



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR

August 23, 2017

VIA REGULAR MAIL AND ELECTRONIC EMAIL

To: AMT-Varnum LLC  
1521 Varnum Street, NW  
Washington, DC 20011  
*Owner* (as provided to DCRA in building permit application)

William Cleaveland  
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Catonsville, MD 21228  
[will@oelladesign.com](mailto:will@oelladesign.com)  
*Agent for Owner* (as provided to DCRA in building permit application)

Michael Taylor  
1811 1<sup>st</sup> St NW  
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*Registered Corporate Agent for Owner* (as provided to DCRA in registering LLC)

Philip J. Collins  
Protas, Spivok & Collins, LLC  
4330 East West Highway, Suite 900  
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*Counsel in related mandamus action*

Re: 1523 Varnum Street, N.W. (Square 2698, Lot 0046)

**NOTICE OF DENIAL OF BUILDING PERMIT APPLICATION B1611940 BY ZONING ADMINISTRATOR AS NON-COMPLIANT WITH THE ZONING REGULATIONS**

This is official notice that the Zoning Administrator (the “ZA”), Department of Consumer and Regulatory Affairs (“DCRA”), **has denied approval of building permit application B1611940** (the “**Application**”), for a “New 3 Story Flat Subdivided Lot” located at 1523 Varnum Street, N.W., Washington, D.C. 20011, known for assessment and taxation purposes as Lot 46 in Square 2698 (the “**Property**”) and located in the RF-1 Zone, because the ZA has determined that the Application is non-compliant with the Zoning Regulations “on the basis that the applicant is simultaneously appealing the revocation of the original permit (B1411058) which would conflict with this permit application [the Application],” as stated in the August 7, 2017 Zoning Review entry in DCRA’s electronic permit application review database.

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19632  
B1611940

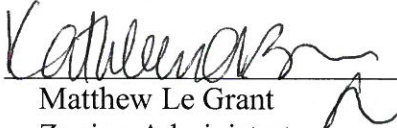
The ZA determined that building permit B1411058 (the “**Original Permit**”), issued by DCRA for construction on Lot 45 (subsequently subdivided into Lots 46 and 47), authorized construction that would be in direct conflict with the construction proposed by the Application, not only by overlapping building envelopes, but also by violating various development standards for the RF-1 Zone as established by Chapters 1-3 of Subtitle E of the Zoning Regulations (*e.g.*, lot occupancy, pervious surface, rear yard and side yard setbacks, *etc.*). Construction was begun under the Original Permit before it was revoked, which revocation is currently pending before the Court of Appeals in Case No. 16-AA-734. Section A-301.2 of the Zoning Regulations requires that all building permit applications include drawings and a building plat that depict “all existing and proposed structures” for the ZA to determine if such applications comply with the Zoning Regulations. The Application did not include the structures proposed to be constructed under the Original Permit, and so violates Section A-301.2 of the Zoning Regulations, unless and until the Original Permit is withdrawn or its revocation upheld by the Court of Appeals. Until that occurs, the ZA cannot determine that the construction proposed by the Application complies with the development standards of the RF-1 Zone as stated in Chapters 1-3 of Subtitle E of the Zoning Regulations, as well as any other applicable provisions in the Zoning Regulations, as is required by Section A-301.1 of the Zoning Regulations. Therefore on August 7, 2017, the ZA denied approval of the Application based on its non-compliance with the Zoning Regulations.

### RIGHT TO APPEAL

The owner of the Property has the right under Section X-1100.2 (and Sections Y-100.4 and Y-302.1, and D.C. Official Code Sections 6-641.07(f) and (g)(1)) of the Zoning Regulations to appeal this denial by the ZA as a “decision, determination, or refusal made by the Zoning Administrator ... in the administration or enforcement of the Zoning Regulations” by filing a request for a hearing with the District of Columbia Board of Zoning Adjustment (the “**BZA**”), 441 4<sup>th</sup> Street, NW, Suite 210 South, Washington, D.C. 20001 (<http://dcoz.dc.gov>) within sixty (60) calendar days of the date the owner had notice or knowledge, or reasonably should have had notice or knowledge, of the ZA’s August 7, 2017 denial per Section Y-302.2 of the Zoning Regulations. Any questions about the appeals process should be addressed to BZA’s representative, the District of Columbia Office of Zoning at (202) 727-6311 or [dcoz@dc.gov](mailto:dcoz@dc.gov).

Any questions about this Notice may be directed to the Office of the Zoning Administrator at (202) 442-4576 or via email at [matt.legrant@dc.gov](mailto:matt.legrant@dc.gov).

Date: August 23, 2017

  
Matthew Le Grant  
Zoning Administrator