



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G

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**ANC 3/4G Resolution Regarding Construction at
6008 34th Place, NW**

1. ANC 3/4G submits this Resolution to the Department of Buildings (DOB) outlining its understanding of the history of the proposed development at 6008 34th Place, NW and stating its position that DOB should revoke the existing permit to construct at this location, and require the Owner to obtain a new construction permit (with no “grandfathering” for existing setback or any other dispensation based on its prior permitting history.)
2. The paragraphs below (3-26) represent the ANC’s understanding of the facts and circumstances that has led it to offer this resolution in opposition.
3. On August 25, 2022, the purchase of the property at 6008 34th PI NW, Lot 0032, Square 2010, in Washington, DC (“Property”), by the company “57th Street Mews Inc” (“Owner”) for development and resale purposes, was recorded with the District of Columbia.
4. The Property is a Residential Single Family (Detached) home, built in 1931 on an alley lot, in 011-Chevy Chase Neighborhood of Ward 4, Single Member ANC District 3G04, ANC 3/4G.

5. The Property, located in Zone R-1-B, is a sub-standard lot for Zone R-1-B, having a width of 45 ft. along the sidewalk and 28.86 ft. along alley, which is less than the zoning standard of 50 feet in width, and having an area of 4,878 sq. ft., less than the 5,000 sq. ft. standard.
6. On August 28, 2022, the Owner applied for a Permit for Construction/ Addition Alteration Repair (“Application”) on a single-family detached dwelling to be improved by a new third floor and 21’ rear addition, with the DC Department of Consumer and Regulatory Affairs (“DCRA”, now Department of Buildings). DOB assigned the Application with Permit ID # B2210907.
7. The Application construction permit status of Addition, Alteration and Repair was based on retaining a percentage of the existing building as specified by code that would result in a partial “demolition” rather than what code considers a “raze” of the existing building. This status makes the Owner eligible “by right” to grandfather existing setbacks and compounding existing “non-conforming” structures that are no longer up to code. In contrast, “razing” and replacing an existing building would engender a “new construction” status which must follow current codes and regulations. As a result, the Application’s status allowed for building a much larger and wider structure than what existing code would allow for a new building.
8. On August 30, 2022, the Applicant supplied by mail copies of the construction project Permit Application and Neighbor Notification Form dated August 28, 2022, to the owners of the Adjoining Properties, as required by DC Code, including a “Building Permit Set” of details of construction and of demolition plans including specifications of building perimeter and other structures to be retained.
9. On September 28, 2022, Owners of both adjoining properties submitted their responses to the Adjoining Property Owner Neighbor Notification Form with attachments, documenting their concerns and requests.
10. On October 27, 2022, Adjoining Neighbors submitted to DOB’s Office of Zoning, the Office of Construction and Building standards and the Department of Energy and Environment Enforcement Division, “Technical Objections to the Application Plans”, including that the Owner Applicant had not yet complied with DCRA/DOB Neighborhood

Notification requirement to submit mitigation plans in writing to Adjoining Neighbors. DOB responded to the technical objections and the Owner Applicant addressed most of the concerns though not in writing.

11. The owners of other homes in the 6000 block of 34th Place, as well as many neighbors on surrounding streets, expressed opposition to the scale and character of the plans for 6008 34th Place and citing the harm to the well-being of adjoining neighbors and being out of character for the neighborhood. Notwithstanding their opposition, they were advised by DOB that DC zoning codes and regulations allowed for such “overbuilt” construction of single-family residences, especially when eligible to compound non-code-conforming existing structures.
12. DOB approved the Owner Application Plans (updated) on December 29, 2022 and issued a Permit effective January 5, 2023.
13. In April 2023, the Owner began demolition of the existing building along with excavation of the back of the property. The Owner’s neighbors reported in writing to DOB with documentation showing that the demolition exceeded the approved permit plans. DOB dispatched an inspector to the property on April 21, 2023, who posted a Stop Work Order (dated 4/21/23) stating “Code Section 12A DCMR § 105 Exceeding Scope of Permit – Stop Work Obtain Appropriate Permit”.
14. DOB followed up the week of May 3, 2023, with a further inspection by a different inspector who determined that the Owner was in compliance and ordered the removal of the Stop Work Order dated April 21, 2023. The Owner resumed demolition.
15. On May 10, 2023, the neighbors again reported in writing with documentation further destruction of the perimeters of the existing building – after the inspector’s visit – and questioning the Owner’s compliance with the “demolition” versus “raze” regulations required by the approved Construction Permit Plans.
16. On May 19, 2023, based upon this inquiry, DOB wrote an email addressed to the neighbors, ANC representatives and others concerned that DOB would schedule a follow up inspection to review the current status of the property.

17.DOB delayed scheduling this follow up inspection, during which time the Owner proceeded rapidly with destruction and laying the foundation for the new building based on the grandfathered set-back rules.

18.ANC 3/4G Commissioners raised the issue and its urgency with Ward 4 Councilmember Lewis-George's office. The Councilmember and her staff visited the premises on May 24th and intervened with DOB the following day citing the apparent razing of virtually the entire structure, the urgency of an inspection given the Owner's pace of demolition and construction work, and their concerns regarding the delay in DOB's expediting its promised new inspection.

19.DOB consequently ordered an immediate inspection and notification of neighbors prior to inspector visit. The inspection was performed on May 25th with neighbors and ANC Commissioners present. On May 31, 2023, the DOB issued a Stop Work Order based on the lack of a "Raze" permit.

20.DOB issued a Notice of Infraction (23ENF-IC-02519) on 2023-05-31 to the Property Owner for:

- Illegal Construction on 6008 34th PI NW, per 12-A DCMR § 105.1 / Failure to obtain a required construction permit (raze)/ 0 (5004)
- Violations Found for: Exterior location: Entire Building – Description: 6008 34th PI NW”
- Further notification was sent advising that a “SWO [Stop Work Order] had been issued because the Owner has not obtained a Raze permit for the work performed on the construction site.

21.On June 15, 2023 DOB published a Certificate of Service certifying that, “the attached Notice of infraction 23ENF-IC-02519 and accompanying exhibits were served via email and/or via first class U.S. Mail Postage Prepaid on parties named on this page at the address(es) below [Demuren@comcast.net] on June 15, 2023.”

22.On July 3, 2023, the Owner submitted an application for a permit for an “After-the-Fact” raze of a two-story single-family dwelling” with the Permit Operations Division of the Department of Buildings, raising the likelihood that this is an attempt to avoid having to conform to current building regulations.

23. Subsequently, the DC Office of Planning (OP) posted the raze application on their website on July 10, 2023 as part of their required Historic Preservation Office Review, thereby sharing it with the public and launching the required ANC Review which ends on August 18, 2023. As a practical matter, Historic Preservation review was meaningless because virtually the entire structure had already been destroyed before the review period began.

24. We note that the descriptions, drawings and photo in the Permit Application Plans do not reflect the fact that this permit request is for an “after the fact” raze with most of the building razed already, with significant excavation and construction, already done. Instead, the Application misleadingly indicates a “2 Story Brick W/Basmt”. To Be Razed” and shows a photo of the original house.

25. We note too that the Owner Applicant has not posted a placard with the Application in compliance with 12A DCMR § 105.7.1 that stipulates that the DC Building Code requires the permit applicant to post and maintain a notice of the application on the property for 30 days.

26. Under section 111.1.6 of the District of Columbia Building Code, DOB may revoke a permit due to “significant inaccuracy, a false statement or a material misrepresentation of fact that substantively affected the approval and issuance of the permit.”

27. Under section 105.3.3 of the District of Columbia Building Code, false statements in a permit application shall constitute grounds for permit revocation and may also amount to a crime.

RESOLVED:

1. The Commission urges DOB not to reward the developer in any way for his past misconduct. DOB should revoke the existing Addition, Alteration, and Repair Permit because the existing structure, in fact, has been razed requiring the construction of a new home in its place. DOB should, therefore, require the Applicant to obtain a new building permit for the construction of new single-family home subject to the requirements of all applicable building and/or other codes relevant to this construction currently in effect, *with no grandfathering rights particularly as to set-back requirements.*

2. The Commission also urges the DOB to determine whether any fines or penalties are applicable to the past conduct outlined in this resolution and to hold the Applicant accountable for not abiding by the requirement of a 30-day posting of a placard with the raze application documents on the 6008 34th Place property.
3. The Commission further urges the DOB to determine how the initial permits were issued for this property as well as the lifting of the initial stop work order.

BE IT FURTHER RESOLVED:

That the Commission designates the Commissioner Michael Zeldin, ANC 3/4G-04 and Commissioner Bruce Sherman, ANC 3/4G-02 to represent the Commission in all matters relating to this Resolution.

APPROVED at a regular public meeting, notice of which was properly given and at which a quorum of four (4) or seven (7) members was present on July 31, 2023, by a vote of X yes, X no, X abstentions.

Lisa R. Gore, Chair

James L Nash, Secretary