

**Statement of Advisory Neighborhood Commission 6C  
In Support of Appeal to the Board of Zoning Adjustment  
Concerning Permit B1706219**

Advisory Neighborhood Commission 6C (ANC 6C) submits this statement in support of its appeal concerning permit B1706219 purporting to be a “[r]evision to building permit B1606543 and building permit B1512853 reflecting underpinning” and for “[r]enovation of an existing single family dwelling unit to a 2-unit separate townhouse” [*sic*].

As mandated by 11 DCMR subtitle Y, section 302.12, ANC 6C states the following:

1. This appeal is taken against the Department of Consumer and Regulatory Affairs (DCRA) and DCRA’s Zoning Administrator, Matthew LeGrant.
2. ANC 6C appeals the issuance of permit B1706219 (“the Permit”; copy at Attachment A), issued on March 31, 2017.
3. The Permit and this appeal relate to 1125 7<sup>th</sup> St. NE, aka square 886, lot 35 (“the Property”) in the RF-1 zone.
4. The Property’s owner of record is Atlas Squared, LLC, 7926 Jones Branch Drive, Ste. 600, McLean, VA 22102-3373.
5. ANC 6C first learned of the issuance of the Permit on April 4, 2017. A member of the Commission received a cc of an April 3, 2017 email from the owner of an abutting property to Melinda Bolling, DCRA Director; that email revealed the issuance of the Permit.
6. The Property lies entirely within the boundaries of ANC 6C, which therefore has standing to bring this appeal as an “affected ANC” within the meaning of 11 DCMR subtitle Y, section 101.8.
7. ANC 6C contends that the Permit’s issuance fails to comply with the District’s zoning regulations, and that the Permit should therefore be revoked, on the following grounds:
  - a. **Pervious surface requirement:** Subtitle C, section 501 and subtitle E, section 204.1 require every RF zone lot larger than 2,000 square feet to have a minimum of 20% pervious surface. The Permit fails to satisfy this requirement.

- b. **Illegal rooftop addition:** Subtitle E, section 206.1 prohibits the construction of an addition that blocks or impedes a chimney or other external vent on an adjacent property. The Permit violates this requirement.
- c. **Excessive number of units:** Subtitle E, section 302.1 imposes a maximum of two dwelling units on the Property. The application for the Permit depicts four units: two principal units and two accessory units. The latter are expressly prohibited under section 302.3.
- d. **Construction of a second, illegal principal building:** The application for the Permit depicts the construction of a second principal building on the Property behind the existing structure. Although the application shows a connection between the two, the connection fails to satisfy the requirements of subtitle B, section 309.1 (establishing the criteria for a connection sufficient to make multiple structures a single building).

This new, separate building exceeds the size restrictions for an allowable accessory building in that it is not subordinate to the principal building (subtitle E, section 5000.1(a)) and exceeds the height and story limits—20 feet and two stories—set out in subtitle E, section 5002.1.

ANC 6C will discuss these shortcomings in greater detail, with specific reference to the Permit application forms, plans, photos, and drawings at Attachments B through E, in its pre-hearing statement.

- 8. ANC 6C04 Commissioner Mark Eckenwiler will testify concerning the forms, plans, drawings, and photographs (and their legal insufficiency) as referenced above, as well as the general history of the Permit and the irregularities surrounding its issuance. Kevin Cummins, the co-owner of 1123 7<sup>th</sup> St. NE, will testify concerning the vent/chimney on his property (referred to in paragraph 7(b) above).

For all the reasons stated above, ANC 6C respectfully urges the Board to find that DCRA and the Zoning Administrator violated the Zoning Regulations in issuing permit B1706219. Accordingly, we ask the Board to reverse the decision of the Zoning Administrator and to order the immediate revocation of permit B1706219.

Respectfully submitted,



Mark Eckenwiler  
Commissioner, ANC 6C04  
(as authorized representative  
for ANC 6C)

TABLE OF ATTACHMENTS

- A. Permit B1706219
- B. Zoning Data Summary Form Submitted in Support of Application for Permit B1706219
- C. Annotated Surveyor's Plat Submitted in Support of Application for Permit B1706219
- D. Plans and Drawings Submitted in Support of Application for Permit B1706219
- E. Roof Photos Submitted in Support of Application for Permit B1706219