

Surabian, Jay (DCRA)

From: LeGrant, Matt (DCRA)
Sent: Thursday, September 20, 2012 11:48 AM
To: Surabian, Jay (DCRA)
Subject: FW: Zoning issues, construction at 2334 & 2338 King Pl

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>

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to sign up for critical emergency alerts, go to www.72hours.dc.gov.

From: Martin Sullivan [<mailto:msullivan@sullivanbarros.com>]
Sent: Friday, June 01, 2012 4:32 PM
To: LeGrant, Matt (DCRA)
Cc: Susan Lynch (slynch@his.com); Rochelle B. Joseph (rmjconsultants@gmail.com)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl

Dear Mr. LeGrant,
We understand there has been a zoning approval on new building permit applications for the elevated platform
structure/retaining wall on the King Place lots. You mentioned that you would advise us of your determination on this.
We look forward to hearing more on this, under what rationale the EPS is now approved, and whether or not their
current situation is in compliance with this new determination.
If there is a written determination letter underlying, we'd appreciate a copy.
Thanks!

Marty

Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW Suite 200
Washington, DC 20036
O - 202-503-1704
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Board of Zoning Adjustment
District of Columbia
CASE NO.18469
EXHIBIT NO.18J

Fax - 888-318-2443
msullivan@sullivanbarros.com

From: LeGrant, Matt (DCRA) [<mailto:matthew.legrant@dc.gov>]
Sent: Tuesday, May 01, 2012 3:04 PM
To: Martin Sullivan; Lopez, Anthony (Council); 'Susan Lynch'; Willingham, Jonathan (COUNCIL)
Cc: Cheh, Mary (COUNCIL); Majett, Nicholas (DCRA); Sabbakhan, Rabbiah A. (DCRA); Khokhar, Jatinder S. (DCRA); Whitescarver, Clarence (DCRA)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl
Importance: High

Marty Sullivan, et al:

I am working closely with DCRA's Inspections Division to determine if the builder is in compliance with the issued Stop Work Order. I am cc'ing Chief Building Official Robbie Sabbakhan for his information.

In addition, the applicant has submitted a proposal to revise the retaining wall configuration to bring the project into compliance. I believe my analysis of this proposed revision will be complete by cob tomorrow, and will advise you as soon as I have made a determination.

Best Regards,

Matthew Le Grant

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From: Martin Sullivan [<mailto:msullivan@sullivanbarros.com>]
Sent: Monday, April 30, 2012 5:51 PM
To: LeGrant, Matt (DCRA); Lopez, Anthony (Council); 'Susan Lynch'; Willingham, Jonathan (COUNCIL)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl

Dear Mr. LeGrant,

Is there any update regarding this? I understand that work on the elevated platform structure (dirt and geogrid) continues unabated and the Stop Work Order has been destroyed by the Builder.

Does the inspector understand that the SWO applies not only to the retaining wall itself, but also to the fill and the geogrid?

Thanks,

Martin P. Sullivan
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1990 M Street, NW Suite 200
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202-503-1704
msullivan@sullivanbarros.com

Please note the new firm name and e-mail address as of October 1, 2011.

From: LeGrant, Matt (DCRA) [<mailto:matthew.legrant@dc.gov>]
Sent: Tuesday, April 24, 2012 5:28 PM
To: Lopez, Anthony (Council); 'Susan Lynch'; Willingham, Jonathan (COUNCIL)
Cc: Martin Sullivan
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl

Anthony Lopez, et al:

The Stop Work Order [SWO] governs the retaining wall and associated retained soil, but the construction the houses are allowed to continue as there are no zoning issues with those buildings themselves. I am returning after one week off so to hear that work is being done on retained soil may be a violation of the SWO. I will ask Inspections to have the site inspected as soon as possible for conformance with the SWO, and then give you all an update.

Best Regards,

Matthew Le Grant

Zoning Administrator
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From: Lopez, Anthony (Council) [<mailto:alopez@DCCOUNCIL.US>]
Sent: Tuesday, April 24, 2012 5:11 PM
To: 'Susan Lynch'; Willingham, Jonathan (COUNCIL)
Cc: LeGrant, Matt (DCRA)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl
Importance: High

Matt can you please provide guidance and assistance on this matter?

Anthony

From: Susan Lynch [<mailto:slynch@his.com>]
Sent: Tuesday, April 24, 2012 5:01 PM
To: Willingham, Jonathan (Council)
Cc: Lopez, Anthony (Council)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl

Hi Jonathan –

Remember we were concerned that the elevated platform structure behind 2334 & 2338 King Pl. would not be removed even though the ZA had ruled it illegal? Well today they began making it still higher. Today the developer has hauled in at least another 50 tons more dirt, and they have continued to build up the elevated platform structure, laying down geo-grid and packing earth on top of it with a “bobcat” bulldozer. Can they continue to build or get a new permit for this structure, even though the ZA says it’s illegal? At this point, we’re feeling rather desperate and we would appreciate any help you can provide.

Thanks very much,

Susan Lynch & Roger Darling
2344 King Pl, NW
Washington, DC 20007
slynch@his.com

From: Willingham, Jonathan (Council) [<mailto:jwillingham@DCCOUNCIL.US>]
Sent: Wednesday, April 18, 2012 5:29 PM
To: 'Susan Lynch'
Cc: Lopez, Anthony (Council)
Subject: RE: Zoning issues, construction at 2334 & 2338 King Pl

Ms. Lynch,

It was my pleasure. I have already spoken to Anthony about this, but I am copying him on this email so that he has the most recent information. As we discussed, the issue is now ensuring compliance with the Stop Work Order.

Regards,

Jonathan

From: Susan Lynch [<mailto:slynch@his.com>]
Sent: Sunday, April 15, 2012 8:26 PM
To: Willingham, Jonathan (Council)
Subject: Zoning issues, construction at 2334 & 2338 King Pl

Hi Jonathan -

Thanks to both you and Mary for talking to us today regarding the zoning issues for construction at the properties next to ours. I’ve attached the set of notes which we provided to Anthony Lopez as some background to this. As I mentioned, after some prodding from your office, the Zoning Administrator after a

month finally issued revocations on building permits for both 2334 and 2338 King Pl on April 2nd, finding that the retaining wall identified on those permits was – as in the Economides case - not a mere retaining wall but an elevated platform structure, and that it was in violation of rear and side yard setback limits.

A Stop Work order was posted on April 3rd restricting work to “house footprint ONLY”. Immediately after the DCRA official left after posting the Stop Work, though, dump trucks loaded with fill dirt arrived and started dumping more dirt to pile behind the already-constructed portion of the “retaining wall”. At least five more dump trucks came in that day with fill dirt, mounding up the earth behind the 2334 King foundation to raise the natural grade of the land even more. This response - to accelerate work in the face of a ruling against them – is consistent with the behavior we had seen earlier; when they were warned that the retaining wall they had planned was illegal, their response was to accelerate work, truck in over 50 dump trucks of fill-dirt, and build it as fast as they could.

A modified Stop Work order was posted on April 4th, restricting work to only the house already under construction at 2334 King Pl. Then the Stop Work order was taken down and replaced with two new building permits, dated April 6th, allowing work on both properties – except for the retaining wall, which will now be permitted separately. We were discouraged to see the speed with which the developer turned the Stop Work order around (2 days) as it had taken us one month to have it issued.

Our concern is that the existing elevated platform structure, which is illegal according to the Zoning Administration’s decision, will not be taken down or made in compliance with zoning code. Once construction gets underway on the new house at 2338 King Place, the developer will claim that it is impossible to remove the 550 tons of fill dirt or do any de-construction of the wall and platform structure along the back of the property. (550 tons of earth is a conservative estimate as we only counted the dump trucks we actually observed unloading.) None of the previously-dumped fill has been removed; the block and geo-grid mesh for finishing the elevated platform to an at least 10-foot height is also still in place on the property. If the developer has intentions to honor the Zoning decision, we think he would have begun removal of this material. Our fear is that the developer will argue, once the second house is under construction, that it is somehow necessary to finish the wall/platform to its 10-foot height, or that it is a hardship for them to de-construct it.

We are also concerned, because the developer artificially elevated the land behind the block wall by roughly two feet, that any measurement of the height of the wall to “ground” will inaccurately show the wall as lower than it really is from true grade. The inspector would have only to look at the grade of the land on the adjoining properties to see this, but we are concerned they may miss it because of the artificially elevated grade immediately behind the wall. So if the zoning inspector measures from the top of the wall to the packed down fill below, it may be only 4 feet because of the 2 feet of packed dirt directly below. If we could have some prior notification when a zoning official comes to inspect this issue, we could talk to them too and make it clear to them.

Thank you for helping us on this. We think the “Chat with Cheh” sessions are a good idea and a benefit to constituents; e-mail is handy, but sometimes it’s simply easier and less time consuming to describe or discuss an issue in person and get some immediate feedback.

Thanks again –

Susan Lynch & Roger Darling

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Washington, DC 20007

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301.873.6796 (Susan's cell)

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