

Preliminary Statement in Support of the Appeal of Terry Hopkins of
the Zoning Administrator's Decision to Grant Zoning Approval for Permit No. RW1300056 for
Construction of a Wall at 4201 River Road, NW (Square 1674, A & T Lot 805)

Appellant Terry Hopkins alleges the following errors in administrative decisions made by Matthew LeGrant, Zoning Administrator:

Appellant alleges error in the Zoning Administrator Approving Permit No. RW1300056 (the "Subject Permit") on April 5, 2013, causing three specific violations of the Zoning Regulations as described herein (permit copy attached). The Subject Permit was issued to RUPSHA 2006 LLC ("Builder") on April 5, 2013, although it appeared to be issued subject to a subsequent zoning review. The Zoning Administrator confirmed his approval of the issuance of the Subject Permit in an e-mail dated April 23, 2013.

The Subject Permit permitted construction of a "retaining wall" on the property located at 4201 River Road, NW, Square 1674, Assessment and Taxation Lot No. 805 (the "Subject Property") within about four (4) feet of the property line bordering the Appellant's property located at 4207 River Road, NW (the "Appellant Property"). The "Description of Work" from the Subject Permit denotes "construction of a 2'Ht. Retaining wall." (Referred to herein as the "Subject Wall").

The Subject Wall, as shown in the attached photo, is approximately 7.16' in height. DCRA officials, in e-mail correspondence with the Appellant, gave various answers as to why the Subject Wall was approved, after previously communicating to the Appellant that the Subject Wall would not be permitted within eight (8) feet of the side property line if it was in excess of four (4) feet in height.

According to the BZA's previous interpretations regarding retaining walls and elevated platform structures, the Subject Wall should be characterized not as a retaining wall, but as part of an elevated platform structure, along with the fill which the Subject Wall supports, in the area of the

driveway on the Subject Property. The total area of the elevated platform structure should be included in the lot occupancy calculation and must also be at least eight (8) feet from the side property line.

Violation 1: As the property is over 39% lot occupancy when not including the elevated platform structure, including the elevated platform structure against lot occupancy results in lot occupancy well in excess of the permitted forty percent (40%) lot occupancy under **11 DCMR 403.2**.

Violation 2: As the Subject Wall is an elevated platform structure in excess of four feet in height, it is required to be set back at least eight (8) feet from the side property line. It is only set back approximately four (4) feet from the property line, so it is in violation of side yard requirements under **11 DCMR 405.9**.

Violation 3: The Subject Permit was issued for a property that is not a lot of record, in violation of **11 DCMR 3202.3**.

Permit No. RW1300056 was issued on April 5, 2013. The Appellant became aware of the Subject Wall upon commencement of its construction on April 9, 2013. The Zoning Administrator confirmed his approval of the Subject Permit on April 23, 2013. All dates are safely within the 60-day filing deadline and this appeal is therefore filed timely.

A handwritten signature in blue ink, reading "Martin P. Sullivan", is positioned above a horizontal line.

Martin P. Sullivan, Esq.

Sullivan & Barros, LLP

Department of Consumer and Regulatory Affairs

Permit Operations Division
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Washington DC 20024
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RW

RETAINING WALL PERMIT

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

PERMIT NO. RW1300056

Date 04/05/2013

Address of Project:	Zone:	Ward:	Square:	Suffix:	Lot:
4201 RIVER RD NW	R-2	3	1674		0805

Description of Work:

Construction of 2' Ht. Retaining wall.

Type of Work:	Retaining Wall Height	Length in linear feet:	Material:	Color:
	2	FT	Concrete	brick

Permisson Is Hereby Granted To Rupsha 2006 Lic	Owner Address: 6500 CHILLUM PL NW WASHINGTON, DC 20012-2136	PERMIT FEE: \$138.44
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Engineer/Architect Name:	License Number:	Engineer/Architect Address:

Conditions/ Restrictions:

PRC NOTES THAT CUSTOMER WAS ADVISE REVIEW REQUIRED DDOE, ZONING,

This permit is associated with the building permit number .

This permit expires if no construction is started within 1 year or if the last inspection is over 1

All construction done according to the current construction 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 must be

Director: Nicholas A. Majett	Permit Clerk: Kelth Hawkins	Expiration Date
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FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

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