconforming side yard on December 9, 2025.

- **Expensive and Permanent Improvements Made:** The permit was issued September 23, 2025 and construction commenced. As evidenced by the DOB inspection on December 29, 2025 the building was framed in. Required construction inspections were not recorded for the foundation and framing, and construction should have stopped on December 9, 2025 when the wall check was flagged by the Office of Zoning Administration. The additional framing and close-in of the structure that was completed after the wall check was held for correction and without required construction inspections was completed at the risk of the applicant.
- **Equities:** Given that relief from 11-D DCMR § 208.2 is available to the property owners, the equities of this case do not favor those owners. Pursuant to D-5200.2 variance relief is available from the strict application of the side yard regulations. Indeed, there is a pending application, BZA Case No. 21440, with a hearing scheduled for May 20, 2026. There are no additional mitigating factors that support granting equitable estoppel in this case.

In consideration of these factors, I hereby deny equitable estoppel from the enforcement of 11-D DCMR § 208.3.

Best regards,

*Kathleen A. Beeton*

Kathleen A. Beeton, AICP

**Attachments:** SWO dated December 29, 2025

Building Plat

Wall Test Report dated November 21, 2025