

Resolution of ANC 1C Regarding BZA Application # 20077

1831 Ontario Place NW

September 4, 2019

WHEREAS, it is clear to ANC 1C that the owners of 1831 Ontario Place (Applicant) and their architects and/or contractors, constructed an illegal non-conforming three story addition to a single dwelling unit in the RF-1 zone;

WHEREAS, the violation was not discovered until the addition was substantially complete;

WHEREAS, the addition resulted in lot occupancy of 62.71%, which exceeds the maximum 60% lot occupancy allowed by E-304.1 by approximately .28 percent, as it had already been granted minor flexibility for an additional 2%;

WHEREAS, the rear wall extends approximately 2.15 feet in excess of the permitted 10 feet beyond the rear wall of the adjoining dwelling (1833 Ontario Place NW), in violation of E-205.4;

WHEREAS, as a result of these violations, the neighbor at 1831 Ontario Place is understandably displeased with the appearance of the addition as it is viewed from her property, and as it interferes with the enjoyment and use of her property;

WHEREAS, upon discovery of the violation, DCRA determined that special exception relief is required for increasing the site's lot occupancy to 62.71%, pursuant to D-5201.1;

WHEREAS, the Office of Planning (OP) accepted DCRA's determination that the addition satisfies E-205.4, which requires that the addition project no more than 10 feet beyond the farthest rear wall of any adjoining principle building on an adjoining property;

WHEREAS, ANC 1C remains concerned about DCRA and OP's interpretation of E- 205.4, and has requested clarification from OP, which has not been forthcoming;

WHEREAS, until that clarification is provided, BZA Application 20077 should also include a request for relief from E- 205.4, as the rear wall of 1831 Ontario Place NW now extends almost 13 feet beyond the rear wall of 1833 Ontario Place NW;

WHEREAS, violations of this nature should not be allowed to occur, and are fundamentally unfair to neighbors and the community as a whole, who observe and adhere to the Zoning Regulations;

WHEREAS, ANC 1C does not believe the Applicant should be penalized, as DCRA erred in its review of the permit and allowed the project to proceed to near-completion before identifying the violations;

THEREFORE, BE IT RESOLVED that ANC1C opposes any BZA decision that would result in the removal of the illegal addition; and,

BE IT FURTHER RESOLVED that ANC 1C dos not take an official position in support of or against BZA Application 20077.