

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

December 11, 2006

Mr. Geoffrey H. Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

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2006 DEC 20 AM 11:57

RE: Appeal No.17567, 4848 Foxhall Crescent, NW (Square 1397/Lot 1008)

Dear Chairman Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting on December 6 and a quorum (5) was present at all times. Meeting notices were posted two weeks prior to meetings in the NW Current, in public places throughout the community and on the ANC's website. The commission's agenda was also posted on the Palisades Listserv prior to the meeting.

Several residents of Foxhall Crescents and Imad Samaha of Petal Construction attended the meeting. Dr. Kenneth Kessler, who filed the Appeal, was represented by his attorney, Andrew Strongin.

Mr. Strongin presented his client's position, that the lot in question is subject to BZA Order No. 15340 and that in accord with the Modification to the original order (dated August 17, 1990) all construction was to take place within a 10 year period. The Modification to BZA Order No. 15340 expired on April 19, 2001. "In all other respects the Order of the Board dated August 17, 1990 shall remain in full force and effect." Therefore, according to Mrs. Strongin, Building Permit No. 73714, for new construction at 4818 Foxhall Crescent was issued in error.

Mr. Samaha, one of the owners of Lot 1008, presented another opinion, stating that since the Order has expired he has an R-1-A lot and that construction is contingent upon the zoning found under Title 11, Chapter 4, rather than the provisions of BZA Order No. 15340. Given Permit # 73714 was issued by DCRA, Mr. Samaha stated he has the right to begin construction on his property and that he is not required to abide by the provisions of the BZA Order or the Agreements reached between NVHomes LP and the Coalition for Planned Environmental Development (CPED) or the Battery-Kemble Place Community Documents. He also stated that this is a matter involving himself and Dr. Kessler.

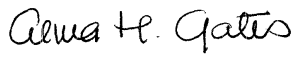
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17567
EXHIBIT NO. 18

Advisory Neighborhood Commission 3D considered the presentations by both parties. The Commission was not familiar with the Agreements mentioned and noted that they would be presented to the BZA if the Appeal is granted. The Commission was clear that the matter at hand for consideration is whether or not Building Permit No. 73714 was issued in error.

After carefully reviewing BZA Order No. 15340 and the facts presented by both parties, the Commission found in support of the Appeal by a vote of 7-0-0. The Commission based its vote on the fact that the 10-year window for construction of homes had closed; that any builder wishing to build on Square 1397, Lot 1008 would therefore need to file for relief before the BZA and be granted permission to build on Lot 1008; that all other provisions of BZA Order No. 15340 remain in effect; and, therefore Building Permit No. 73714 was issued in error.

Sincerely,

A handwritten signature in black ink that reads "Alma H. Gates". The signature is written in a cursive, flowing style.

Alma H. Gates

cc: Andrew Strongin, by email
Kenneth Kessler, by email
Imad Samaha, by email
Sid Moskowitz, by email