

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 16059 of Dudley Cannada, pursuant to 11 DCMR 3105.1 and 3200.2, from the administrative decision of Joseph F. Bottner, Jr., Zoning Administrator, made on October 28, 1994, to the effect that the building exceeds lot coverage by 424.07 square feet for a single-family detached dwelling in an R-1-B District at premises 2525 Belmont Road, N.W. (Square 2501, Lot 30).

Hearing Dates: July 26, September 20, and November 15, 1995, January 10, February 28, and April 3, 1996

Decision Date: April 17, 1996

DISMISSAL ORDER

The property which is the subject of this appeal is located at 2525 Belmont Road, N.W. It is developed with a single family residential structure. The owners of the property are James and Ann Free.

In 1989, the owners set out to have extensive renovations of their residence undertaken. They retained Dudley Cannada to provide architectural services for the renovations. Mr Cannada prepared the initial drawings and obtained the initial building permits for the renovations. However, soon after the initial construction began, the owners determined that Mr. Cannada's work was inadequate for the required tasks and Mr. Cannada was terminated. Subsequently, the owners retained a new architect for the project. The new architect revised Mr. Cannada's drawings and obtained amended building permits from the Building and Land Regulation Administration (BLRA) of the Department of Consumer and Regulatory Affairs (DCRA). In the course of obtaining the various permits and the consequent inspections, Mr. Cannada raised numerous claims of regulatory non-compliance with BLRA personnel. These claims were addressed by the owners and resolved in their favor by BLRA.

On October 28, 1994, the Zoning Administrator, Joseph F. Bottner made a decision related to the lot coverage of the property. Mr. Cannada disagreed with that decision and on April 20, 1995 he filed this appeal to challenge it.

The owners filed a motion to dismiss the appeal on the grounds, inter alia, that the appellant lacked standing. The owners stated that the appellant was their

original architect and he was terminated because he was incompetent. They stated that he was not involved as the architect, in any way, for the amended building permit that is the subject of his appeal to the Board. He was terminated long before the instant building permit application was prepared or submitted.

In addition to the appellant's lack of involvement in the process under consideration, the owners stated that he does not reside on Belmont Road, nor can he see the owners' building from his residence at 2453 P Street, N.W. They argued that the appellant would need some nexus as architect or affected neighbor to the building to have standing to raise the allegations presented to the Board. In their view, he has no such nexus. Therefore, they requested that the appeal be dismissed.

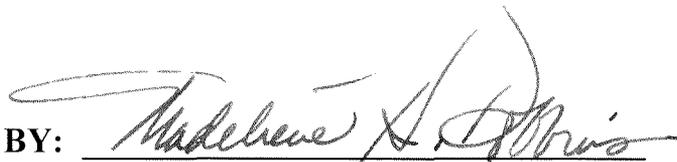
The motion to dismiss was considered by the Board at its special public meeting of April 17, 1996. Prior to the meeting, the Board solicited advice from the Office of the Corporation Counsel on the issue of standing and its applicability to the subject appeal. Based on the advice from the Office of the Corporation Counsel, the Board determined that standing to bring an appeal requires a person to be aggrieved. Based on the record in the appeal, and an understanding of the appellant's status, the Board is of the view that Mr. Cannada is not such a person. He has not been aggrieved by the particular decision that was rendered by the Zoning Administrator at issue. Therefore, the Board concludes that he lacks standing to bring the instant appeal.

In light of the foregoing, the Board **ORDERS** that the **MOTION TO DISMISS** be **GRANTED**, and the **APPEAL** be **DISMISSED**.

VOTE: 4 – 0 (Susan Morgan Hinton, Maybelle Taylor Bennett, Sheila Cross Reid and Angel F. Clarens to grant the motion and dismiss the appeal; Laura M. Richards not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 25 1997

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

Ord16059/TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 16059

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 25 1997 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Frederick D. Cooke, Jr., Esquire
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Dudley Cannada
2453 P Street, N.W.
Washington, D.C. 20009

Gladys Hicks
Acting Zoning Administrator
Department of Consumer and Regulatory Affairs
614 H Street, N.W., Room 333
Washington, D.C. 20001

James and Ann Free
2525 Belmont Road, N.W.
Washington, D.C. 20008

David A Catania, Chairperson
Advisory Neighborhood Commission 1D
2127 California Street, N.W., #102
Washington, D.C. 20008

Attested By

A handwritten signature in black ink, appearing to read "Madeliene H. Dobbins".

MADELIENE H. DOBBINS

Director

Date: NOV 25 1997