

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

Amended Application of
Mary G McGrath
4351 Klinge Street, N.W.
Square 1625, Lot 802

BZA Application No 18586
Public Hearing: July 16, 2013
ANC 3D

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APPLICANT'S PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted on behalf of the owner, Ms Mary G. McGrath, ("Applicant") by John Patrick Brown, Jr., Esq and Kate M. Olson, Esq , in support of the Amended Application described below.

I. PRELIMINARY MATTERS

For the Board's preliminary consideration, the Applicant respectfully requests the following:

- 1 Determination that the appropriate front yard relief is a special exception under Section 223 in accordance with Board's ruling in BZA Case No. 17686 (2007).
2. Acceptance of the revised plan for the previously approved and partially constructed covered front porch developed in consultation with several neighbors

II. NATURE OF RELIEF SOUGHT

The Amended Application submitted by the Applicant seeks zoning relief pursuant to 11 DCMR § 3104.1, for a special exception to allow completion of a rear and front addition to an existing one-family detached dwelling under section 223, not meeting the side yard requirements (subsection 405 8) and front yard setback requirements (subsection 1543.4) in the WH/R-1-B District at premises 4351 Klinge Street, N.W (Square 1625, Lot 802).

At the June 28, 2013 Public Meeting, the Board moved this Application to the Public Hearing agenda for July 16, 2013 The Board also indicated that the requested front yard relief required a variance, not a special exception under Section 223

The Applicant respectfully disagrees with the Board's view that a variance is required for the front yard relief. Prior to amending the original Application, the Applicant's counsel sought and received a determination from the Zoning Administrator that the proper relief was a special exception under Section 223 under the existing Board precedent. Specifically, the Zoning Administrator determined.

After reviewing this matter, I conclude that you are able to amend the current pending Special Exception application that is before the BZA to include relief from the front yard setback under Section 223. **The Board's logic in case #17686 allowed the extension of a non-conforming front yard setback under Section 2001.3(b) to be eligible for Section 223 relief.**

Therefore, I confirm that I do not object to you proceeding for the relief from the front yard setback requirement under Section 223

May 24, 2013 Electronic Mail from Mr. Matthew LeGrant, Zoning Administrator (Emphasis added) (Exhibit A).

The Board has carefully considered and determined that for an existing nonconforming front yard in the WHOD, front yard relief can be granted by special exception under Section 223, not a variance. The Board, in Application No. 17686 of Burton H. Finkelstein at 4516 Garfield Street, N.W., approved under Section 223, the addition to the front of an existing residence which was not in conformance with the front yard setback required by the WHOD. BZA Order No. 17686 (November 28, 2007). The application in BZA No. 17686 was originally filed as a variance from the WHOD front yard setback. However, with the support of the Office of Planning and ANC 3D, the Board at the hearing ruled unanimously that the requested front yard relief was more appropriately considered as a special exception under Section 223.

As set forth below, the Board's consideration of this issue was well-informed and established a precedent for future cases.

CHAIRPERSON MILLER. Thank you. And you're here for an addition you're doing in the Wesley Heights Overlay. Is that correct?

MS RODDY: Yes. That is correct.

CHAIRPERSON MILLER: Okay. I think that the facts are pretty clear to the Board. And we want to deal with the preliminary question of whether you need a variance or not, or whether you can just proceed under 223 –

MS. RODDY: Okay.

CHAIRPERSON MILLER: -- for special exception. Mr. Epting, are you going to join us in this? Okay. As I understand it, it appears that you've argued that you can proceed under 223, because this is a nonconforming structure that's seeking area relief.

MS RODDY: That is correct.

CHAIRPERSON MILLER: And that's covered by 223. And I believe that the Office of Planning treated this application, pursuant to 223. Why don't we let the Office of Planning just introduce themselves and you can just address that for a moment also.

MS. THOMAS: Yes. Good morning, Madam Chair and members of the Board. I'm Karen Thomas with the Office of Planning. We did not have an objection to this special exception request. We did see it as a special exception request under 223, because it was related to the yard -- question of the yard. And, in this case, the front yard, which was established by the Wesley Heights Overlay. Okay. Yes.

CHAIRPERSON MILLER: And the yard was made immediately nonconforming by the enactment of the overlay. Isn't that correct?

MS. RODDY: That is correct.

CHAIRPERSON MILLER: Okay. I think I'm going to ask you if you want to stand on the record, or if you want to add anything to this. Because looking at it as a 223, it certainly seems that there's a strong case that there's no adverse impact on the neighboring property and that it's in harmony with the Zoning Regulations. But if there's anything you want to add to your filing, feel free.

MS. RODDY: No. We're happy to stand on the record. We have the support of the ANC, as well as the neighboring properties.

BZA Hearing Transcript (November 27, 2007), pages 10-12.

CHAIRPERSON MILLER: Okay. Any final questions from the Board? Okay. Then I would move to approve Application No. 17686 for special exception relief pursuant to 223 to permit construction of addition to the front of an existing residence, not in

conformance with the front yard set back, as prescribed by the Wesley Heights Overlay for property located at 4516 Garfield Street NW. And do I have a second?

MEMBER LOUD Second

CHAIRPERSON MILLER I would just comment that this property was made immediately nonconforming when the regulations went into effect for the Wesley Heights Overlay, and therefore it's covered under 2001.3, and I think it's appropriate for us to treat it as a special exception under 223. The ANC and the Office of Planning are in support.

Id , page 13-14 (Emphasis added)

III. JURISDICTION OF THE BOARD

This Board has jurisdiction to grant the requested special exception relief pursuant to Section 3104 1 and in accordance with Section 223 of the Zoning Regulations, and only if required, the variance relief under Section 3103 1.

IV. BACKGROUND

The property, at 4351 Kingle Street, N.W. (Square 1625, Lot 802) (the “Property”) is located in the Wesley Heights neighborhood. The Property is improved with a two-story single-family detached dwelling originally constructed in 1923 and last renovated in 1957 with an existing front yard setback of 13 feet. In 1990, the WHOD was enacted and established a minimum front yard setback for the Property of 20 feet 11 DCMR §1543 4 and attached “Required Front Yard Setbacks” Map. At the same time, the WHOD established a front yard setback of 44 feet for the south (opposite) side of this block of Kingle Street. Id

In late 2012, the Applicant purchased the Property to relocate to Washington, D.C. from Nashville, Tennessee in order to be close to her two young grandchildren living in the immediate neighborhood. The Property required substantial rehabilitation and renovation before it could be reasonably occupied

In March 2013, the Applicant received Building Permit No. B1301767 authorizing “New rear addition 2 story interior alterations at all levels including new kitchen and bathrooms new lighting and mechanical zones,” including additions to the front, rear and side of the existing structure (Exhibit B). On the western side of the Property, the rear addition involved extending the existing structure 7.75 feet while maintaining the existing side yard of 6.0 feet as then measured to the adjacent existing property line fence. Pursuant to Section 405.8, the extension or addition to a pre-1958 structure was required to maintain the existing side yard dimension, provided the width of the side yard is not less than 5 0 feet

At the front, the Building Permit specifically approved the one-story screened porch in the L-shaped area formed by the existing front structure. The approved porch maintained and did not extend beyond the existing 13 foot non-conforming front yard setback running parallel to the front property line (Exhibit C) and online with the existing front yard setback next door at 4355 Klinge Street (Lot 820)

Shortly after receiving the building permit, construction was begun. Specifically, for the rear addition, extensive demolition of the rear façade and excavation and foundation to grade work was completed. (Construction Photographs, Exhibit B) Once the foundation was at grade, the Applicant ordered the required wall check by a licensed D C Surveyor. The wall check completed on April 3, 2013 revealed that the western side yard as measured from the existing structure to the actual property line was only 3 85 feet, not the 6 0 feet originally measured or the minimum 5.0 feet required under Section 405 8.

The Applicant’s architect immediately consulted and retained this land use law firm As a result, it was determined that the permitted work complied with all the applicable zoning restrictions, including the special provisions of the Wesley Heights Overlay District, except the

side yard requirements for the partially completed addition to the western side of the existing structure. The Applicant is seeking the required special exception under Section 223 required for the western side yard

After the original filing of this application, the Zoning Administrator notified the Applicant's counsel that he believed that an additional variance was required from the WHOD front yard setback requirements. The Zoning Administrator and counsel met promptly to discuss the situation based on the following undisputed circumstances. The Property is improved with a pre-1958 structure that had an existing front yard setback of 13 feet (Building Plat showing existing structure and proposed front porch, Exhibit C) In 1990, the WHOD was enacted and established a minimum front yard setback for the Property of 20 feet. 11 DCMR §1543.4 and attached "Required Front Yard Setbacks" Map. On March 14, 2013, the Applicant obtained Building Permit No B1301767 ("Building Permit") which authorized front, rear and side yard additions to the existing single-family structure (Building Permit, Exhibit B). The Building Permit specifically approved the one-story screened porch in the L-shaped area formed by the existing front structure. The approved porch maintained and did not extend beyond the existing 13 foot non-conforming front yard setback running parallel to the front property line. (Exhibit C)

Although the Zoning Administrator's Office staff reviewed and approved the Building Permit, including specifically the front porch, the Zoning Administrator now believes that his office "erred" in its original approval. The Applicant's architect met personally with the zoning review staff and was assured that the proposed front yard complied. The approved front porch was central to the design of the project, including interior layout and exterior design and materials. Based on the issued Building Permit with the front porch, the Applicant ordered

custom window and door systems and began construction. Upon further review, the Zoning Administrator has concluded that the front porch, under 2001 3(b), is an extension of the existing non-conforming front yard setback

Upon receiving notice of the front yard setback issue from the Zoning Administrator, the Applicant voluntarily halted work on the previously approved and partially constructed front porch. Based on the approved Building Permit, the Applicant incurred at least \$36,000 in costs and expenses which cannot be recouped if the porch is not approved, including actual construction costs and custom windows and doors directly related to the front porch.

On June 3, 2013, the Applicant filed the Amended Application seeking a special exception under Section 223 for the front yard setback. In response to the Amended Application, two neighbors on the opposite side of Klinge Street. (Mr. Angel F. Clarens at 4320 Klinge Street and Mr. Andrew Heimert at 4326 Klinge Street) filed requests for Party Status in opposition. Both Messrs. Clarens and Heimert expressed concern about the front yard issue, but neither opposed the requested side yard relief.

The Applicant and her architect have met with and discussed the proposed front porch with Messrs. Clarens and Heimert. As a result, the Applicant is submitting the attached revised plan for the front porch which provides additional skylights, removes the screens and provides for open railings on the porch. ("Revised Plan")(Exhibit D). The Revised Plan is intended to make the front porch more transparent and less noticeable. Mr. Clarens has indicated the Revised Plan is "acceptable" to him, but the Applicant and both neighbors continue to discuss further revisions in good faith.

V. THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

As the Board is aware, uses that are allowed by special exception are deemed compatible with other uses permitted in the applicable zoning district provided certain requirements are met. In reviewing an application for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth therein. If the prerequisites set out in particular regulations are satisfied, the Board must ordinarily grant the application. See e.g. Bakers Local Union No. 118 v. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth below, approval of special exception relief in this case fully complies with the provisions of Sections 223 and 3104.1 and is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

Under §223, the Applicant fully complies with the specific requirements, including:

§223.1: Addition to Single Family Dwelling.

The Applicant is requesting a special exception to allow completion of a rear and front addition to an existing single-family dwelling in the R-1-B zone that does not comply with the side yard requirements of Section 405.8 and front yard setback under 1543.4.

§223.2: No Adverse Impact on Adjacent Property.

The addition to the rear of the existing structure is minor (only 7.75 feet deep) and maintains the existing side yard dimension. The rear addition faces the side of the house located at 4355 Klinge Street, N.W. ("Adjacent Property"). It is almost forty-nine feet from the side of the Adjacent Property to the common side property line (Exhibit D). Further, an existing garage on the Adjacent Property and an existing property line fence almost entirely obscures the rear addition (Photograph of Adjacent Property, Exhibit E). There will be no interference with

the light and air or privacy and enjoyment by the Adjacent Property owners. The rear addition will not be visible from the public street or public alley and is keeping with the scale and character of the existing structure and the Wesley Heights neighborhood.

The Applicant has discussed this application and reviewed the plans with the owners of the Adjacent Property, Alicia and Daniel Ritchie. The Ritchie's have submitted a letter in "strong support" for this application and expressed great appreciation for the Applicant's "substantial and beneficial investment" to the Property. (BZA Exhibit 8). Additionally, the other side yard neighbors, Lynne Seekamp and Lee Minichiello, have supported the side yard relief (BZA Exhibit 26). The Revised Plan for the front porch will be transparent and not extend the existing front yard setback of 13 feet. In addition to the 13 foot setback, the Property is separated from the front property line on the opposite (south) side of Kingle Street by a 90 foot right-of-way (sidewalk, greenspace and roadway) ¹ The south side of Kingle Street is subject to a 44 foot WHOD front yard setback. The Heimert house at 4326 Kingle Street is setback an additional approximately 39 feet from its front property line and the Clarens house at 4320 Kingle Street is setback an additional approximately 49 feet. Given the limited scale and transparent features of the Revised Plan for the Applicant's front porch, the substantial distance between the Property and the houses on the opposite side of Kingle Street, and intervening landscaping and street trees, there will be no adverse impact on the adjacent properties.

§223.3: Complies with Lot Occupancy.

The Applicant complies with the more restrictive 30% lot occupancy requirement applicable in the Wesley Heights Overlay District.

¹ Based on available records

§223.4: No Special Treatment Required.

The minor nature of the rear addition, its long distance and obscured visibility from the Adjacent Property and existing landscaping provide exceptional screening and protection of the only nearby property and limited visibility from the public street and public alley. The limited and transparent nature of the Revised Plan for the front porch, substantial distance to the south side of Klinge Street, and existing landscaping and street trees will provide an appropriate buffer and require no further special treatment.

§223.5: Conforming Use.

The Applicant will continue use of the Property as a single-family dwelling which is permitted as a matter-of-right in the R-1-B zone.

VI. THE APPLICATION MEETS THE REQUIREMENTS FOR THE REQUESTED AREA VARIANCE

In order to satisfy the standards for area variance relief, the Applicant must satisfy a three part test:

- (1) the property must be subject to an extraordinary or exceptional situation or conditions;
- (2) a practical difficulty will result if the applicant is required to satisfy the strict application of the Zoning Regulations, and
- (3) no harm to the public or to the zone plan will occur as a result of the approval of the variance application.

See Gilmartin v District of Columbia Bd Of Zoning Adjustment, 579 A.2d 1164, 1167 (D.C 1990)

Although the requested front yard relief can properly be approved by special exception, the Applicant also meets the variance test as follows.

A. **An extraordinary or exceptional situation or condition is inherent to the Property**

The D.C. Court of Appeals in Clerics of St. Viator v. D.C. Board of Zoning Adjustment, 320 A.2d 291 (D C. 1974) held that the exceptional situation or condition standard goes to the “property” not just the “land”; and that “property generally includes the permanent structures existing on the land [footnote omitted].” Id. At 293-294 The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e. the building on the land).

The unique circumstances of this application have created a number of extraordinary and/or exceptional conditions, including:

1. The pre-hearing 13 foot front yard setback became automatically non-conforming with the enactment of the WHOD,
- 2 The previously approved front porch has been partially constructed in accordance with the Building Permit that was issued by DCRA;
3. The Applicant has incurred construction costs and expenses of at \$36,000 directly related to the front porch, which will be lost if the porch is not approved,
- 4 The front porch which was originally approved was a central feature of the overall exterior and interior design of the Applicant’s substantial and expensive renovation of the Property;

5 The Applicant utilized the limited lot occupancy for the one-story front porch which could have been utilized to achieve available additional height and FAR; and

6 The Applicant substantially reduced the width of the pre-existing projection in the front yard to increase the width and utility of the approved front porch

B. A practical difficulty exists in satisfying the strict application of the requirements of the Zoning Regulations

It is important to note how the DC Court of Appeals has defined “practical difficulty.” In reviewing the standard for practical difficulty, the D.C. Court of Appeals stated in Palmer v. D C Bd Of Zoning Adjustment, 287 A 2d 535, 542 (D.C. 1972) that, “[g]enerally it must be shown that compliance with the area restriction would be unnecessarily burdensome [footnote omitted]. The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case ” In area variances, applicants are not required to show “undue hardship” but must satisfy only the “the lower ‘practical difficulty’ standards ” Tyler v D C Bd. Of Zoning Adjustment, 606 A 2d 1362, 1365 (D.C. 1992), citing Gilmartin v D C Bd. Of Zoning Adjustment, 579 A 2d 1164, 1170 (D C 1990) Finally, it is well settled that the BZA may consider “ . . a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty’ ” Gilmartin, 579 A 2d at 1171, citing Barbour v. D.C. Bd. of Zoning Adjustment, 358 A.2d 326, 327 (D.C. 1976) See also, Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1367 (D C 1992) Thus, to demonstrate practical difficulty, the Applicant must show that strict compliance with regulations is burdensome, not impossible. The Applicant, as demonstrated below, meets this standard for practical difficulty

1 The front porch as designed and originally approved is essential to the overall exterior and interior design of the Applicant’s project,

2. A five foot deep covered front porch which complies fully with the setback is not practical or usable for the design and functional purposes intended;
- 3 If not approved, the partially constructed front porch would have to be abandoned and demolished;
- 4 Without the previously approved front porch, the Applicant would be required to undertake a substantial interior and exterior redesign of the project, including choices of materials, windows and doors and the entire front façade which is otherwise in all respects in compliance with applicable regulations; and
5. Strict application of the front yard setback at this late date will impose substantial additional costs in time and money to the Applicant for demolition of completed work, required substantial redesign, additional permitting, resumed construction after a substantial delay, and alternative housing for an extended period of time required to complete this project

C. No harm to the public good or to the zoning plan will occur as a result of the approval of the variance application

Relief can be granted without the detriment to the public good The previously approved and partially constructed one-story front porch under the Revised is a minor addition that will have little or no visibility and no adverse impact on any adjacent property. The porch is entirely contained within the existing 13 foot front yard setback. Only 7 feet of the porch extends beyond the 20 foot WHOD setback with the first 5 feet of depth of the porch within the setback and clearly permitted as a matter-of-right. The porch is only one-story tall with the upper floor of the existing house clearly visible behind it. The open front and side of the porch make it visually transparent and minimize any impact. Existing landscaping and trees and the

distance to the curb and opposite side of the street will further buffer the front porch from public view

In all respects, this project with the requested front yard relief will not be noticeable and will have no adverse impact on any adjacent property and is entirely consistent with the broader Wesley Heights neighborhood and the WHOD. This Application is entirely in keeping with the purposes of the WHOD “to preserve and enhance the low density character of Wesley Heights” (§1541.1), while allowing “reasonable opportunities for owners to expand their dwellings” (§1541.3). The Applicant has complied with the enhanced lot occupancy restrictions of the WHOD, but not utilized almost 1,600 square of FAR that would be permitted

This Application is supported by both the Office of Planning and ANC 3D

VII. EXHIBITS IN SUPPORT OF THE APPLICATION

Applicant offers the following exhibits in support of the requested relief:

Exhibit A. May 24, 2013 E-Mail from Zoning Administrator

Exhibit B. Building Permit dated March 14, 2013.

Exhibit C. Revised Surveyor’s Plat.

Exhibit D. Revised Plan.

VIII. CONCLUSION

For the reasons stated above, the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring property.

Respectfully Submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By:


John Patrick Brown, Jr

By:


Kate M. Olson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant's Prehearing Statement was served electronically and as indicated, this 2nd day of July, 2013, upon the following.

Alicia and Daniel G. Ritchie
Ms Lynne Seekamp and Mr. Lee Minichiello
Mr. Angel F. Clarens
Mr Andrew Heimert
Mr Matthew LeGrant, Zoning Administrator
Ms Jennifer Steingasser, Office of Planning
Mr Joel Lawson, Office of Planning
Ms. Brandice Elliott, Office of Planning
Penny Pagano, Chair, ANC 3D
Gayle Trotter, Vice Chair, ANC 3D
Kent Slowinski, ANC 3D01
Thomas Smith, ANC 3D02
Nan Wells, ANC 3D03
Stuart Ross, ANC 3D04
W. Philip Thomas, ANC 3D05
Rory Slatko, ANC 3D07
Michael Gold, ANC 3D08
Joe Wisniewski, ANC 3D10
Mr. George Watson

A handwritten signature in black ink, appearing to read 'JPB', written over a horizontal line.

John Patrick Brown, Jr.

EXHIBIT A

John Patrick Brown Jr.

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Friday, May 24, 2013 12:13 PM
To: John Patrick Brown Jr., Reid, Rohan (DCRA)
Cc: Kate M. Olson, Elliott, Brandice (OP), Gamboa, Ferdinand (DCRA), Smoot, Thomas (DCRA)
Subject: RE: 4351 Klinge Street, NW

Pat Brown:

I appreciate your quick turnaround on this, as well as the updated wall test and prior BZA case citation.

It is now clear from the wall test that the existing front yard setback is 13 feet and BZA relief is required in order to construct the screened-in porch addition within the required 20 foot front yard setback that is required by the Wesley Heights Overlay, under Section 1543.4. As a reminder, the building permit drawings and plat will have to be corrected in order to reflect the accurate front yard setback dimension.

I appreciate that your client has voluntarily discontinued work on the front porch, and I advise her to refrain from construction in that area until the BZA decides the issue of the front yard encroachment. Resumption of construction on this portion of the house will result in the issuance of a stop work order.

After reviewing this matter, I conclude that you are able to amend the current pending Special Exception application that is before the BZA to include relief from the front yard setback under Section 223. The Board's logic in case #17686 allowed the extension of a non-conforming front yard setback under Section 2001.3(b) to be eligible for Section 223 relief.

Therefore, I confirm that I do not object to you proceeding for the relief from the front yard setback requirement under Section 223.

Please let me know if you have any further questions.

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>

Play DC is an ambitious program to renovate 32 District play spaces across the city and improve your quality of life. Click [here](#) for more information on this [DPR](#) and [DGS](#)-driven initiative.

From: John Patrick Brown Jr. [<mailto:JPB@gdllaw.com>]

Sent: Thursday, May 23, 2013 11:23 AM

To: LeGrant, Matt (DCRA), Reid, Rohan (DCRA)

Cc: Kate M. Olson

Subject: 4351 Klinge Street, NW

Matt and Rohan,

Attached is the wall test for the property which confirms that the existing front yard is 13'. While we can agree to disagree on whether front yard relief is required, the better course of action is for my client to amend the current application to include the front yard under 223. In a WHOD case, the Board endorsed use of 223 special exception for front yard relief rather than a variance. BZA 17686 (2007). Please confirm that you do not object to our proceeding under 223.

In the next several days, I will file an amendment to the current application 18586. I have discussed this approach with Rick Nero and he agrees that we can proceed in this manner and maintain the current June 25 expedited review date. We have contacted OP and are in direct contact with ANC 3D.

Not surprisingly, Mrs. McGrath is very unhappy about this situation and especially the front yard issue, but she has voluntarily discontinued work on the front porch.

Please let me know if you have any questions or need additional information.

Pat

John Patrick Brown, Jr., Esq.
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INTERNAL REVENUE SERVICE CIRCULAR 230 DISCLOSURE: AS PROVIDED FOR IN TREASURY REGULATIONS, ADVICE (IF ANY) RELATING TO FEDERAL TAXES THAT IS CONTAINED IN THIS COMMUNICATION (INCLUDING ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (1) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR (2) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY PLAN OR ARRANGEMENT ADDRESSED HEREIN.

EXHIBIT B



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 03/14/2013

PERMIT NO. B1301767

Expiration Date: 03/14/2014

Address of Project: 4351 KLINGLE ST NW		Zone:	Ward: 3	Square: 1625	Suffix:	Lot: 0802
Description Of Work: New rear addition 2 story interior alterations at all levels including new kitchen and bathrooms new lighting and mechanical zones.						
Permission Is Hereby Granted To: Mary Mcgrath		Owner Address: 26 FOXHALL PLACE NASHVILLE, TN 37215		PERMIT FEE: \$1,241.81		
Permit Type: Addition Alteration Repair	Existing Use: Single Family		Proposed Use: Single Family		Plans: Yes	
Agent Name: Justin Ware	Agent Address: 1611 Connecticut Ave NW 20009	Existing Dwell Units: 1	Proposed Dwell Units: 1	No. of Stories: 2	Floor(s) Involved: All	
Conditions/ Restrictions: This Permit Expires if no Construction is Started Within 1 Year or if the inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; 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 work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2006' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.						
Director: Nicholas A. Majett		Permit Clerk: Patrice Derricott				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

EXHIBIT C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., September 28, 2012

Plat for Building Permit of: SQUARE 1625 LOT 802

Scale: 1 inch = 30 feet Recorded in Book A & T Page 1330

Receipt No. 12-06540

Furnished to: GRIZ DWIGHT

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.)

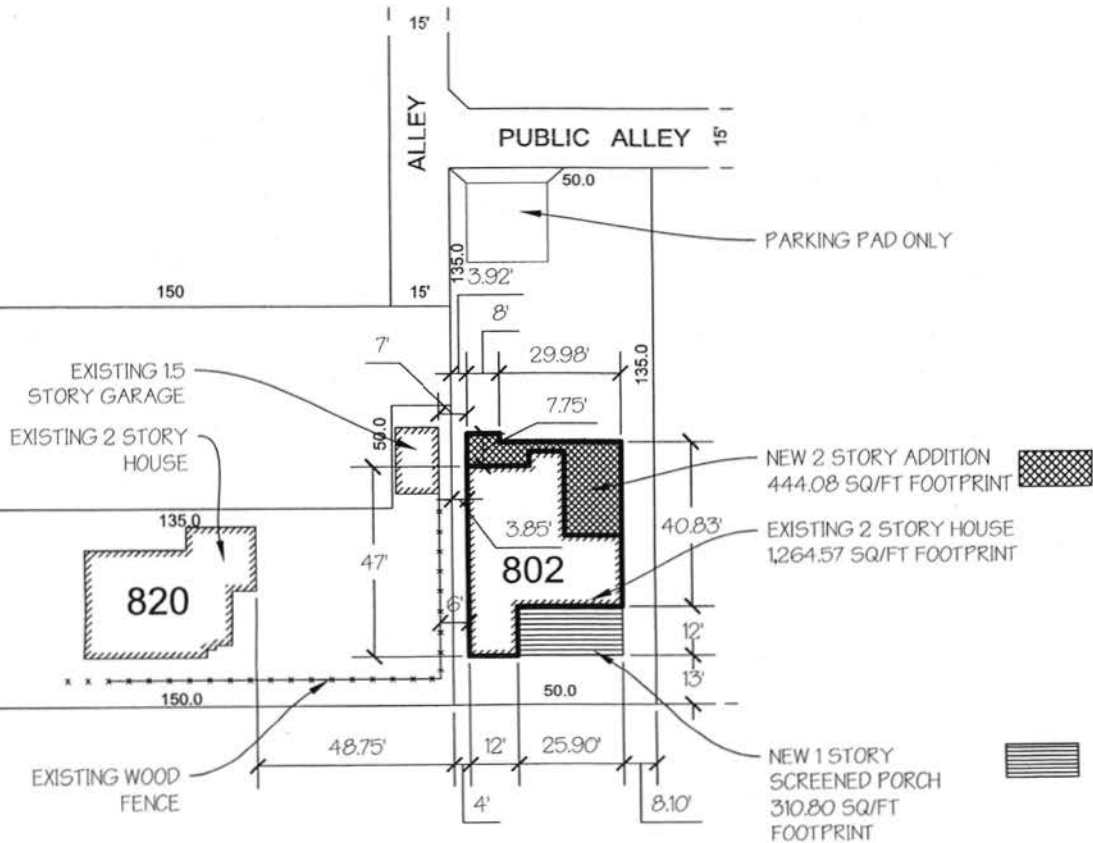
Surveyor, D.C.

Date: _____

By: A.S.

(Signature of owner or his authorized agent)

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.

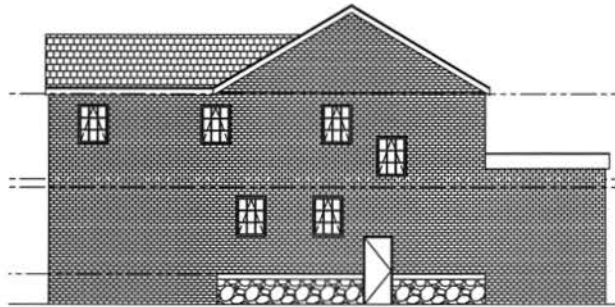


KLINGLE STREET, N.W.

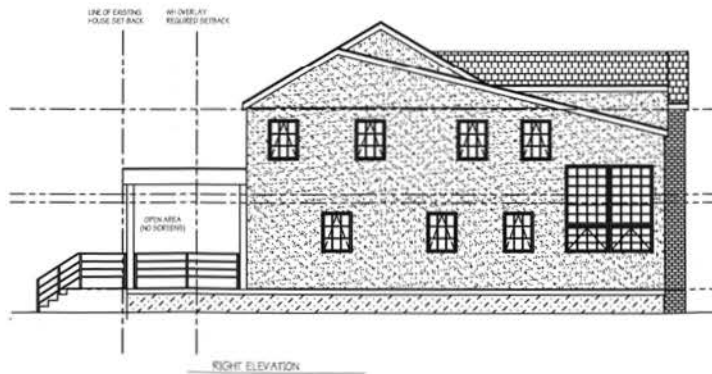
EXHIBIT D



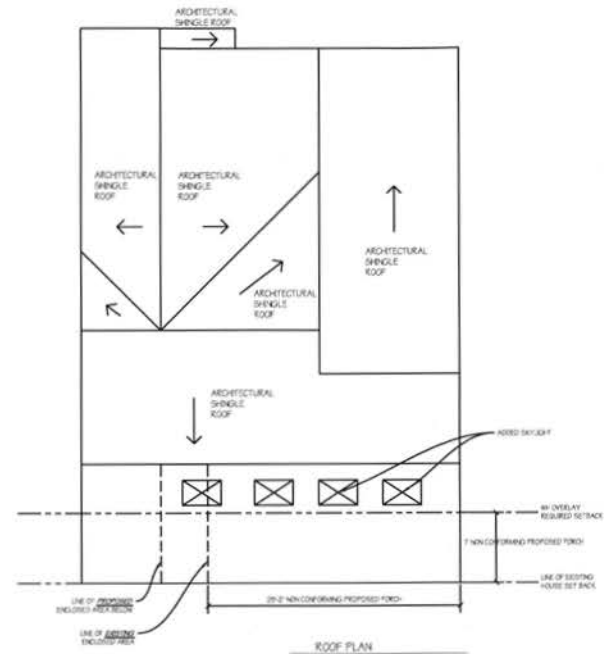
BACK ELEVATION



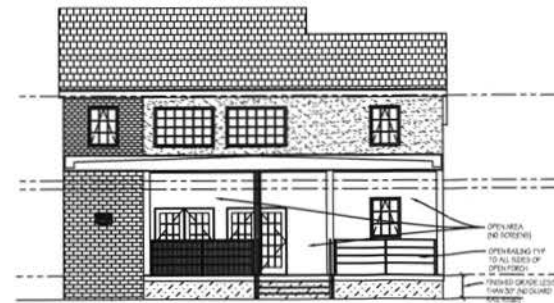
LEFT ELEVATION



RIGHT ELEVATION



ROOF PLAN



FRONT ELEVATION