

PROCLAMATION

PURSUANT TO DC OFFICIAL CODE SECTION 42-3131.01(a)(2) (2007) AND ACTING UNDER AUTHORITY CONFERRED TO THE OFFICE OF MAYOR OF THE DISTRICT OF COLUMBIA, THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS HEREBY NOTIFIES THE REAL PROPERTY OWNER(S) OF THE ADDRESSES BELOW THAT DCRA WILL CORRECT THE FOLLOWING CONDITIONS AT YOUR VACANT PROPERTY WITHIN SEVEN DAYS: TRASH AND DEBRIS, OVERGROWN VEGETATION, GRAFFITI, AND OPEN ACCESSIBILITY IN VIOLATION OF DC OFFICIAL CODE SECTION 42-3131.12(1).

Make all inquiries regarding this proclamation to the Department of Consumer and Regulatory Affairs, Office of Vacant Property, Suite 7100, 941 North Capitol Street, NE, Washington, DC 20002. You may also reach the Office of Vacant Property at (202) 442-4332.

This statement is issued on behalf of the District of Columbia under authority provided by the applicable laws and regulations and I am authorized to make it. This statement is effective this 17th day of July 2007.

Linda K. Argo, Interim Director

Nicholas Majett, Deputy Director of Inspections and Compliance Administration

Record Owner	Property Address
1.JEMAL'S BULLDOG II LLC	1015 K STREET NW
2.JEMAL'S BULLDOG LLC	1001 11TH STREET NW
3.HORIZONS BEYOND INVESTMENTS LLC	1420 NORTHGATE ROAD NW
4.ICP PARTNERS POTOMAC 810 LLC	816 POTOMAC AVENUE SE
5.BEN B SANDS	535 9TH STREET SE
6.ROBERTA F PALESTINE C/O UNIT 702S	902 S. CAROLINA AVENUE SE
7.FREDERICK W DAVIS	223 11TH STREET SE
8.FREDERICK W DAVIS	221 11TH STREET SE
9.KELVIN GEORGE	903 FLORIDA AVENUE NE
10.KELVIN GEORGE	905 FLORIDA AVENUE NE
11.KELVIN GEORGE	907 FLORIDA AVENUE NE
12.JSF 1015 FLORIDA AVENUE GP	1015 FLORIDA AVENUE NE
13.STEPHANIE A WALLACE ✓	5013 BELT ROAD NW
14.DOUTY GARDNER	1002 K STREET NE
15.BROAD MARKET LLC	5608 BROAD BRANCH ROAD NW
16.JOHN WALKER	322 9TH STREET NE
17.ALLEN WILLIAM W	332 10TH STREET NE
18.JORDAN J JOHNSON	421 10TH STREET NE
19.THE INVESTORS GROUP INC.	5109 CONNECTICUT AVE. NW
20.RESIDING IN GROUP HOUSING TOGETHER INC	209 ATLANTIC STREET SE
21.JOSEPHINE DARGIN	4407 ORD STREET NE
22.LENNEY M LOWE	1070 44TH STREET NE
23.NERO V JOHNSON	24 V STREET NW
24.ELEANOR SPELL	3612 PARK PLACE NW
25. 1440 COLUMBIA RD TENANTS ASSOC C/O CHATEL REAL ESTATE	1440 COLUMBIA ROAD NW

Subj: FW: 5013 Belt Road, NW
Date: 5/22/2006 8:35:01 AM Eastern Standard Time
From: mcole@dccouncil.us
To: CusterandEvans@aol.com
File: StandingWater.zip (126766 bytes) DL Time (52000 bps): < 1 minute
Sent from the Internet (Details)

FYI.

—Original Message—

From: Mason, Charles (DCRA)
Sent: Sunday, May 21, 2006 11:32 AM
To: Cole, Michelle (COUNCIL)
Subject: RE: 5013 Belt Road, NW

This is a follow-up on the property at 5013 Belt Road. The attached pictures will reflect that the standing water issue has been abated, and construction work is proceeding. The 1st attachment reflects the initial violation and the 2nd reflects the results of our actions.

Please let me know if I can be of further assistance.

Charles Mason, Lead Housing Inspector
 Wards 2 & 3
 Department of Consumer and
 Regulatory Affairs
 Neighborhood Stabilization Program
 941 North Capitol Street, NE, Room 7100
 Washington, DC 20002
 202.442.4328 - Office
 202.442.4519 - Facsimile

—Original Message—

From: Mason, Charles (DCRA)
Sent: Tuesday, April 25, 2006 10:24 AM
To: Cole, Michelle (COUNCIL)
Subject: RE: 5013 Belt Road, NW

Thank you for your email. I will be conducting an inspection (CID # 91518 below) of this property today, and will report to you my findings and actions.

Please do not hesitate to contact me when I can be of any assistance.

Charles Mason
 Lead, Neighborhood Stabilization Officer, Wards 2 & 3
 (202) 442-4328

Complaint Status

5013 BELT RD NW

			Date to be	Date Initial	Date to be	Date Re-	Violation
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Tuesday, May 23, 2006 America Online: CusterandEvans



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5013 BELT RD. ↙



5011 BELT RD. ↗

EXHIBIT L-14

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**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal of Ms. Stephanie Wallace

BZA Appeal No. 17747

ANC 3E

Hearing Date: April 29, 2008

AFFIDAVIT OF STEPHANIE WALLACE

I, Stephanie Wallace, duly sworn, depose and state as follows:

1. I am over twenty one (21) years of age and make this Affidavit based on personal knowledge of the facts set forth herein.
2. I acquired the property at 5013 Belt Road, N.W. (Square 1756, Lot 64) (the "Property") in April 2004 during the height of the real estate market when it was impossible to request an inspection contingency to the sale due to the multiple bids being made for the Property. As a result, no termite inspection was permitted by the Seller or undertaken before acquiring the Property. My construction financing lender did not require a termite inspection.
3. At that time, the Property was improved with a vacant single-family house constructed in 1933, with five (5) foot side yards.
4. At the time I acquired the Property, I had no knowledge of the existence of termites or the extent of termite damage that was later discovered during construction. Termites and termite damage were not visible.
5. I did not first discover the presence of termites or the existence and extent of termite damage until early March 2005 when construction began on the rear of the existing structure.
6. The termite damage to the front portion of the existing single-family dwelling was not discovered until that phase of the construction was begun in November 2006.

7. In July, 2004, I applied for a Building Permit to renovate the existing single family house and to construct an addition to the rear in accordance with the applicable Zoning Regulations.

8. On December 9, 2004, the Department of Consumer and Regulatory Affairs ("DCRA") issued the Original Building Permit authorizing me to construct "ADDITION TO SINGLE FAMILY HOUSE TO INCLUDE NEW KITCHEN, FAMILY ROOM, MASTER SUITE BATHS, ATTIC & BASEMENT. SEPARATE ELEC., PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED."

9. In reliance on the Original Building Permit, I obtained Nine-Hundred Thousand Dollars (\$900,000.00) in construction financing.

10. Additionally, in reliance on the Original Building Permit, I entered into a construction contract with Mr. Allen Premo and his construction company, Premo Building and Remodeling, Inc. ("Mr. Premo" and/or collectively, "My Contractor").

11. To date, I have expended at least Six-Hundred Twenty-Three Thousand Dollars (\$623,000.00) of the construction financing and an additional One-Hundred Ninety-Three Thousand Dollars (\$193,000.00) in out-of-pocket expenses.

12. On February 17 to February 22, 2005, as authorized by the Original Building Permit, My Contractor began demolition of the interior of the existing single family house.

13. On March 2, 2005, the existing plumbing system was demolished. During the course of the authorized demolition of the existing plumbing system, the rear of the existing single family house dropped when the plumbing stack was removed.

14. On March 3 and March 4, 2005, an investigation of the dropped rear of the house by My Contractor resulted in the discovery of severe termite damage which had disconnected the floor beams from the walls.

15. On March 5 through March 8, 2005, the rear of the existing single family house was removed to prevent the entire house from also falling. My Contractor took measures to brace the remaining structure of the single family house.

16. On October 4, 2005, a second building permit, Building Permit No. B477334 was issued, revising the Original Building Permit to delete structural drawings which were no longer adequate for the project, substituting five new signed and sealed drawings, and to allow underpinning of the existing structure and to remove and replace damaged wood at the rear of the existing single family house in order "to preserve the integrity of the project", was issued (the "Second Building Permit").

17. On November 29, 2005, the excavation for the approved rear addition was started by My Contractor. The excavation caved in due to the high water table which had made the ground unstable. A neighbor complained to DCRA concerning the cave-in.

18. On or about November 30, 2005, the contractor met with DCRA to discuss the process to stabilize the site. No stop work order was issued. The excavation site was backfilled with stone to stabilize it and the shoring for the addition installed.

19. On April 21, 2006, a third building permit, Building Permit No. B91338 (the "Third Building Permit"), was issued to revise the Original Building Permit with updated foundation, basement, and structural drawings to respond to the unforeseen ground water problems. The Third Building Permit permitted My Contractor to raise the existing single-family house by four feet (4 ft.).

20. From October 23 to November 1, 2006, the rear addition to the existing single family house was framed and under roof and the first floor of the existing single-family house was framed in. My Contractor prepared to lift the front of the existing single family house and discovered the front to be rotten. My Contractor's engineer determined that lifting the existing single family house was unsafe and would cause the structure to collapse.

21. On or about November 2, 2006, My Contractor met with DCRA to determine if the front of the existing single family house could be removed and replaced. DCRA specifically advised My Contractor that removal and replacement were acceptable under the circumstances. As directed by DCRA, My Contractor drafted revised plans and submitted for a building permit.

22. On February 14, 2007, a fourth building permit, Building Permit No. B103710 (the "Fourth Building Permit"), was issued to "DEMOLISH A PORTION OF AND [sic] EXISTING SFD DUE TO THE STRUCTURAL INTEGRITY AND POSSIBLE COLLAPSE OF THE HOUSE WHICH IS DANGEROUSLY UNSOUND. REBUILD STRUCTURE TO CURRENT BUILDING CODE SPECIFICATIONS PER PER [sic] EXISTING PERMITS AND PLANS."

23. My Contractor and I relied on the directions of DCRA and the Fourth Building Permit to allow the partial demolishing and rebuilding of the front of the existing single family house. A portion of the original and existing single-family dwelling was not demolished and remains in place.

24. If My Contractor and/or I had known that rebuilding of a portion of the existing single-family dwelling would subsequently not be permitted by the Zoning Administrator and/or DCRA, we would not have proceeded with the DCRA-authorized demolition of a portion of the original structure.

25. On March 21, 2007, in response to a neighbor complaint, DCRA declared the Fourth Building Permit to be a "fake" and issued a stop work order and proposed fine of \$4,000.00.

26. On or about March 23, 2007, My Contractor met with DCRA and determined that the Fourth Building Permit was valid. At that time, DCRA requested additional drawings which were prepared and provided.

27. On April 17, 2007, My Contractor submitted an application for a fifth building permit to reconstruct a single family house with a non-conforming side yard (the "Fifth Building Permit Application") as directed by DCRA.

28. On April 20, 2007, former Zoning Administrator, Mr. Bill Crews, stopped the permit process by placing an administrative hold on the Fifth Building Permit Application. Before he was terminated on June 14, 2007, Mr. Crews refused to respond to all our inquiries about the Fifth Building Permit Application.

29. More than five (5) months later, on September 28, 2007, the then Interim Zoning Administrator, Mr. Matthew Le Grant denied the Fifth Building Permit Application.

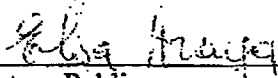
30. My Contractor has advised me that the cost of reconstructing the portion of the original single-family dwelling which was partially demolished as authorized by DCRA and the Fifth Building Permit will be less than One-Hundred Thirty-Five Thousand Dollars (\$135,000.00).

31. In reliance on the Original Building Permit, Second, Third and Fourth Building Permits, as well as the direct instructions of DCRA on numerous occasions, I continued construction activities and continued to expend substantial amounts of money.

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FOR SIGNATURE PAGE**


Stephanie Wallace

Subscribed and sworn to me this 10th day of April, 2008.


Notary Public

My Commission Expires:

ELSA ARAYA
Notary Public, District of Columbia
My Commission Expires 09-14-2011

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Appeal of Ms. Stephanie Wallace.

BZA Appeal No. 17747

ANC 3E

Hearing Date: July 15, 2008

AFFIDAVIT OF ALLEN PREMO

I, Allen Premo, duly sworn, depose and state as follows:

1. I am over twenty one (21) years of age and make this Affidavit based on personal knowledge of the facts set forth herein.

2. I am the President of Premo Building and Remodeling, Inc. which is the General Contractor for Ms. Stephanie Wallace for the Belt Road project.

3. I have forty-two (42) years of experience in the residential building and remodeling industry.

4. I have been involved in the evaluation, planning, permitting, and construction of this project since before Ms. Wallace purchased the Belt Road property.

5. In the Regional Sales Contract and required Addenda, the Seller of the Belt Road property affirmatively misrepresented that there was no history of termite infestation or foundation or structural defects. ~~Based on the treatment of termites which the previous owner undertook, it is my opinion that individual had actual knowledge of the history of extensive termite infestation and structural damage and failed to properly disclose that information to Ms. Wallace as required by law and contract.~~ ①

6. It was always Ms. Wallace's intention to retain the original 1933 single-family dwelling and construct a rear addition as shown in the Original Building Permit issued by

DCRA. Changes to the project were only made as a result of unknown and unforeseen circumstances and with the knowledge, prior inspection, advice and repeated approval of DCRA. (2)

7. Specifically, the precise wording of the permit applications and permits were reviewed and directed by DCRA based on actual knowledge of the exact circumstance and nature and scope of the work to be performed.

8. Based on my extensive construction experience, especially in the renovation of existing structures, I visually inspected the Belt Road property prior to Ms. Wallace going to closing. The Seller's Sales Contract specifically prohibited an Inspection Contingency.

9. During this inspection or walk-through of the property, I found no evidence, visual or otherwise, of termite infestation or damage, other structural defects, and/or groundwater or soil problems.

10. Based on my construction experience, groundwater and/or soil inspections are not conducted for a project of this type.

11. During the visual inspection of the property, the existing walls were closed in and the structural elements were not visible or accessible. Obviously, during this inspection, the existing owner did not permit the opening or penetration of the closed in walls.

12. Only during interior demolition in March 2005, was I first able to access and visually inspect the structural elements of the original 1933 single-family dwelling.

13. In March 2005, during demolition of the rear of the original 1933 single-family dwelling, I first discovered severe termite damage. (3)

14. No live termites or infestation were found to be present at this time or at any subsequent time.

15. Based on my extensive experience in remodeling existing structures, it was clear that at some point prior to Ms. Wallace's ownership of the property that the termites had been treated and successfully exterminated.

16. Again, based on my experience, the severe termite damage that I discovered was not of recent origin, but dated back many years before Ms. Wallace's purchase of the property in April 2004.

17. Also, the structural failure of the original 1933 single-family was not caused solely by the long-standing termite damage, but was contributed to and worsened by rotting of the structural elements by prolonged exposure to moisture from the ground beneath the building.

18. As confirmed by the structural engineer, the existing structural damage and resulting lack of structural integrity would have resulted in the catastrophic collapse of the original 1933 single-family dwelling. (4)

19. During construction, the required wall checks were completed and submitted to the D.C. Surveyor. At all times, the wall checks confirmed that the original 1933 structure and the new construction maintained the required minimum five (5) foot side yards.

20. After the Original Building Permit, each of the subsequent applications and permits were sought and obtained based on the full knowledge and direction of numerous DCRA officials, including Mr. Robert Chen, the chief DCRA structural engineer, and the Zoning Administrator's Office.

21. Specifically, the Fourth Building Permit which authorized Ms. Wallace to "DEMOLISH A PORTION OF AND [sic] EXISTING SFD DUE TO THE STRUCTURAL INTEGRITY AND POSSIBLE COLLAPSE OF THE HOUSE WHICH IS DANGEROUSLY UNSOUND. REBUILD STRUCTURE TO CURRENT BUILDING CODE SPECIFICATIONS

PER [sic] EXISTING PERMITS AND PLANS” was sought, reviewed and issued based on the specific instructions of Mr. Chen and with the approval of the Zoning Administrator’s office.

22. As part of the application for the Fourth Building Permit, Mr. Chen required Ms. Wallace to provide a detailed, step-by-step description of the sequence of demolition to be undertaken, including removal of the entire wooden original structure and then removal and replacement of the existing foundation, if required for code compliance based on the condition of the existing footers. (5)

23. At all times DCRA, and particularly Mr. Chen, knew, and instructed Ms. Wallace that the work authorized by the Fourth Building Permit was the partial demolition of only a portion of the existing single-family dwelling (which included both the original 1933 structure and the constructed and under roof rear addition), not a “raize” of the entire existing structure.

24. At all times, DCRA knew and approved demolition of the entire original 1933 structure and reconstruction of that structure. (6)

25. The approved demolition authorized by the Fourth Building Permit was completed as approved, but the remaining portion of the existing single-family dwelling (the closed in and under roof authorized rear addition) was not disturbed. (7)

26. Based on specific instructions given by DCRA the demolition which was authorized and completed was not a “raize” and a raize permit was not required. (8)

27. Based on the instructions given and Fourth Building Permit issued by DCRA, there was no doubt that after the demolition was completed, rebuilding of the original 1933 structure was fully authorized and that no further permits were required, except a specific permit for replacing the footers if the condition of the footers was found to require replacement.

28. The Fifth Permit Application which is the subject of this BZA Appeal was originally submitted for the limited purpose of replacing the footers. Subsequently, DCRA instructed us to expand/revise the permit application to include matters previously authorized by the Fourth Permit.

29. If I had known or been informed by DCRA that reconstruction of the original 1933 structure would later not be permitted (or DCRA change its mind), we would not have proceeded with the demolition that was authorized.

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FOR SIGNATURE PAGE**


Allen Premo

Subscribed and sworn to me this 9th day of May, 2008

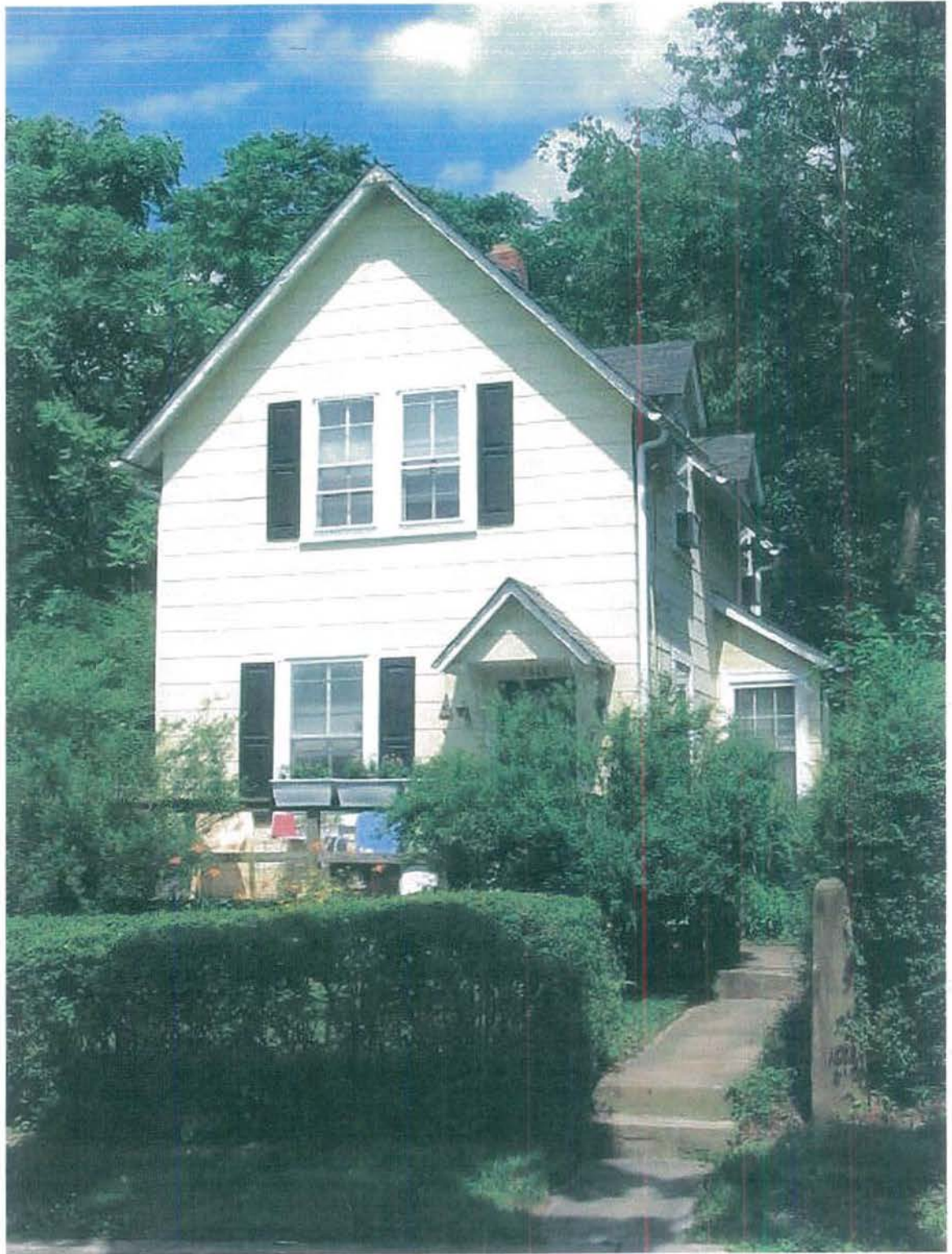

Notary Public

My Commission Expires: August 6, 2008



JOSEPH C. HOLLOWAY
Notary Public, State of Maryland
County of Washington
My Commission Expires August 6, 2008

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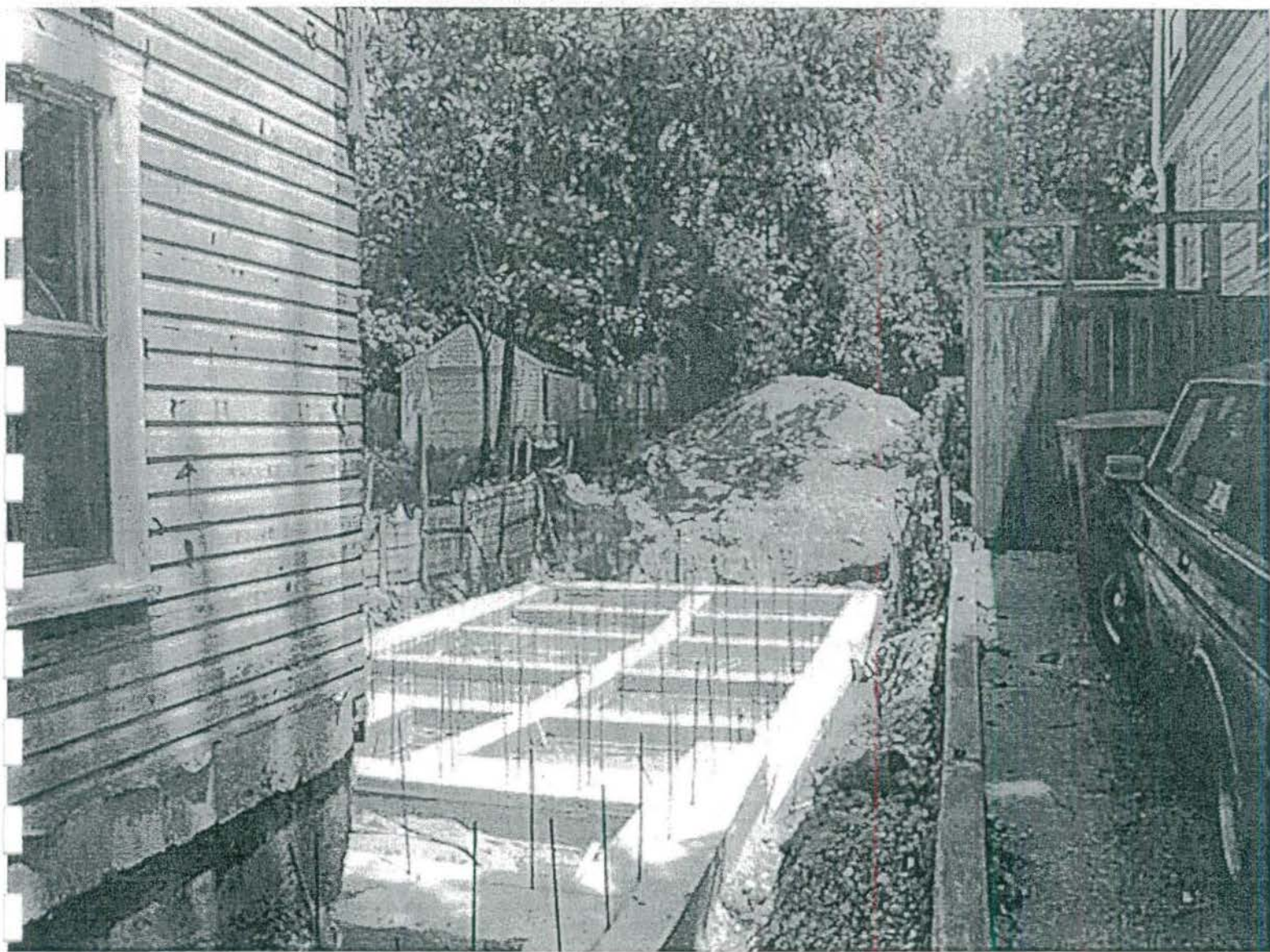
Exh A



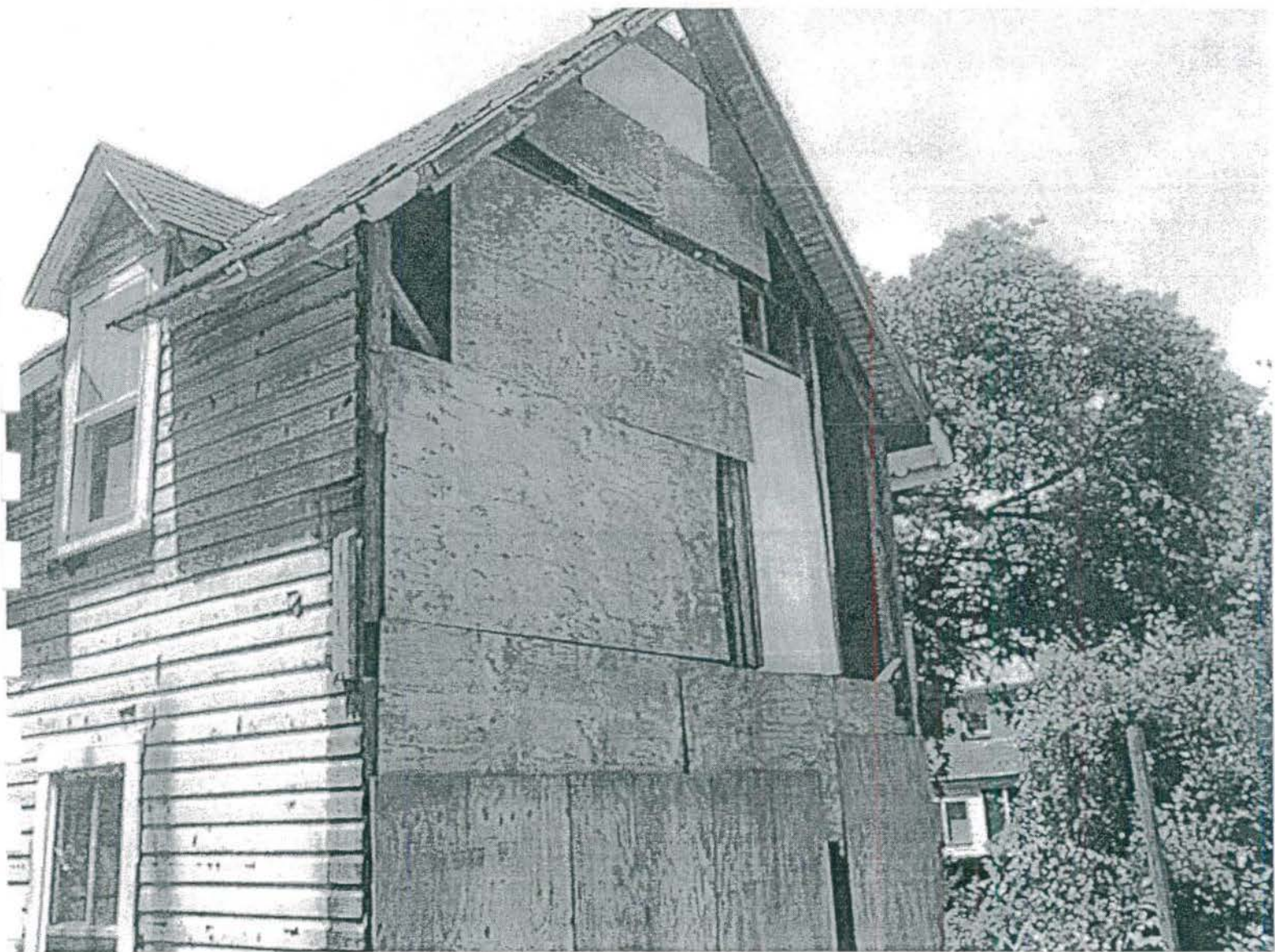
6-9-06
Jesse Rockett

5013 Belt Rd NW











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