

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF ADJUDICATION
941 NORTH CAPITOL STREET, N.E., SUITE #9100
P.O. Box 37140
WASHINGTON, DC 20013-7200**

In the Matter of:

HPA #00-564

**Barbara J. Bedford
942 Westminister Street, N.W.
Washington, D.C. 20001**

**Location:
942 Westminister St., N.W.
Washington, D.C.**

DECISION AND ORDER

This matter came before Rohulamin Quander, Administrative Law Judge and Mayor's Agent for Historic Preservation on January 3, 2001, pursuant to the D.C. Administrative Procedure Act, codified at D.C. Code, Sec. 1-1509, and the D.C. Historic Landmark and Historic District Protection Act of 1978 (the Act), D.C. Law 2-144, codified at D.C. Code, Sec. 5-1001, *et seq* and upon the request for an administrative hearing filed by Barbara J. Bedford, homeowner and the Applicant (the Applicant).

The Applicant seeks approval for the already completed installation of several vinyl-type replacement windows on a home that is located within the Greater U Street Historic District, and which building contributes to the significance of the historic district. By letter, dated October 29, 2000, the Applicant requested that she be given an administrative hearing before the Mayor's Agent, after the Historic Preservation Review Board (HPRB) determined, at its monthly meeting held on September 28, 2000, that the alteration was not compatible with the architectural significance of the Applicant's structure. The HPRB adopted the staff report, which concluded that the application was inconsistent with the purposes of the historic preservation law, as the alteration was incompatible with the character of the Greater U Street Historic District.

According to the record, the D.C. Office of Planning, Historic Preservation Division, notified the Applicant by letter dated November 20, 2000, of the date, the 11:00 a.m. time, and place of the administrative hearing, which letter also provided the Applicant with a copy of the public notice for the hearing. The Mayor's Agent was present, as were witnesses prepared to testify in opposition to this application. However, the Applicant failed to appear, and after waiting an additional 30 minutes, the Mayor's Agent entered a default against the Applicant, the effect of which reaffirmed the HPRB's prior determination made on September 28, 2000.

CONCLUSIONS OF LAW

On September 28, 2000, the HPRB adopted the staff report which concluded that the application to install vinyl windows on the above-noted property was inconsistent with the purposes of the preservation act, as the alternation was incompatible with the character of the Greater U Street Historic District. At the conclusion of the proceedings on January 3, 2001, the Mayor's Agent accepted the staff report and the recommendation of the HPRB, and adopted same as the Mayor's Agent's own, and entered a default against the Applicant on January 3, 2001.

However, the Mayor's Agent takes administrative notice that despite the Applicant's neglect in failing to attend the administrative hearing, which has led to the issuance of this written order as a follow-up to the default, the homeowner must still come into prompt legal compliance with the Act, and correct the continuing violation. In certain circumstances, the HPRB has approved vinyl windows on side or rear elevations of houses located in historic districts, and the possibility does exist that the Applicant might be able to satisfactorily abate this violation by cooperatively working with the Historic Preservation Staff to replace the windows on the front of the house, while retaining the side and rear windows, if any.

ORDER

ACCORDINGLY, it is this **1st day of March, 2001**,

ORDERED, that the Mayors Agent adopts the staff report and the recommendation of the Historic Preservation; and it is

FURTHER ORDERED, that the Applicant is directed, forthwith, to remove all of the illegal vinyl windows that were installed at the location, and in their place to install new windows that are compatible with the character of the historic district, and if need be, the Applicant is directed to work with the Historic Preservation Staff, either by amending the initial construction permit application or by filing a new application for window installation, which application must comply with all of the historic district guidelines, in order to come into full compliance with the Act; and it is

FURTHER ORDERED, that, pursuant to 10 DCMR 2523.4, this Order will take effect fifteen (15) days from the date of its service as evidenced by the following Certificate of Service, pursuant to 10 DCMR 2503(c).

ROHULAMIN QUANDER, ALJ, D.C.
MAYOR'S AGENT FOR HISTORIC PRESERVATION

Certificate of Service

I hereby certify that on March 23, 2001, that a copy of the foregoing Decision and Order was sent via first class, postage prepaid U.S. mail to the following:

Barbara J. Bedford, Applicant
942 Westminster Street, N.W.
Washington, D.C. 20001

Tersh Boasberg, Chair
The Historic Preservation Review Board
C/o Shea Gardner
1800 Massachusetts Avenue, N.W., Suite #600
Washington, D.C. 20036

Steve Raiche, Program Manager
D.C. Office of Planning
Historic Preservation Division
801 North Capitol Street, N.E., #3000
Washington, D.C. 20002

And

Advisory Neighborhood Commission 1B
The Reeves Center
Box 73710
Washington, D.C. 20056

Certifying Officer, DCRA/ OAD