GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
MAYOR'S AGENT FOR HISTORIC PRESERVATION
1100 4TH STREET SW, SUITE E650
WASHINGTON, D.C. 20024

HPA No. 15-529

In the Matter of:

Private Alley (between N, O, 33rd and Potomac Streets NW)
Georgetown Historic District

Subdivision

DECISION AND ORDER

Kebran Zere seeks approval of "subdivision" of five lots, which he owns, in order to consolidate them into a single lot, within a private alley in the Georgetown Historic District. 1 On October 22, 2015, the Historic Preservation Review Board unanimously recommended against the subdivision on the ground that it would not be consistent with the purposes of the Historic Landmark and Historic District Protection Act, D.C. Code §§6-1101(b)(1), -1106(b)&(e). 2 The Mayor's Agent held a hearing on January 5, 2016. Several neighbors and Advisory Neighborhood Commission 2E appeared with counsel in opposition to the subdivision. The application is DENIED.

At the hearing Mr. Zere stated that his only argument was that the Act requires subdivision approval only for the division of one lot into two or more, and not for the consolidation of multiple lots into one. Mr. Zere, who is not a lawyer, relied on a 1985 decision of the District of Columbia Court of Appeals, which construed the Act as then written not to cover an aggregation of two or more lots into a single lot. Acheson v. Sheaffer, 520 A.2d 318 (DC 1987). However, the Act was amended in 1991 to read: "Subdivide or subdivision means the division or assembly of land into one or more lots of record, including the division of any lot of record into two or more theoretical building sites as provided by the Zoning Regulations of the District of Columbia (11 DCMR 2516 et seq.)." D.C. Code §6-1102(13). Accordingly, the argument is meritless.

1 Although evidence on the topic was not presented at the hearing, the staff report represents that the applicant acquired the lots through tax sales.
2 The Board believed that creation of a lot that could permit construction of a structure in the middle of this historic alley, blocking it and some historic accessory structures, would impair the character of the historic district.
Mr. Zere expressly disclaimed any purpose to argue that the denial of the application would impose an unreasonable economic hardship on him, and had not filed beforehand the affidavit required by D.C. Code 6-1104(g), detailing the economic facts upon which such a claim could be founded. Tr. 8-9. Accordingly the Mayor’s Agent informed Mr. Zere at the conclusion of the hearing that his application would be denied.

Accordingly, historic preservation clearance of the subdivision is DENIED.

Date: June 7, 2016

J. Peter Byrne
Mayor’s Agent Hearing Officer

Confirmed:

Eric D. Shaw
Director, D.C. Office of Planning
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Decision and Order was served this 9th day of June 2016 via email to the following:

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Timothy J. Dennee, Certifying Officer