

CASE NO 19081, SQ. 2583, LOT 0438

Please check and compare the information on these two building permits that refer to the same case

Permit Number	B1412288	B1601746
1. Existing Use	Single Family	Apartment House R2
2. Proposed Use	Multifamily (>2units)	Apartment House R2
3. Plans	Yes	None Provided
4. Existing Dwelling units	1	4
5. No. of Stories	4	3

Permit B1601746 states that the driveway serving the compliant parking Space is 7ft 2in. But forgets to state that, only 6ft. 8in. is the legal maximum space available. Had this relevant information been conveyed to DCRA, Director Melinda Bolling, Permit B160176 would have never been signed as stated on her emails. Actually DCRA's Structural Engineer advised me that, not only was their proposal illegal, it was never written down in the permit request or it would have never have passed. They purposely withheld the facts because of its implications.

Director Bolling's statement and the errors renders permit No. B1601746 invalid.

The above mistakes in Permit B1601746 erroneously assumes that BZA had already passed the first permit, as this is not the case Permit B1601746 should have the errors corrected and sent back with the proper information provided to the DCRA director including the fact that only 6ft. 8 in. is available for the driveway, so the building can never fulfill its parking requirements. The two permits are interdependent. Both must be denied.

The Permit clearly states that all construction is to be done according to all current Building codes and Zoning Regulations in Washington DC.

Bogdan Builders plan to violate these, so the permit must be denied as already witnessed by the neighbors regarding their previous illegal underpinning work.

WASHINGTON DC'S ADJOINING PARTY WALL LAW IS ENFORCEABLE BY ACT OF CONGRESS.

The adjoining party wall law in Washington DC was established by General George Washington on October 17, 1791 and is still in force today. This was a condition annexed to every house in DC.

By an Act of Congress of June 14 1878, (20 stat. L 131 - chap 194) which authorized the establishment of the first building regulations in Washington DC, the regulations of General Washington were continued in force by congress and applied not only to the federal city but the whole of Washington.

The party wall law created by statute or prescription states clearly that each adjoining party is entitled to an easement to enjoy full use of the wall. It is a right that allows a lot owner to locate one half of their party wall on his/her neighbors land.

This common law has been held as constitutionally valid with an exercise of police power of a state. The wall is subject to strict construction since they permit the taking and permanent occupation of a strip of land. When a wall between adjoining buildings has been continuously and uninterruptedly been in use as a party wall by the respective owners for a period of time set forward by statute, a prescriptive right to use the wall entails.

Each owner acquires the title to one half of the wall and an easement for its support as a party wall in the other half. The rule applies even though the deeds are silent concerning the rights of the parties in the wall.

The Regulations issued by President Washington on DC adjoining party walls is still in force today. "A person appointed to superintend buildings might enter on the land of any person to set out the foundation and regulate the walls to be built between party and party, as to the breadth and thickness thereof, the foundations were to be laid equally on each lot." With DC's regulations, it states "one of the two adjoining owners may build a two story house and a party wall 9 inches thick, occupying 4 ½ inches of his neighbors land. If thereafter, his neighbor wishes to

build a house three stories high, that neighbor is required to have a wall 13 inches thick" but they are still limited to 4 ½ inches of the neighbors land, with the rest from their lot.

The legality of this DC law in force today, has been tested as far as the Supreme Court Walker vs Gish 260, US 447 (1923) or DC Court of Appeals, (Fowler vs Koehler, 43 App DC 349, & Page 260 U.S. 451) March 29 1915, and it was upheld.

In the case of 1828 Ontario place, they have inherited party walls built in 1916, with easement rights for their neighbors at 1826 & 1830 Ontario place, the law totally forbids them to tamper with it as they have requested.