

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001

Appeal of Advisory Neighborhood Commission 6C

BZA Appeal No. 19550

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS’
PARTIAL CONSENT MOTION FOR SECOND EXTENSION OF TIME TO FILE AN
AMENDED PRE-HEARING STATEMENT**

The D.C. Department of Consumer and Regulatory Affairs (DCRA) respectfully requests that the Board of Zoning Adjustment (the Board) grant DCRA’s motion for extension of time to file an amended pre-hearing statement no later than Wednesday, August 15, 2018 for the following reasons:

On March 31, 2017, DCRA issued building permit B1706219 (Permit), which authorized the Permit Holder, Atlas Squared, LLC, to renovate 1125 7th Street, N.E. from “an existing single family dwelling unit to a 2-unit separate townhouse.” On May 31, 2017, shortly after the issuance of the Permit, Appellant filed this appeal alleging that the Permit was issued erroneously.¹ On February 16, 2018, the Permit Holder applied for a revision to the Permit, where the gross square footage of the Property was identical to the Permit.²

On April 18, 2018, Appellant filed its Pre-Hearing Statement based solely on the Permit.³ On that same day, DCRA issued the Revised Permit B1805207. Following the issuance of the Revised Permit, DCRA filed a Motion to Incorporate the Revised Permit into this appeal and a

¹ BZA Appeal 19550 - Exhibit 3.

² A minor exception being the bay window projections, which were located in the public space and were not subject to the Zoning Regulations.

³ BZA Appeal 19550 - Exhibit 35.

Motion to Continue the May 9 Hearing to allow the Appellant and the Intervenor an opportunity to review the Revised Permit.⁴

During this public hearing on May 9, 2018, the Board incorporated the Revised Permit into this appeal. The Board ordered the Appellant to file a supplemental statement by June 25, 2018 and for DCRA to file its pre-hearing statement no later than July 11, 2018.

On June 25, 2018, Appellant filed his second pre-hearing statement⁵ and raised the following issues:

- (i) Whether two roof hatches are impermissible penthouses on the roof of the Property;
- (ii) Whether the roof hatches trigger 1:1 penthouse setback requirement;
- (iii) Whether the existing cornice is a rooftop architectural element that cannot be removed from the Property;
- (iv) Whether the rear tower of the townhouse is a second principal building on the Property; and
- (v) Whether the rear tower of the townhouse exceeds the maximum depth permissible by the Zoning Regulations in effect on the date of the Revised Permit’s issuance.

The Property Owner noticed an error in the plans and submitted revised plans for the construction of the hatch and submitted another revised plan for the roof hatch, which is under Agency review. Pending approval of the Property Owner’s revised plans, DCRA filed a Motion for Extension of Time to File an Amended Pre-Hearing Statement,⁶ which would allow DCRA to address any changes based on the Zoning Administrator’s review of the Property Owner’s revised plans. Additionally, DCRA requested the Board to extend time to file the Appellant’s reply.

⁴ BZA Appeal 19550 - Exhibit 36.

⁵ BZA Appeal 19550 - Exhibit 46.

⁶ BZA Appeal 19550 - Exhibit 49.

While the review process is in its final stage, the revised plans have not been yet approved. For this reason DCRA seeks an extension until Wednesday, August 15, 2018 to file an amended pre-hearing statement addressing any changes based on the Zoning Administrator’s review of the Property Owner’s revised plans.

In order to provide the Appellant sufficient time to review the revised drawings, DCRA respectfully requests the Board to extend the time to file the Appellant’s reply until September 5, 2018. If this request is granted, the Appellant will have three weeks to inspect the revised plans and provide a response.

The next public hearing is currently scheduled for September 19, 2018. Neither Party would be prejudiced by the Board approving DCRA’s request to file an amended statement on August 15, 2018 because the Parties would have sufficient amount of time to review the amended statement.

The Permit Holder provides its consent to this motion. The Appellant and the Intervenor did not respond to DCRA’s request for consent at the time of the filing of this motion.

CONCLUSION

For the foregoing reasons, DCRA respectfully requests that this Board grant DCRA’s Partial Consent Motion for Second Extension of Time to File an Amended Pre-Hearing Statement.

Respectfully submitted,
ESTHER MCGRAW
General Counsel
Department of Consumer and Regulatory Affairs

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Date: 08/01/2018

/s/ Adrienne Lord-Sorensen

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August 2018 a copy of the foregoing DCRA’s Partial Consent Motion for Second Extension of Time to File an Amended Pre-Hearing Statement was served via electronic mail to:

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