

Board of Zoning Adjustment
District of Columbia
CASE NO. 17747
EXHIBIT NO. 42

On April 9, 2004, Appellant purchased a wood frame house at 5013 Belt Road, NW, which is located in an R-1-B zone. The house was constructed in 1933. The purchase was made “as is”, meaning that Appellant accepted the property with all faults, whether or not immediately apparent. During the course of the project, Appellant revised her plans several times and applied for a total of five construction permits. The first permit, Building Permit #B468280, was issued on December 9, 2004. *See* Exhibit 1. The permit authorized Appellant to construct an addition, with nonconforming side yards, to the pre-existing single family home located on the property pursuant to 11 D.C.M.R. §405.8¹. Along with the permit application submitted for this permit, Appellant included a drawing, depicting a “20.1’ x 14.4’ x 13.6’ x 16.2’ x 28’ existing 2 ½ -story frame” pre-existing single family dwelling as a part of the overall construction project contemplated at the property. *See* Exhibit 2. On December 9, 2004, Appellant was approved to construct an “addition to [a] single family house to include [a] new kitchen, family room, master suite, baths, attic & basement” under Building Permit # B468280.

However, on March 17, 2005, the Department of Consumer and Regulatory Affairs (“DCRA”) issued a Stop Work Order at the property stating that Appellant was “Working beyond the scope. Razing of building. Need to resubmit plans and plat” *See* Exhibit 3. As a result, Appellant applied for a second building permit on October 4, 2005, Building Permit # B477334. *See* Exhibit 4. The new permit allowed Appellant to “remove and replace an[y] damaged wood in accordance with the structural plans to preserve the integrity of the project. All other conditions of the original building permit were to remain the same...”.

¹ 11 DCMR §405.8. states that “[i]n the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft).”

Subsequently, Appellant applied to DCRA for a third building permit, which would allow her to raise the pre-existing house up by approximately four feet, to address alleged structural concerns at the property. Accordingly, on April 21, 2006, the third building permit, Building Permit # B91338, was issued. *See* Exhibit 5. However, on January 9, 2007, DCRA was contacted by Ismaik Hanieh, P.E., a structural engineer hired by the Appellant, concerning the property. In his letter to DCRA, Mr. Hanieh stated that “after inspecting the structure, it was determined that the structural elements of the house are not in any shape to be lifted without causing some major damage and possible collapse of the house. As a result, it would be safer to demolish the existing structure and rebuild it to match the existing plans and specifications per the current building code requirements.” However, DCRA did *not* approve demolishing the existing structure, but rather issued a fourth building permit, permit #B103710, on February 14, 2007, to allow Appellant to “demolish *a portion* of an ...existing SFD due to structural integrity and possible collapse of the house which is dangerously unsound. Rebuild structure to current building code specifications per existing permits and plans.” (*emphasis added*). *See* Exhibit 6.

Nevertheless, on March 12, 2007, neighbors reported to DCRA that the remaining portion of the pre-existing house was razed. Therefore, on March 21, 2007, another Stop Work Order was posted on the property, for “exceeding scope of raze permit took down entire house. Exceed Scope of Building Permit. Building all new SFD. Ongoing work [does] not match approved plans on site!!!”. *See* Exhibit 7. The Stop Work Order was issued because DCRA did not authorize the addition to be constructed as Appellant built it.

In response, Appellant applied for a fifth building permit on April 17, 2007. In that application, Appellant sought to use the demolition of the pre-existing house located at the property as the basis upon which the addition and reconstruction of the pre-existing house should be allowed with non-conforming side yards. However, the nonconforming addition was permitted by DCRA only because of the existence of the pre-existing single family home on the property. In the absence of the pre-existing house, any right of the Appellant to construct the addition with non-conforming side yards was lost under 11 D.C.M.R. § 405.8. As a result, Appellant's April 17, 2007 building permit application was denied by the Zoning Administrator ("ZA") in a determination letter dated September 28, 2007. In the letter, the ZA concluded that he was unable to approve the pending building permit to allow reconstruction of the pre-existing, nonconforming SFD because his right to utilize the exception under 11 D.C.M.R. §405.8 ended when the pre-existing house was demolished. The ZA's determination letter forms the basis of the present appeal.

On April 24, 2008, Mary Grumbine and Jack Simmons, homeowners on Belt Road, N.W., filed their Pre-Hearing Brief By Applicants For Party Status In Support of Decision of the Zoning Administrator to Deny Building Permit. On the same date, they also filed their Motion to Dismiss By Applicants For Party Status and For Related Relief. The District filed its response to that motion on May 9, 2008. On April 14, 2008, Appellant filed her Motion for Summary Judgment. The District filed its opposition to that motion on May 15, 2008.

On May 20, 2008, at a public hearing, the BZA granted Intervenor status in the case to Jack Simmons, Mary Grumbine, and John Lemoine, homeowners whose properties abut the Appellant's property. The BZA also heard motions argument on that

date. Subsequently, on June 3, 2008, the BZA denied the Internevor's Motion to Dismiss and denied the Appellant's Motion for Summary Judgment.

In summary, Appellant alleges that she is allowed to now rebuild the pre-existing house that she demolished, because its structural damage was caused by (1) termite infestation and (2) prolonged exposure to ground water. On this basis she alleges a "casualty" occurred. As a result, at the June 3, 2008 hearing, the BZA ordered all parties to file pleadings on the following issues: (1) whether structural damage that is caused by termites is a casualty under 11 D.C.M.R. §2001.6² and (2) whether prolonged exposure to moisture from ground water below the building is a casualty under 11 D.C.M.R. §2001.6. Appellant filed its Supplemental Statement on Casualty on June 13, 2008. The District hereby opposes Appellant's definition of "casualty" and further argues that its application to the case at bar is completely inappropriate.

ARGUMENT

I. STRUCTURAL DAMAGE THAT IS CAUSED SUBSTANTIALLY BY TERMITES IS NOT A "CASUALTY" UNDER 11 D.C.M.R. §2001.6

Pursuant to 11 D.C.M.R. §2001.6, a pre-existing structure may be re-built if its demise was due to a "casualty". However, in the instant case, no "casualty" occurred. Accordingly, on September 28, 2007, the ZA concluded that 'the termite damage that the Appellant noted as having made the building structurally unsound was not a casualty, but rather a result of lack of maintenance.... and not a sudden occurrence resulting from a casualty'. *See* September 28, 2007 zoning determination letter from Matthew LeGrant, Zoning Administrator. The ZA's

² 11 DCMR § 2001.6 states "If a casualty or act of God results in damage to an extent of seventy-five percent (75%) or less of the cost of reconstructing the entire structure, the structure may be restored or reconstructed to its previous condition or to a more conforming condition; provided, that the reconstruction or restoration shall be started within twenty-four (24) months of the date of the destruction and continued diligently to completion."

decision is firmly supported by the definition of ‘casualty’ contemplated by the Zoning Regulations and established by BZA precedent.

Although, the term “casualty” is not expressly defined in the Zoning Regulations, pursuant to 11 D.C.M.R. §199(g), “words not defined *shall* have the meanings given in Webster’s. (*emphasis added*). See 11 D.C.M.R. §199(g). Accordingly, Webster’s Unabridged Dictionary (3rd Edition) defines the term “casualty” as “an unfortunate occurrence,³” “serious or fatal accident: disaster,⁴”, or “a person or thing that has failed, been injured, lost or destroyed as a result of uncontrollable⁵ circumstance or some action: victim.” Therefore, in the absence of a statutory or regulatory definition, the Webster’s definitions control when determining what occurrences are properly categorized as a “casualty”. Moreover, the ZA’s interpretation of the Zoning Regulations is entitled to deference.

A. *The Zoning Administrator’s Interpretation of the Zoning Regulations Application of “Casualty” Must Be Given Deference.*

It is well settled in the law that an agency’s interpretation of its administrative regulations must be given great deference and that such an interpretation is to be upheld unless clearly erroneous or inconsistent with the Zoning Regulations. See Bernstein v. District of Columbia Board of Zoning Adjustment, 376 A.2d 816, 819 (D.C. App. 1977), see also Kalorama Citizens Association v. District of Columbia Board of Zoning Adjustment, 640 A.2d 179 (D.C. App. 1994). Accordingly, the reviewing court defers to an agency’s interpretation of statutes, which the agency administers, unless that

³ Webster’s Unabridged Dictionary defines the term “occurrence” as “something that takes place, esp. something that *happens unexpectedly* and without design”. (*emphasis added*).

⁴ Webster’s Unabridged Dictionary defines “disaster” as “a *sudden* calamitous event producing great material damage, loss and distress”. The word “disaster” is also synonymous with “catastrophe” and “cataclysm”, which also “connote the *sudden* and unexpected, with attendant notions of lack of foresight. (*emphasis added*). See, Merriam-Webster’s Unabridged Dictionary.

⁵ Webster’s Unabridged Dictionary defines the term “uncontrollable” as “incapable of being controlled: unmanageable”.

interpretation is unreasonable in light of the prevailing law, inconsistent with the statute, or plainly erroneous. *See Public Defender Service. V. Saint-Preux*, 691 A.2d 1160 (DC 1997).

In the instant case, the ZA reasonably determined that the structural damage caused by termites was not a “casualty” under the Zoning Regulations. His determination was reasonable in view of the “casualty” definition found in relevant case law, it was consistent with the dictionary definition that controls under 11 D.C.M.R §199(g), and it was clearly correct by the standard of review established by the D.C. Court of Appeals. Therefore, the BZA must follow precedent and uphold the agency’s decision as a reasonable interpretation of its regulations.

B. Structural Damage from Termites Is Not Unforeseeable.

Structural damage from termites is an occurrence⁶ that is foreseeable and to be expected when termite infestations are left untreated. In the instant case, the termite damage to the 70+ year old wooden structure was wholly foreseeable because such damage occurred slowly, over a period of months or years. Moreover, such damage is a condition that is expected to occur when wooden structures are left untreated for termites.

Therefore, in determining whether the structural damage at issue here was or was not foreseeable, the BZA must also consider that fact that Appellant hastily purchased the property, without a termite inspection, regardless of the market conditions of the time. It is the position of the District that such haste caused Appellant to purchase the property at her peril, and that her situation cannot now be rectified by alleging a ‘casualty’ under the law. The termite infestation at issue could have been detected and the structural damage foreseen by Appellant at numerous points in time. Before purchasing the property,

⁶ Webster's Unabridged Dictionary defines the term “occurrence” as “something that takes place, esp. something that *happens unexpectedly* and without design”.(emphasis added).

Appellant could have had the property inspected for termites. As a seasoned real estate developer, with over 20 years of industry experience⁷, Appellant should have been aware of the importance of performing such an inspection on the 70-year old wooden house. She also should have been aware of the risks she would assume by foregoing such a precaution. More importantly, because termite infestations are routinely treatable, it is arguably Appellant's own failure to inspect that prolonged the infestation and caused the structural damage of which she now complains. Accordingly, the ZA was correct in concluding that Appellant's structural damage was not a "casualty" under the law. Therefore, the appeal should be denied and the ZA's determination upheld.

C. *Structural Damage from Termites Is Not a "Disaster"*.

Structural damage from termites is not a disaster.⁸ Moreover, the termite damage that occurred to the 70-year old wooden structure at issue was not sudden. Infestation, like the one at issue here, is the gradual building and expansion of a colony or colonies of termites within a structure over time. It is a process of several actions that, in the aggregate, cause severe damage when left untreated. It is not a sudden event, but rather the cumulative effect of a series of millions of events – the feeding of termite colonies within a structure. How quickly damage occurs depends, of course, on the size and the maturity of the colony or colonies in the structure and the integrity of the structure itself.

⁷ See, Biography of Developer Stephanie Wallace at <http://stephaniewallace.com/stephaniewallace.html>

⁸ Webster's Unabridged Dictionary defines "disaster" as "a *sudden* calamitous event producing great material damage, loss and distress". The word "disaster" is also synonymous with "catastrophe" and "cataclysm", which also "connote the *sudden* and unexpected, with attendant notions of lack of foresight". (*emphasis added*). See, Merriam-Webster's Unabridged Dictionary.

In the instant case, the amount of time the property remained infested by termites is unknown. However, in March 2005, Appellant noted structural damage to the rear of the structure from termites, and in 2007, she noted additional structural damage to the front of the house from termites. As termite infestations take years to cause structural damage of the type complained of by Appellant, it can be estimated that such damage occurred at some point before April 2004⁹, when Appellant purchased the property through March 2007, when the last standing portion of the house was razed. As a result, the shortest known period of time the infestation existed, according to dates provided by Appellant, is approximately two years and eleven months. Damage from termites occurring within this amount of time is neither “sudden” nor “unexpected. Accordingly, the ZA was correct in concluding that Appellant’s structural damage was not a casualty under the law because it was not sudden. Therefore, the appeal should be denied and the ZA’s determination upheld.

D. *Structural Damage from Termites Is Controllable.*

Structural damage from termites is a condition that is not uncontrollable¹⁰. Moreover, such conditions are routinely controlled and managed by an entire industry of pest control professionals. Accordingly, damage from a termite infestation is not a casualty.

Moreover, in the instant case, the Appellant failed to assess the condition of her property adequately with respect to termites. As a result, she also failed to control any possible infestations once it was within her power to do so - by failing to have the property

⁹Appellant states that “structural damage that was caused substantially by termites had occurred long before Ms. Wallace purchased the Property”. See, Appellant’s Supplemental Statement on Casualty, Page Two, Paragraph two, lines 4-6.

¹⁰ Webster’s Unabridged Dictionary defines the term “uncontrollable” as “incapable of being controlled: unmanageable”.

treated for termites by a professional pest control company even after she found evidence of an infestation in 2005.

Accordingly, the structural damage that resulted from the untreated termite infestation was controllable, had Appellant attempted to control it. Accordingly, the ZA was correct in concluding that Appellant's structural damage was not a casualty under the law. Therefore, the appeal should be denied and the ZA's determination upheld.

In conclusion, the definition of "casualty" has been addressed by the BZA previously. In the *Application of Thomas and Kathryn Toggas*, BZA Order No. 17270, the BZA concluded that a structural damage caused by Hurricane Isabel was a "casualty" under the law. See *Application of Thomas and Kathryn Toggas*, BZA Order No. 17270. However, *Toggas*, is distinguished from the instant case on the basis of causation. Appellant's damage was caused by a progressive infestation of termites, whereas in *Toggas*, the damage was caused by an unexpected, sudden, and uncontrollable event – Hurricane Isabel.

Moreover, structural damage that is caused by termites has consistently and expressly been excluded from the definition of "casualty" in other areas of the law. For example, in *Craven v. United States*, Plaintiffs contended that the infestation of their home by termites, and the later damage, constituted a casualty for which they were entitled to take a deduction on their Income Tax Return. *Craven v. United States*, 69-1 U.S. Tax (CCH) P9244(1969): However, the Government argued that there had been no casualty loss because the damage was not due to a sudden, unexpected and unusual cause. Accordingly, the court dismissed the plaintiff's case on the merits, finding that the definition of a "casualty" as "an event that takes place without one's foresight or expectation; an un-designed, sudden, and unexpected event" was not satisfied by

structural damage caused by termites. The court further concluded that “the characteristics of suddenness common to fires, storms and shipwrecks must exist in order for the occurrence causing the loss to be a casualty within the meaning of the law.” *Id.*

Likewise, in *Austra v. Commissioner*, the court outlined its precedence in construing “casualty” as “an accident, a mishap, some sudden invasion by a hostile agency; it excludes the progressive deterioration of property through a steadily operating cause.” *See Austra v. Commissioner*, T.C. Memo 1966-28 (1966), citing *Rudolf Lewis Hoppe*, 42 T.C. 820, 823 (1964), *affd.* 354 F. 2d 988 (C.A. 9, 1965); *Leslie C. Dodge*, 25 T.C. 1022, 1026 (1956). The court further stated that “[t]he burden is on the taxpayer to show that the damage occurred with “suddenness” rather than by “progressive deterioration.” *Id.*

Additionally the law is clear that the time at which such structural damage is discovered is not determinative of whether or not a casualty exists. For example, in *Meersman v. United States*, the Court found that “[a] cause, operating throughout in the same manner, either constitutes a casualty force in its entire operation or else it does not do so at all. Time of discovery in such a situation may affect the scope of the injury done, but it does not give rise to any metamorphosis in the nature of the force, the mode of its operation, or the character of the result.” *See Meersman v. United States*, 370 F.2d 109(1966). According to this standard, an event is either a casualty or not, regardless of when it is discovered. In the instant case, the discovery of termites prior to Appellant’s purchase or after is immaterial – in either case, the structural damage was foreseeable, expected, and progressive. Therefore, the condition complained of is not a “casualty”.

**II. STRUCTURAL DAMAGE THAT IS CAUSED IN PART BY
PROLONGED EXPOSURE TO MOISTURE FROM THE GROUND
BELOW THE BUILDING IS NOT A “CASUALTY” UNDER 11 D.C.M.R.
§2001.6**

As noted above, the term “casualty” is not expressly defined in the Zoning Regulations. However, pursuant to 11 D.C.M.R. §199(g), “words not defined [in the Zoning Regulations] shall have the meanings given in Webster’s. *See* 11 D.C.M.R. §199(g). Accordingly, Webster’s Unabridged Dictionary defines the term “casualty” as “an unfortunate occurrence”, “serious or fatal accident: disaster”, or “a person or thing that has failed, been injured, lost or destroyed as a result of uncontrollable circumstance or some action: victim.” Therefore, in the absence of a statutory or regulatory definition, the Webster’s definition controls when determining what occurrences are properly categorized as a “casualty”. Moreover, it is the District’s position that none of the “casualty” definitions provided in Webster’s are logically applicable to the conditions present at 5013 Belt Road, NW.

By Appellant’s own admission, the structural damage to her property was due in part to “prolonged exposure” to moisture from the ground below the building. *See* Appellant’s Supplemental Statement on Casualty, Page Two, Paragraph two, lines 6-7. (*emphasis added*). However, the definition of “casualty” by its terms is incongruent with any type of prolonged activity.

“Casualty” is defined in the law and by the regulations by definitions that reveal one common denominator -- a degree of “suddenness.” Clearly, structural damage that is caused by “prolonged exposure” to moisture from the ground below the building is a progressive deterioration and not a sudden, unexpected or uncontrollable event. Therefore, the facts surrounding Appellant’s structural damage, again, do not rise to the legal standard of a “casualty”.

Respectfully submitted,

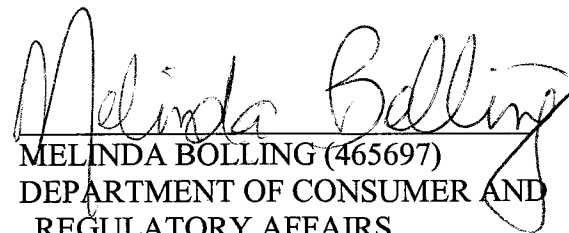
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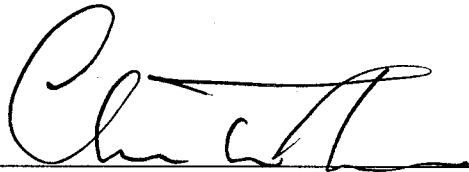


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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2008, a copy of the District's Response in Opposition to Appellant's Supplemental Statement on Casualty was served via first class mail to the following:

J. Patrick Brown, Esq.
Greenstein DeLorme and Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, D.C. 20036

John Lemoine
5011 Belt Road, NW
Washington, DC 20016

Jack Simmons
Mary Grumbine
3952 Garrison St., NW
Washington, DC 20016

Lucy Eldridge
Advisory Neighborhood Commission
4104 Legation St., N.W.
Washington, DC 200150



April Wyke-Ransome, Paralegal

Exhibit 1

979

GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B468280

Date 12/09/04 (Type) ADD/A/R/NEW CONST.

PER SUB 1756

Address of work 5013 BELT RD NW

Lot Square

Permission is hereby granted to

TOTAL PERMIT FEE \$
FILING FEE \$

STEFHANIE WALLACE
who is authorized to perform the work described herein at the
address shown above in strict accordance with the conditions
stated on BOTH sides of this permit.

(Owner)

NO.

DATE

FEE PAYABLE

\$1,800.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL 202-696-442-4641

ADDITION TO SINGLE FAMILY HOUSE TO INCLUDE NEW KITCHEN, FAMILY ROOM, MASTER SUIT
BATHS, ATTIC & BASEMENT. SEPARATE ELEC., PLUMB., & MECH. INSTALLATION PERMITS
ARE REQUIRED.

Builder—

Value \$

No. of Bldgs.

Width of Bldgs.

Length

Height

No. of Stories

3

Zone R1B

To be occupied as

SFD

Height of terrace above grade

Projections:

Address of owner SAME AS ABOVE

Deposit No.

Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK

32301

DIRECTOR

By

Permit Clerk

P
E
R
M
I
T

Exhibit 2

DISTRICT OF COLUMBIA GOVERNMENT OFFICE OF THE SURVEYOR

Washington, D.C., May 11, 2004

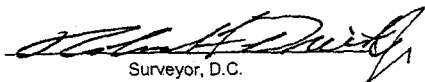
Plat for Building Permit of: SQUARE 1756 SITE PER SUB

Scale: 1 inch = 20 feet

Receipt No. 11535

Furnished to: STEPHANIE WALLACE

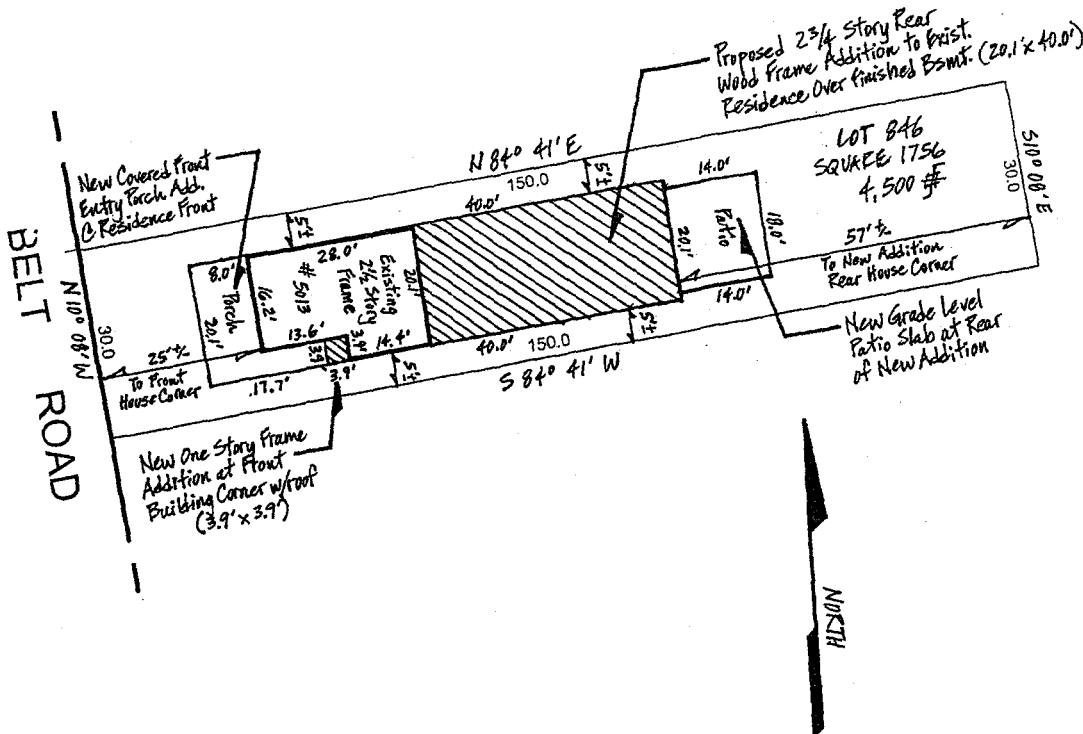
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)


Surveyor, D.C.

Date: July 30, 2004
Martin A. (ilw) (Registered Architect)
(Signature of owner or his authorized agent)

By: B.D.M. B.M.

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



9/6/04 Ju

 Indicates Addition Areas

Exhibit 3

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
BUILDING INSPECTION DIVISION

STOP WORK

ADDRESS : 5013 Belt Pl N.W.

LOCATION: (Section/s) DCMR 12 SECT. 114.1 Working beyond scope.
Raising of building. Need to resubmit plans and plat.

OPER permits SHALL BE OBTAINED AND OR POSTED PRIOR TO THE CONTINUATION OF ANY WORK.
AND ALL PERSONS ACTING CONTRARY TO THIS NOTICE SHALL BE SUBJECT TO A FINE/PROSECUTION OR BOTH.
APPLICATION FOR PERMIT(S) MUST BE FILED OR REMOVAL OF VIOLATION MUST OCCUR WITHIN 3 days
DAYS/DAYS FROM THE POSTING OF THIS NOTICE.

☒ Construction 442-4641	☐ Electrical 442-4643	☐ Plumbing 442-4642	☐ Elevator 442-4634	☐ Boiler 442-4630
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Post

3-17-05

Atkins

Time

Date

Official

Exhibit 4

Exhibit 5

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street N.E. Room 2100
Washington D.C. 20002

B

Tel:(202) 442-4470

Fax:(202) 442-4862

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. B477334

DATE: 10/4/2005

ADDRESS OF PROJECT: 5013 BELT RD. N.W.		SSL: SQ: 1756 WARD:	SC: ZONE:	LOT: 0846
DESCRIPTION OF WORK: REVISE PERMIT NUMBER B46820 TO DELETE THE STRUCTURAL DRAWING S-1 WHICH WAS NOT ADEQUATE FOR THIS PROJECT AND SUBSTITUTE FIVE NEW SIGNED AND SEALED DRAWINGS. UNDERPIN A PORTION OF THE EXISTING BUILDING				
PERMIT TYPE: UNDERPINNING	PLANS INCLUDED: YES	EXISTING USE: SFD	PROPOSED USE: SAME (2+B)	
PERMISSION IS HEREBY GRANTED TO OWNER: STEPHANIE WALLACE		PERMIT FEE: \$165.00		
AGENT NAME: JAMES F. SMITH, MR. PERMIT, LLC AGENT				
CONDITIONS / RESTRICTIONS: ENTIRELY ON OWNER'S LAND WITH ADDED COST (UNDERPINNING NOT ORIGINALLY PERMITTED). REMOVE AND REPLACE AND DAMAGED WOOD IN ACCORDANCE WITH THE STRUCTURAL PLANS TO PRESERVE THE INTEGRITY OF THE PROJECT. ALL OTHER CONDITIONS OF THE ORIGINAL BUILDING PERMIT ARE TO REMAIN THE SAME EXCEPT AT AMENDED PER ATTACHED PLANS WITH ADDED COST. TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639.				
DIRECTOR: PATRICK J. CANAVAN		PERMIT CLERK: B. HAMILTON		EXPIRATION DATE: 10/4/2006

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.
NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202)442-4541 941 NORTH CAPITOL ST NE WASHINGTON DC 20002.

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

Washington D.C. 20002

Tel: (202) 442-4470

Fax:(202) 442-4862

Building Permit

**THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS**

PERMIT NO. 91338

DATE: 4/21/2006

ADDRESS OF PROJECT: 5013 BELT RD NW		SSL: SQ: 1756 WARD:	SX: 4 ZONE R-1-B	LOT: 846
DESCRIPTION OF WORK: REVISE BUILDING PERMIT NUMBER B# 46820 TO DELETE THE FOUNDATION DRAWING AND THE CROSS SECTION ELEVATION AND SUBSTITUTE A REVISED BSMT, STRUCTURAL DRAWING AND REVISED CROSS SECTION ELEVATION DRAWING, THIS PERMIT REVISION WILL RAISE THE HOUSE UP BY APPROXIMATELY FOUR FEET,				
PERMIT TYPE: AMENDMENT	PLANS (Y/N): Y	EXISTING USE: RESIDENTIAL ONE/TWO FAMILY	PROPOSED USE: Residential-One/Two Family	
PERMISSION IS HEREBY GRANTED TO OWNER: STEPHANIE WALLACE		PERMIT FEE: \$210.00		
AGENT NAME: JAMES SMITH				
CONDITIONS / RESTRICTIONS: ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT BUILDING CODES ; ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT ZONING REGULATIONS ;				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:				
DIRECTOR: Dr. Patrick Canavan, Psy. D.		PERMIT CLERK: 		EXPIRATION DATE: 4/21/2007

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District. Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.
NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202)442-4641 941 NORTH CAPITOL ST NE
WASHINGTON DC 20002

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

Exhibit 6

B

Department of Consumer and Regulatory Affairs

Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100

Washington D.C. 20002

Tel: (202) 442-4470

Fax: (202) 442-4862

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. 103710

DATE: 2/14/2007

ADDRESS OF PROJECT: 5013 BELT RD NW		SS1: WARD:	SQ: 4756 3' ZONE R-1-B	SX: LOT: 64
DESCRIPTION OF WORK: DEMOLISH A PORTION OF AN 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 EXISTING PERMITS AND PLANS.				
PERMIT TYPE: ALTERATION AND REPAIR/PA	PLANS (Y/N): Y	EXISTING USE: RESIDENTIAL ONE/TWO FAMILY	PROPOSED USE: Residential One/Two Family	
PERMISSION IS HEREBY GRANTED TO OWNER: STEPHANIE WALLACE		PERMIT FEE: \$310.00		
AGENT NAME: JAMES F. SMITH MR. PERMIT 202-462-7662				
CONDITIONS / RESTRICTIONS: ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT BUILDING CODES, ALL CONSTRUCTION DONE ACCORDING TO THE CURRENT ZONING REGULATIONS, TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639; TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639;				
Interim DIRECTOR:  Lisa M. Morgan	PERMIT CLERK: 		EXPIRATION DATE: 2/14/2008	

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.

NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202) 442-4641, 941 NORTH CAPITOL ST NE WASHINGTON DC 20002.

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

Exhibit 7

*** GOVERNMENT OF THE
DISTRICT OF
COLUMBIA
BLRA-43
(Rev. 10/07)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
BUILDING INSPECTION DIVISION

"No More Third Party inspections Allowed"

Fine

\$4,000.00
or more

All Work

STOP WORK

All Work

ADDRESS : 5013 Belt Rd NW

Exceeding Scope of Raze Permit Took down

VIOLATION: (Section/s) Entire House. Exceed Scope of Building
Permit. Building All New SFD. Ongoing Work Do not match Approved
Plans on Site!!! stop Work Order Posted

PROPER Permits/Plans SHALL BE OBTAINED AND OR POSTED PRIOR TO THE CONTINUATION OF ANY WORK.
ANY AND ALL PERSONS ACTING CONTRARY TO THIS NOTICE SHALL BE SUBJECT TO A FINE/PROSECUTION OR BOTH.

APPLICATION FOR PERMIT(S) MUST BE FILED OR REMOVAL OF VIOLATION MUST OCCUR WITHIN —0—
HOURS/DAYS FROM THE POSTING OF THIS NOTICE.

☒ Construction
442-4641

☐ Electrical
442-4643

☐ Plumbing
442-4642

☐ Elevator
442-4634

☐ Boiler
442-4630

3:00 PM
Time

3/21/07
Date

Neil Letren
Official

442-stop

Letren