



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



June 12, 2006

Board of Zoning Adjustment  
441 4<sup>th</sup> St, NW, Suite 210  
Washington, DC 20001

RE: Letter of BZA Appeal Authorization for 1411 Ames Place, NE

Dear Board Members,

At the regularly scheduled and properly noticed meeting on June 8, 2006, Advisory Neighborhood Commission 6A voted unanimously to appeal the administrative decision of the Department of Consumer and Regulatory Affairs' Zoning Administrator to approve the zoning discipline at 1411 Ames Place, NE. Please reference Building Plan Review Status (BPRS) tracking number 3786 D 6.

Please be advised that Commissioners Nicholas Alberti, Cody Rice and Joseph Fengler are authorized to act on behalf of Commission for the purposes of this appeal.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

*Before the*

DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

APPEAL OF: )  
Advisory Neighborhood Commission 6A from the )  
Administrative Decision of DCRA on )  
Building Plan Review Status 3786 D 6 on )  
Approval of Zoning Discipline )

**Statement of the Applicant**

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment Board GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Regulation Administration approval of the Zoning Discipline at 1411 Ames Place, NE. and in support of its appeal states as follows:

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant the Zoning Disciplines contained in the Building Plan Review Status Tracking Number 3786 D 6. The property which is the subject of this appeal is located at 1411 Ames Place, NE. The property is zoned R-4. The appeal is requested for the following reason: DCRA approved the construction permits in this case in violation of DCMR section 2100. This provision is violated because the building plans upon which the approval was based do not show the plans for at least one parking space of proper dimensions as required by 11 Municipal Code Regulations (DCMR) sections 2100.4, 2100.6, 2100.7, 2100.9, and 2101.1.

DISCUSSION

The single family row house under consideration is in an R-4 Residential District. The planned conversion of this row house to a two dwelling unit flat will double the number of dwelling units which is an increase of 100% in the number of dwelling units. Based on the planned increase in the intensity of use for this row house, Title 11, DCMR sections 2100.4 and 2100.6 require that parking

spaces shall be provided for the addition subject to sections 2100.7 through 2100.9., even though building may have existed on May 12, 1958.

The owner clearly has no intent of constructing a parking pad. This is shown by the following two facts: 1) The permit application and plans make no mention of a parking pad; and 2) The owner has reduced the available space for parking in the rear yard by beginning the construction of a rear two story addition.

The rear yard is accessible through an alley. It originally measured 20ft deep by 16 ft wide which would allow one to construct at least one parking space. But the addition, which measures 8 ft deep by 16ft wide, reduces the depth of the rear yard to 12ft. The construction of the addition has made it impractical to construct a parking pad since Title 11, DCMR section 2115.6 requires the dimension of a parking space to be 9ft in width and 19 ft. in length.

A variance or special exception is required in this case since the intended use does not meet the requirements of Title 11, DCMR, Section 2100. Further, it should be noted that the partially constructed rear addition will require a zoning variance since it reduces the rear yard to less than 20ft and increases the lot coverage to more than 60%. See Title 11 DCMR, sections 403.2, 404.1 and 404.4. Taken together, the features of the planned structure, i.e., its use as a two dwelling unit flat without sufficient parking, the excessive lot occupancy and the insufficient size of the rear yard, clearly show the nonconforming nature of the planned use. This only heightens the need to ensure that the DCAR has not erred in the issuance of building permits.

#### REQUEST FOR RELIEF

The appellant request that the Board ORDER the Department of Consumer and Regulatory Affairs to:

1. Revoke the Zoning discipline and approved building and construction permits for Building Plan Review Status Tracking Number 3786 D 6 for 1411 Ames Place NE as the current plans fail to provide for the required minimum number of parking spaces.
2. Deny the pending certificate of occupancy requests based on the fact that permits do not include the construction of at least one parking space as is required for this property to be used as a two dwelling unit flat.