



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Amir Irani (1C01)

February 11, 2019

Bridget Pooley (1C02)

Ted Guthrie (1C03)

Andrew Trueblood, Interim Director

Douglas Ely (1C04)

Office of Planning

Damiana Dendy (1C05)

1100 4th Street, SW, Suite 650 East

Michaela Wright (1C06)

Washington, D.C. 20024

Japer Bowles (1C07)

sent by email attachment to: planning@dc.gov

Amanda Fox Perry (1C08)

Re: BZA 19771

1834 Ontario Pl. NW

Dear Director Trueblood:

At a duly-noticed public meeting held on February 6, 2019, with a quorum present, Advisory Neighborhood Commission 1C passed the attached resolution by a vote of 3-2-3.

Please advise if anything further is necessary.

Ted Guthrie

Chair, ANC 1C

ANC1C Resolution
DCRA's Non-Enforcement BZA Decision on Porch at 1834 Ontario Place NW
DRAFT for February 6, 2019

Whereas, ANC1C seeks to make the Board of Zoning Adjustment (BZA) and Office of Zoning aware of DCRA's failure to enforce a Board of Zoning Adjustment (BZA) ruling in Case 19771 (1834 Ontario Place NW) requiring restoration of a porch.

Whereas, the sequence of events involving the BZA order and its non-enforcement over a 7-month time frame was as follows:

- Applicants filed a special exception case in BZA 19771 "to remove the existing porch roof and rebuild a portion of the porch roof" (applicant's 4/18/18 pre-hearing statement, page 1).
- ANC1C, which had automatic party status, passed a June 8, 2018 resolution opposing alteration of the porch on the basis of such removal being contrary to Subtitle E-206.1's protection of architectural elements, along with other zoning concerns (BZA 19771 Exhibit 40).
- On June 13, 2018, during the BZA 19771 hearing, applicants informed the BZA that the porch was removed that same day.
- At the end of the hearing on June 13, 2018, the BZA voted 5-0 to deny "removal of the existing front porch" and asked for plans showing "retention of the full porch" (BZA 19771 transcripts, presented in lieu of issuance of a final order).
- Applicants subsequently restored the porch roof but did not restore the full porch.
- Starting July 2018 and forward, a series of emails were sent to DCRA, the Office of Zoning, the Office of Planning, and Councilmember Nadeau to clarify the specific ruling of the BZA was "retention of the full porch." Additionally, emails stated that removal of the porch increased the number of stories to four (disallowed under RF-1) and the building height.
- In July 2018, DCRA responded via email that Subtitle E-206.1 applied to the porch roof and not the porch.
- Later in July 2018, the Office of Zoning Director asked if DCRA was aware of these emails.
- In August, in response to further email documentation of the BZA's ruling, DCRA Director Melinda Bolling stated she was "looping in DCRA's Zoning Administrator and Deputy General Counsel to review the impact of this construction on both building height and number of stories."
- On September 5, 2018 the Zoning Administrator sent an email promising a forthcoming update and on September 22, 2018 wrote another email stating the following: "I have requested additional information from the property owner's representatives and am awaiting that submission, of which I understand is coming to me in the next few days. I will keep you and the others on the list posted as to the results of my analysis of that information."
- No further responses were received from DCRA nor did DCRA respond to several follow-up emails requesting an update.

Therefore Be It Resolved, that ANC1C is notifying the BZA and Office of Zoning about DCRA's failure to enforce the BZA ruling in Case 19771.