

Exhibit D



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

Inspection and Compliance Administration

NOTICE TO REVOKE BUILDING PERMIT NO. B1110274

To: Benjamin Chew and Amy Chew
2334 King Pl., NW
Washington, DC 20007

Re: 2334 King Pl., NW (Square 1394, Lot 24)

This is official notice from the Department of Consumer and Regulatory Affairs ("DCRA") that Building Permit No. B1110274 is hereby revoked, effective sixty (60) days from the date of service of this notice. The grounds for revocation are found under 12A DCMR § 105.6(6), which authorizes DCRA to revoke a building permit when "the code official determines that the permit has been issued in error[.]"

Specifically, DCRA's Zoning Administrator has determined that Building Permit No. B1110274 was issued in error because it allows for construction that violates the District of Columbia Zoning Regulations. Your permit approved the construction of a new house and retaining wall at 2334 King Pl., NW ("the Property").

After additional review, the Zoning Administrator has determined that the retaining wall identified on the plans as Wall 2 is not a mere retaining wall. Wall 2 is proposed to be engineered with geogrid sheets and back filled with compacted fill dirt to create an elevated and flat backyard. Accordingly, is not a retaining wall, but is instead a wall that supports an artificially elevated platform structure that is proposed to be built in the rear yard of the Property. In *Appeal no. 17285 of Patrick J. Carome* (March 24, 2006), the Board of Zoning Adjustment determined that walls that serve to support an artificially-elevated surface are not retaining walls, but are part of a "platform structure," which is subject to regulation under the Zoning Regulations.

Since the Property is located in an R-1-B zone, a 25 foot rear yard is required. *See* 11 DCMR § 404.1. Under 11 DCMR § 2503.2, the Zoning Regulations prohibit the construction of a structure in excess of 4 feet above grade in a required yard. Because portions of Wall 2, the geogrid sheets, and the compacted fill dirt are proposed to be built in the required rear yard in excess of 4 feet above the existing grade, the Zoning Administrator has concluded that the proposed platform structure encroaches into the required rear yard in violation of the Zoning Regulations.

Accordingly, DCRA is revoking Building Permit No. B1110274, effective sixty (60) days from the date of service of this notice.

Any questions about this notice or any questions about how to come into compliance may be directed to the Zoning Administrator at matthew.legrant@dc.gov or (202) 442-4652.

RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit. To appeal, you must file an appeal within sixty (60) days with the District of Columbia Board of Zoning Adjustment, 441 4th Street, NW, Suite 210 South, Washington, DC 20001. If you do not request a hearing within the time and manner specified in this notice, your permit will be immediately revoked without any further written notice. 12A DCMR §105.6.1(1).

Date: 4-2-12

Chief Building Official


Rabbiah Sabbakhan