

Cochran, Patricia (DCOZ)

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Sent: Tuesday, November 9, 2021 4:13 PM
To: DCOZ - BZA Submissions (DCOZ)
Cc: Mehlert, Keara (DCOZ); Moy, Clifford (DCOZ)
Subject: Case 20452 - General Comments

I am in support of this project to the extent that the parcel is private property. However, I am writing to express concern about three major misinterpretations/manipulations of the zoning regulations by the Zoning Administrator.

1. Miscalculation of Building Height: Roof Covers Entirety of Interior Space

The characterization of the roof as an "architectural element" is unsupported by DCRA's own documentation, as explained by the appellants. The Board can further comprehend this error by simply looking at photos of the building. The pyramidal roof covers the majority of the building and is only absent over what is essentially the porch around the building. The roof is a roof.

2. Exemption of S Street Rear Yard as "Non-Conforming Feature" is Unsupported

The architectural element/roof issue is of course driven by a desire to make this building shorter than it actually is in order to meet the rear yard test. Regarding S Street, the Zoning Administrator calls the 7-foot wide areaway a "non-conforming feature." That phrase is not contained within the zoning regulations. It is also contrary to common sense and certainly cannot be justified by Mr. LeGrant's common refrain—that it has been his "long-standing practice," a phrase that he frequently utters but rarely if ever substantiates with examples of past practice.

Notably, Mr. LeGrant used that same "non-conforming" language in Case 20356 in early 2021 but dropped that argument prior to the hearing. It made no sense there. It certainly does not in the present case.

3. Construction of Subterranean Units on 15th Street Contrary to Subtitle A

Authorization to build the subterranean units along 15th Street, two levels down, is contrary to the very purpose of the zoning regulations, as stated in Subtitle A 101.1 ("the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to: (a) Provide adequate light and air....").

Conclusion

I live about a mile north of this project. That's irrelevant although at least one zoning attorney has pointed this out in the past as if that diminishes my testimony. Putting that annoyance aside, I would like to stress that, each and every time I have come before the Board over the past 6 years, my motivation has been to seek compliance with the zoning regulations in the face of the Zoning Administrator's ongoing manipulations of the actual language. Everyone involved in this case should have the same goal. It is clear that not all parties are on the same page. The Zoning Administrator certainly is not. Nor is ANC2B, which seeks Board clarifications that are unnecessary as one only need read the regulations for answers to their questions.

I implore the Board to take a stance. Enough is enough. The integrity of the regulations and the Board's credibility is once again at risk.

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Board of Zoning Adjustment
District of Columbia
CASE NO.20453
EXHIBIT NO.113

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