

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

**APPEAL OF PETER MINSHALL AND DIANA MINSHALL
Tenants in Common - 3327 Q Street, NW**

STATEMENT OF APPELLANT

I. INTRODUCTION

This is the Statement in Support of the Appeal of Mr. Peter Minshall and his daughter, Ms. Diana Minshall (collectively, the “**Appellant**”), owners as tenants-in-common of the property located at 3327 Q Street, NW (the “**Appellant’s Property**”), to the Board of Zoning Adjustment (“**BZA**” or “**Board**”) of a decision made by the District of Columbia Zoning Administrator in approving issuance of Building Permit No. B1410905 (the “**Building Permit**”), issued on November 26, 2014. The Building Permit authorized construction of a retaining wall (the “**Wall**”) at 3329 Q Street, NW (the “**Subject Property**”), along the common property line with the Appellant’s Property. The Wall was previously constructed without proper permit approval, in 2013. Following enforcement action by DCRA, the owner of the Subject Property sought approval for the Wall from the Commission of Fine Arts and then filed the subject Building Permit application on August 13, 2014, according the DCRA’s on-line permit monitoring system. The Wall violates 11 DCMR §413.4(a), which requires that the Wall not exceed four (4) feet in height, as measured pursuant to 11 DCMR §413.2. The Wall is approximately 10.5 feet high as measured from the base of the wall at the highest point of the wall, which is approximately 6.5 feet higher than permitted.

II. JURISDICTION

The Board has jurisdiction over this appeal pursuant to 11 DCMR §§ 3100.2 & 3200.2. This appeal is timely filed under 11 DCMR § 3112.2(a), having been filed within 60 days from the date the Appellant had notice or knowledge of the decision complained of. The Appellant's counsel learned of the permit issuance on December 16, 2014, upon reviewing the PIVS on-line system at DCRA. It does not appear that the permit was posted on the Subject Property. The permit was issued on November 26, 2014. This appeal is filed well within sixty (60) days of all of those dates.

III. STANDING OF APPELLANT

The Appellant's own the property located at 3327 Q Street, NW (Square 1278, Lot 241) as tenants-in-common, and Diana Minshall resides in the house on the property. The Appellant's Property is directly adjacent to the Subject Property, to the east. The Building Permit authorized the construction of a retaining wall to a height of up to 10.5 feet, as measured pursuant to 11 DCMR §413.2(b), and this Wall directly and substantially negatively impacts the use and enjoyment of the Appellant's Property (see photos attached as Exhibit B).

IV. DESCRIPTION OF THE RETAINING WALL AND ERROR

The Wall is a retaining wall constructed along the Subject Property's eastern property line adjacent to the Appellant's Property. It runs along that property line for approximately the rear half of the length of the two properties, and its maximum height is approximately 10.5 feet, in the area most impactful to the Appellant's Property, overlooking that property's main living space. The Wall is a retaining wall, per the definition of Retaining Wall in Section 199.1 of the

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Zoning Regulations as well as by the permit applicant's characterization of same. As such, it is limited to a maximum height of four (4) feet along the property line (§413.4(a)). As measured pursuant to §413.2, the Wall is more than six (6) feet over that height limit, and therefore the Building Permit was issued in error.

The Appellants therefore respectfully request that the Board grant this Appeal and cause the Subject Property owner to reduce the wall height accordingly.

Respectfully Submitted,

A handwritten signature in black ink, reading "Martin P. Sullivan". The signature is written in a cursive, flowing style.

Martin P. Sullivan