



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

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Representing Adams Morgan

Commissioners:

Amir Irani (1C01)

Hector Huevo (1C02)

Ted Guthrie (1C03)

A. Tianna Scozzaro (1C04)

Vacant (1C05)

Vacant (1C06)

Wilson Reynolds (1C07)

Amanda Fox Perry (1C08)

December 31, 2018

Fred Hill, Chairman
Board of Zoning Adjustment
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001

RE: 2910 18th Street NW – BZA Appeal

Dear Chairman Hill:

At a duly-noticed public meeting held on, December 5, 2018, with a quorum present, Advisory Neighborhood Commission 1C (ANC 1C) passed a resolution involving 2910 18th Street, NW by a vote of 5-0-0.

ANC 1C respectfully submits the attached resolution authorizing ANC 1C to file a BZA appeal for the permits issued on these properties.

Sincerely,

-Hector Huevo-

Hector Huevo
Chair, ANC1C

ANC1C Resolution – 2910 18th Street NW

December 5, 2018

PASSED

Whereas, neighbors in Lanier Heights successfully down-zoned multiple squares in the neighborhood from RA-2 to RF-1 to maintain the character of existing single-family homes.

Whereas, ANC1C supports adherence to the District’s zoning regulations and construction codes.

Whereas, 2910 18th Street, NW is located in Lanier Heights and subject to RF-1 provisions of DCMR 11, which:

- In E-206.1, protect roof top architectural elements original to buildings (such as cornices, porch roofs, turrets, towers, or dormers) from removal or significant alteration.
- In E-206.1, limit the addition of new construction elements so as to not interfere with the proper function existing solar arrays, chimneys and vents.
- In E-303.1, limit the height of buildings to 35’ and (3) stories.

Whereas, the application at 2910 18th Street, NW was filed in March and did not comply with the requirements of 2013 DC Building Code Section 105.3 because it misrepresented existing site conditions and elements on adjacent properties in order to gain approval of additional development that would not otherwise be allowed in the RF-1 district.

Whereas, approval of permit B1806082 at 2910 18th Street, NW by the Zoning Administrator on 11/3/2018, fails to at a minimum, fails enforce the provisions of E-206.1 as it:

- Does not require the restoration of architectural elements that were illegally removed and destroyed by illegal construction and DRCA’s failure to enforce requirements for protection and bracing of the structure during construction causing the (possibly intentional) collapse of the structure in 2016.
- Allows the proposed new construction to impede the function of existing adjacent building elements (a 5.2 kW solar array at 2912), which would not be allowed but for the illegal action.

Whereas, by approval of the permit, the Zoning Administrator reverses his prior zoning determination that was conveyed to the adjacent property owners concerned about the demolished architectural elements, the height of the new building and additional building elements and the resulting loss of solar production.

Whereas, the Zoning Administrator exceeded his authority in determining that the new permit holder can ignore the provisions of E-206.1 by way of a non-defined regulatory term: “zoning raze”, which:

- Allows the permit holder to pretend to erect a new three-story building and to claim it is not an addition, therefore not subject to the conditions of E-206.1 because, in theory, there is no existing building that is being added to.

Whereas, the term “zoning raze”, which does not exist in DC law, has been created by the Zoning Administrator apparently in his “discretion”, with no set guidelines or rules that govern this decision.

- The Zoning Administrator decision condones illegal construction and neglect and thereby would set a bad precedent by allowing others to remove protected architectural elements and block the function of adjacent solar arrays, chimneys and vents, thereby frustrating the purpose of E-206.
- Accordingly, the Zoning Administrator’s decision was and is an abuse of discretion.

Therefore, Be It Resolved, ANC 1C is authorized to file an ANC appeal of permit B1806082.

Finally, Be it Resolved that ANC1C authorizes any ANC1C Commissioner and Alan Gambrell to act on behalf of ANC1C, before city agencies, the BZA, the Zoning Commission, and the City Council, regarding matters specific to the provisions outlined above.