[Exhibit E]

'99 NOV -3 P3:51

The administrative decision is wrong for five reasons:

OFFICE OF ZONING
DISTRICT OF COLUMBIA

1. The zoning regulations do not give DCRA the authority to waive the three-story height limitation in an R-1-A zone, including by allowing the builder to adjust the grade to whatever level he sees fit to attempt to convert a portion of a full story basement into a cellar. A full garage opening to the street in the front of the house, with three full floors above it, will remain even after the grade is adjusted. (Exhibit E-1)

2. Construction of the house as permitted by DCRA violates 11 DCMR §405.8 because it is not an extension or addition made to an existing building.

3. A properly conducted wall test report for 4512 28th Street does not show compliance with zoning regulations, including that the new building has an inadequate side yard . (Exhibit E-2

4. DCRA originally incorrectly issued a permit for this property, and issued the subsequent permit in an effort not to overturn its earlier, admitted mistake. The building being constructed is not in conformance with the permits.

5. The new construction at the property extends the five foot side yard by an additional 10 feet beyond the original structure.

BZA
Case No. 16533
Exhibit No. 5

EXHIBIT
E

Board of Zoning Adjustment
District of Columbia
CASE NO.16533
EXHIBIT NO.5