BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Appeal of George R. Clark, et al **BZA Appeal No. 16533**
ANC 3F

2013 MAY 23 P 1:16

INTERVENOR'S OPPOSITION TO ZONING ADMINISTRATOR'S MOTION FOR EXPEDITED CONSIDERATION OF AN ORDER STAYING FURTHER CONSTRUCTION PENDING THE BOARD OF ZONING ADJUSTMENT'S FINAL DECISION

I.
Introduction

The Zoning Administrator has filed an extraordinary request. As far as undersigned counsel are aware, this Board has never entertained or granted the relief which the Zoning Administrator now seeks. By inviting the Board to become an enforcement tool, the Zoning Administrator is urging the Board to go down a wrongheaded and ultimately unlawful course.

To recount the current situation is to refute the basis for the Zoning Administrator's request. As of now,

- Intervenor-permittee has completed all structural work relating to height and stories (see Attachment A) and is in the process of completing interior and exterior finishes, painting, moldings, retaining walls and rear yard cleanup.
- The permittee has applied for a new building permit which will require the removal of the two front dormers which could give the appearance of creating an additional floor as well as a substantial change to the top story so as to constitute a mezzanine. See Attachment B (rendering of revised design) and Attachment C (permit application). These changes should effectively moot the whole appeal.
- The BZA has taken a vote to sustain the appeal but has not approved or issued any written order explaining on what basis it has sustained the appeal or whether it has rejected the long-standing interpretation of the relevant zoning regulations.
- The Zoning Administrator waited almost a month after the meeting at which the vote was taken to file its motion for "expedited consideration" of a request

BZA
Case No. 16533
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO.16533
EXHIBIT NO.48

to stay construction. During that time, the Intervenor has moved ahead with its project under its still-valid permit.

- In late April, the Zoning Administrator met privately with two members of this Board. During this meeting, the appeal was discussed. In addition, there was a "general discussion" about the BZA's "concerns about the DCRA permitting process, including the need for staff training, and improving the enforcement of the Board's orders."
- On May 11, 2000, the permittee received a stop work order from Stanley A. Neal, Construction Inspector, D.C. Building and Land Regulations Division, which did not identify any substantive regulation which is being violated by the construction being completed by the permittee.

With this background, the Board has been served with a remarkable and audacious motion in which the party who approved and defended the permits (the Office of Zoning Administrator) seeks an order of the BZA directing the Intervenor to stop all construction under the permits while a written order is being prepared. Not having even sought a stay himself or through Corporation Counsel and essentially conceding that the stop work order dated May 11 is ineffective, the Zoning Administrator is asking this Board to issue a stop work order even though, as discussed in more detail below, this Board does not have the authority to issue such a stop work order.

Compounding the situation is the role played by the Office of Corporation Counsel. That Office filed the motion representing the Zoning Administrator while the same Office of the Corporation Counsel works with the BZA to draft the order reflecting the Board's vote on this appeal. In other words lawyers from one office -- some representing a party and some representing the adjudicating authority -- seek an order preventing the Intervenor from proceeding under its lawful permits while the lawyers themselves draft an order. At the same time, of course, the Office of Corporation Counsel is given the primary legal authority to enforce the regulations by seeking injunctions in court to prevent violations under D.C. Code §5-426.

There are numerous flaws with the present motion -- as a matter of analysis, jurisdiction, precedent and policy. Any one of these flaws is fatal to the motion. Taken together these flaws show a process that has gone completely off the rails. The BZA should put this case back into its proper perspective and allow the process to work consistent with the longstanding procedures of the Board and the rules of law and equity.

II.
Lack of Jurisdiction to Grant Relief

The Zoning Administrator tries to justify the extraordinary request for a stay of construction by suggesting that such an order will preserve the status quo until the Board issues its decision. But since the BZA does not have jurisdiction to issue a stop work order as a matter of final relief, there is no basis for having a "temporary" stay of construction until the issuance of the final order.

The Board of Zoning Adjustment is not an enforcement agency and the Zoning Administrator's request for the BZA to serve as an enforcement tool drastically overstates the Board's authority. The BZA has the ultimate responsibility on appeal to interpret the Zoning Regulations. The Board has authority, pursuant to D.C. Code §5-424(g)(4) to "reverse or affirm, wholly or partly, or may modify the order, requirement, decision, determination, or refusal appealed from" and it may make such orders as are necessary to carry out "its decision or authorization." The statutory phrase "its decision or authorization" can only mean the authority previously spelled out in the statute, not some broad unbridled enforcement authority. For example, the Board does not have authority to bring an action for injunction in any court; only Corporation Counsel acting on behalf of the District of Columbia can do that. See D.C. Code §5-426. The Board's statutory power to act as the officer from whom the appeal is taken is limited "to that end," namely

the right to "reverse or affirm, wholly or partly, or may modify the . . . decision . . . appealed from."

The only jurisdictional source cited in support of the present motion is the provision of 11 DCMR §3101.5 (which quotes the statutory language of D.C. Code §5-426), that the Board has "all the powers of the officer or body from whom the appeal is taken" in carrying out the Board's decision. The irony here, of course, is that it is the officer from whom the appeal is taken -- the Zoning Administrator -- who asks the Board to exercise the authority but the Zoning Administrator himself is not authorized to issue a stay of construction. It is only in the "through the looking glass" posture in which this case now stands that such an argument would be advanced.

The Board should also consider the policy implications of the Zoning Administrator's request. Other than the publicity surrounding it, this was a routine appeal about the interpretation of certain regulations for a single family home. If a stay is granted here, appellants in other cases would routinely move for stays pending appeal and presumably would do so at the beginning of the case and throughout the case in an effort to prevent a "change in the status quo." The Board would have to handle injunctions and temporary restraining order requests, manage bond and security orders, and field motions for reconsideration or expedited treatment or partial relief from the stop work order. And when those impositions are multiplied by the number of appeals this Board already hears as well as the possibility that not only appellants but apparently the officers appealed from themselves would move for such relief and the policy and logistical nightmares are clear.

The answer lies in the well-established precedents of this Board and the Court of Appeals, namely that the permittee proceeds at its own risk pending appeal. See, e.g., Draude v. District of Columbia Bd. of Zoning Adjustment, 582 A.2d 949, 951 n.1 (D.C. 1990)(when owner proceeds following favorable BZA ruling, court could still order appropriate relief including tearing building down); Interdonato v. District of Columbia Bd. of Zoning Adjustment, 429 A.2d 1000 (D.C. 1981)(owner who loses on appeal required to expend funds to bring building into compliance with BZA order denying relief).

As the law has allocated the risk pending appeal to the landowner, the Board's Rules have no provisions on how motions for stay should be processed. Indeed, since such motions necessarily go beyond the record to deal with the equities affecting various parties, if the Board were to entertain the request, the Board would be constrained to conduct a public hearing so that the contested case is handled consistent with the D.C. Administrative Procedures Act, D.C. Code § 1-1509.[1]

III.
The Request For Stay Does Not Meet The Applicable Tests

The motion for stay does not even purport to state the prerequisites for a stay, much less argue how the standards could be met. The well-established four prong test for

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[1] Although Intervenor submits that the motion should be denied, if the Board were to consider the motion on the merits, Intervenor specifically requests a hearing. Accord Hotel Tabard Inn v. District of Columbia Zoning Comm'n, 661 A.2d 150, 154 (D.C.1995)(since a proceeding to determine whether a PUD extension should be granted is the continuation of a contested case, Zoning Commission must conduct an evidentiary hearing if factual disputes must be resolved).

entry of a stay is whether the moving party (here the Zoning Administrator) has clearly demonstrated:

(1) that there will be irreparable harm without the stay;

(2) that the moving party is likely to prevail on the merits;

(3) that the balance of harm weighs in favor of the moving party and against the party to be enjoined; and

(4) that the public interest favors the injunction.

District of Columbia v. Group Insurance Administration, 633 A.2d, 2, 21 (D.C. 1993); Wieck v. Sterenbuch, 350 A.2d 384, 387 (D.C. 1976). These factors interrelate on a sliding scale and must be balanced against each other: See Davenport v. International Brotherhood of Teamsters, 166 F.3d 36 (D.C. Cir. 1999). All of these tests must be considered and be met before the extraordinary writ of stay can be entered.

(1) There is no risk of irreparable harm.

a. The Zoning Administrator, who is responsible for the interpretation of the Zoning Regulations on a day-to-day basis, reviewed and approved the construction as fully complying with the Zoning Regulations. Intervenor has relied on such approvals. It could hardly be said that the Zoning Administrator would be harmed by his own ruling under the regulations.

b. As discussed above, the risk of acting pending the appeal rests with the owner/permittee. There is no risk to the interests of the Zoning Administrator or the public with the completion of the construction.

c. Without knowing what the Board's final order will say or what rationale it will adopt -- assuming that it resolves to grant the appeal -- one would be only speculating as to any impact on the Zoning Administrator.

d. The permittee's work under the permit is virtually complete as it relates to issues before the Board. Work underway for the interior and exterior finishings could not possibly nor reasonably be deemed to be "irreparable injury" to the Zoning Administrator or for that matter to the neighborhood.

e. There has been no challenge to the building as to height, size or area. Since Intervenor has determined to remove the two front dormers which could give the appearance of having an additional floor and as well as to substantially change the top story so as to constitute a mezzanine, there is no irreparable harm to completing the construction.

Since there is no risk of any irreparable injury to anyone from the denial of the Zoning Administrator's requested order, the motion should be denied.

(2) <u>There is no substantial likelihood that the Zoning Administrator will prevail on the merits</u>.

a. The Zoning Administrator, after approving the permit, appeared before the Board in support of the rulings and stated that the building met all requirements of the regulations. Based on the April vote, the Zoning Administrator did not prevail yet now he asks for a stay as if he had or would prevail.

b. Moreover, since the Board has not yet articulated its rationale for granting the appeal, it is at best premature to suggest that one certain issue or interpretation

"prevailed" in this appeal. Even with regard to the number of stories, there was no specific discussion at the April meeting about why the stories should not be measured in accordance with long-term and consistent interpretation of "finished grade."

c. Regarding the main issue of number of stories, as pointed out earlier, the permittee is proceeding to change the top story to a mezzanine which by definition is not a story. Further, although not legally required, Intervenor is removing the two dormers at the front of the building.

d. The Board of Zoning Adjustment may not change an interpretation of the Regulations retroactively. The only way a regulation change can occur is through notice under the District of Columbia Administrative Procedures Act or an amendment to the Zoning Regulations by the Zoning Commission.

e. The District of Columbia is prevented from taking action to stop work under the doctrine of equitable estoppel. There is no doubt that the Intervenor made expensive and permanent improvements in reliance upon the affirmative acts of the District in approving the permits. See Goto v. District of Columbia Board of Zoning Adjustment, 423 A.2d 917, 925 n.15 (1980).

f. Even assuming that the Board were to enter a written order furnishing a basis for grant of the appeal, Intervenor has the right to exhaust its administrative and judicial remedies, including requests for reconsideration or rehearing and judicial review in the D.C. Court of Appeals.

(3) Balancing of the equities (including tests 3 and 4).

a. The Zoning Administrator's motion has failed to show any injury to the Zoning Administrator that would occur as a result of not granting a stay. Simply stated, the Zoning Administrator's office reviewed and approved the permits. The additional work that could be accomplished is of a nature that could not possibly injure the Zoning Administrator or anyone else.

b. The stay hurts the permittee because he would be unable to complete and continue contractual obligations with contractors and subcontractors for finishing the house, would be prevented from implementing safety and security measures and activating a system to add security in the neighborhood, and would be prohibited from marketing the property. Moreover, a stay would hurt the neighborhood because it would prevent the completion of landscaping, fencing, retaining walls, the installation of grass in the rear year or additional ground cover. It may also require the retention of a dumpster and appearance of an unfinished building.

c. The requested stop work order would change, not preserve, the "status quo." Where the primary purpose is to preserve the status quo pending the outcome of litigation, "the status quo is the last uncontested status which preceded the pending controversy." District 50, United Mine Workers of America v. International Union, United Mine Workers of America, 412 F.2d 165, 168 (D.C. Cir. 1969)(citing Westinghouse Electric Corp. v. Free Sewing Mach. Co., 256 F.2d 806, 808 (7th Cir. 1958)). Accordingly, the status quo in this case is the approval of the permits before the appeal was filed. Such status quo permitted the Intervenor to build a building on the basis of permits approved by the District of Columbia which were consistent with years of interpretation of the same regulations.

IV. Conclusion

For the foregoing reasons, it is respectfully requested that a stay of work pending the issuance of an order, and even after an order is issued, would be inappropriate and unsupportable in law or precedent. The Zoning Administrator's unprecedented motion should be denied.

Respectfully submitted,

WILKES ARTIS, CHARTERED

By: _____
Whayne S. Quinn

_____
Paul J. Kiernan

_____
Paul A. Tummonds

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing Intervenor's Opposition to Zoning Administrator's Motion for Expedited Consideration of an Order staying Further Construction Pending the Board of Zoning Adjustment's Final Decision was served upon the parties to BZA Appeal No. 16533 by providing a copy by hand, this 23rd day of May, 2000, to:

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Whayne S. Quin

195826 v.2



Exhibit A

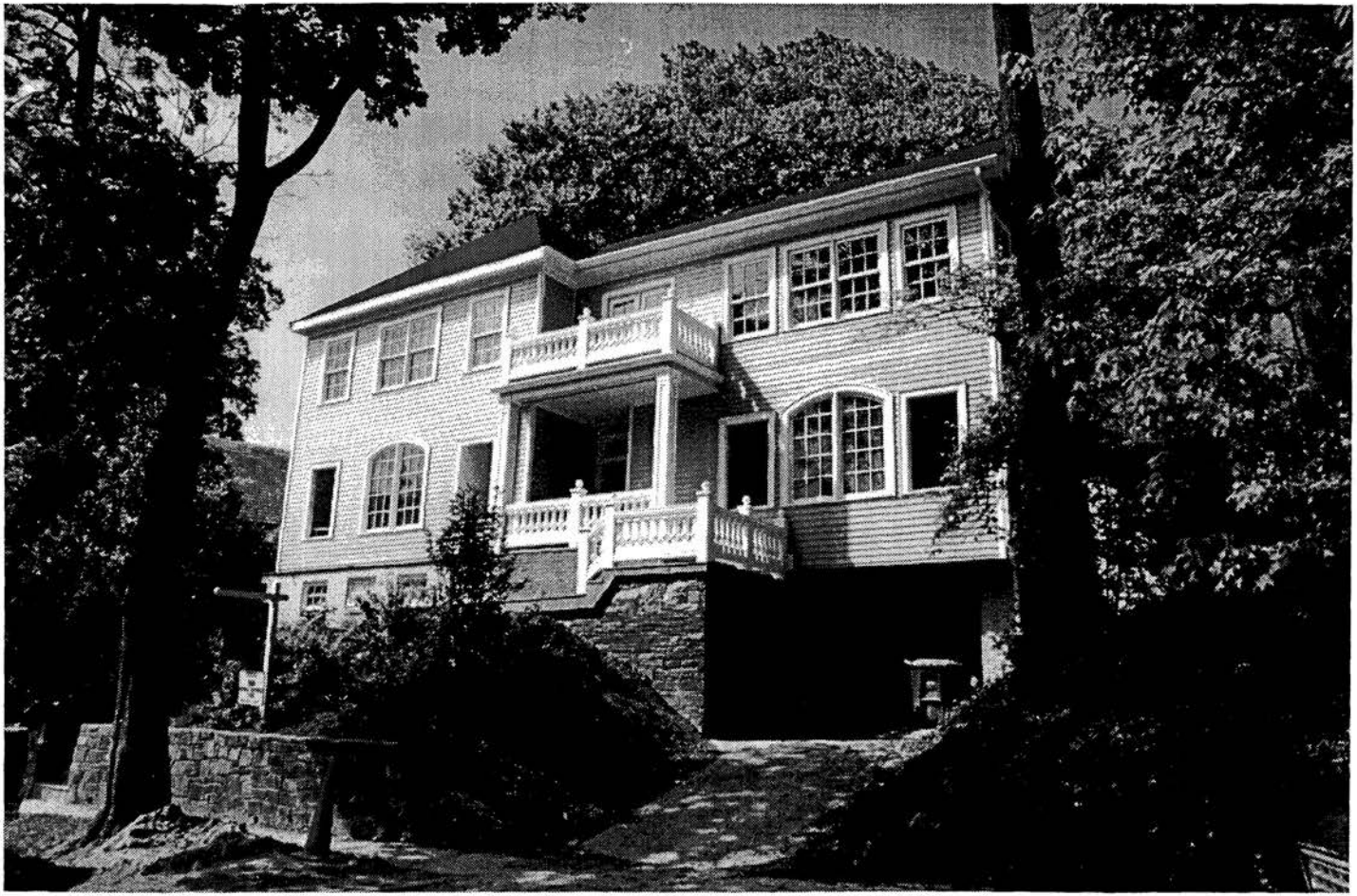


Exhibit B

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT SERVICE CENTER

BUILDING PERMIT CONTROL BATCH SHEET

Date: 5/18/00 Intake Time: 1354 ☐AM ☒PM	LOG NO. 00- 19164	Review Completion Due: 2.00 ☐AM ☒PM

Address: 4512 28th ST NW	Actual Time Review Was Completed ☐AM ☐PM

REQUIRED REVIEWS (Checked boxes only)	REVIEWER	COMPLETION TIME	REVIEW STATUS
☐ PUBLIC SPACE		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DPW ☐ Conf. w/ Applicant
☒ ZONING		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to BZA ☐ Ref. to Zoning Administr. ☐ Conf. w/ Applicant
☐ SOIL EROSION		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH ☐ Conf. w/ Applicant
☐ STORMWATER MGMT.		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH ☐ Conf. w/ Applicant
☐ AIR QUALITY		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH
☐ EIS		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to DOH
☐ WATER AND SEWER		☐AM ☐PM	☐ Approved ☐ HFC ☐ Ref. to WASA ☐ Conf. w/ Applicant ☐ WASA Deposit Required
☒ MECHANICAL/PLUMBING		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ HEALTH (Food & Medical)		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☒ ELECTRICAL		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ ELEVATOR		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ FIRE PROTECTION		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☒ STRUCTURAL		☐AM ☐PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant

REMARKS

BLRA 82A - Rev. 3 - 3/00

Exhibit C

PRE-FILE NUMBERS		[redacted]NING DISTRICT	FILE NUMBER	PERMIT NUMBER	
A.D.C. No.:	O.G. No.:				By:
P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT [redacted] OF THE DISTRICT [redacted] OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

19164

CLEARANCE TO FILE
By: Date:

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
4512 28TH STREET, N.W		29	2251	5-17-00

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
FOREST HILLS, LLC	PO BOX 34208 BETHESDA MD 20827	Work: (301) Home: 231-5092
8. Agent for Owner: (if applicable)	9. Address: (include Zip)	10. Phone:
WILKES ARTIS	1666 K ST NW #300 WASHINGTON DC 20006	Work: (202) Home: 457-7800

11. Type of Proposed Work (check all applicable boxes):

- ☐ New Building
- ☐ Addition
- ☒ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☐ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Other (Specify) _____

12. Description of Proposed Work:

ALTERATION OF EXISTING BUILDING TO REMOVE TWO FRONT DORMERS AND TO REDUCE AND CHANGE FLOOR AREA OF TOP STORY TO MEET DEFINITION OF MEZZANINE (11 DCMR 199.1)

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only: Miscellaneous FEE $ By: Date:
SFD	3	1	
16. Proposed Use(s) of Building or Property:	17. Prop. No. of Stories of Bldg.:	18. Prop. No. of Dwelling Units:	
SFD	2 + MEZZ	1	

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve disturbing the earth or razing a building?
ASAP	ASAP	☐ Pick-up Truck ☒ Dumpster ☐ Other (specify):	☐ Yes, answer q. 23 ☒ No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25		sq. ft.		sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
Complete Section C if the proposed work is **razing a building.** (Page 2)
Complete Section D if the proposed work is a **retaining wall.** (Page 2)
Complete Section E if the proposed work is a **fence.** (Page 3)
Complete Section F if the proposed work is a **shed/garage.** (Page 3)
Complete Section G if the proposed work is an **awning.** (Page 3)
Complete Section H if the proposed work is a **sign.** (Page 3)

OFFICIAL USE ONLY					
	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS ☐ No
S					☐ Sm ☐ Lg

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: *(include Zip)*	31. Phone:
NEIL DUNCAN			667-1494
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: *(include Zip)*	35. Phone:
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel ☒ Wood ☐ Other: ☐ Concrete	☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other:	☐ New ☐ Existing ☐ None	sq. ft.	a. Building: % b. Paved Area: % c. Greenery: %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. Projection beyond building line?
6,992 (Building Code) sq. ft.	6,502 (Building Code) sq. ft.	☐ All ☒ Floors	☐ Yes, answer q. 48-52 ☒ No, SKIP q. 48-52

48. Number and type of projection:	49. Distance of projection:	50. Width of projection:	51. Width of building frontage:	52. Signature of Owner (projection only):
N/A	N/A	N/A	ft.	

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes, answer q. 57 ☒ No, SKIP q. 57		☐ Yes, cert. is attached ☐ No

59. Estimated Cost of Work:
(a) New/Add.: $ _____
(b) Alt/Rep.: $ 42,345.00
Total: $ 42,345.00

60. Volume of New Bldg. or Addition: _____ cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$	$	$	$
By: Date:	By: Date:	By: Date:	By: Date:

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: *(include Zip)*	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	OFFICIAL USE ONLY		
☐ No ☐ Yes, Location _____		FEE	By:	Date:
	83. Owner's Signature:	$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$		ft.		☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work Home	OFFICIAL USE ONLY		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: 93. Square:	$		

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	
100. Address of Adjoining Owner:	101. Lot:	102. Square:

OFFICIAL USE ONLY		
FEE	By:	Date:
$		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $
110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches				113. Color:

OFFICIAL USE ONLY	
FEE $	
By:	Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt. of attachm. _____ in.	118. Height of lowest part of awning: (a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

OFFICIAL USE ONLY	
FEE $	
By:	Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor *(include Zip)*	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground:	134. Material of Sign:	135. Type of Sign:	136. Color:
(a) _____ ft _____ in above sidewalk			
(b) _____ ft _____ in above roof			
(c) _____ ft _____ in is bldg height			
(d) _____ ft _____ in above projection or window			
(e) _____ ft _____ in from roof to sign's bottom			

137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.	140. Width of Business Frontage: ft.

141. C of O Number for Building:	142. Sign Contractor Lic. No.:	
143. Sign Contractor's Address:	144. Phone:	

OFFICIAL USE ONLY					
Sign FEE		Elect. FEE		Total FEE	
$		$		$	
By:	Date:	By:	Date:	BY:	Date:

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: _____ Date: _____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: _____ Address: WILKES ARTIS 1666 K St. NW #300 Washington DC 20006 Date: 5-17-00

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
  Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

Restrictions of the Permit:

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 5/18/00
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☐ 3. Zoning by: _____ Date: _____
  Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $_____ Driveway Deposit $_____
  by: _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
  Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☐ Erosion Control by: _____ Date: _____
  - ☐ Storm Water Mgmt. by: _____ Date: _____
    Plan No. _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☐ 8. Plumbing Eng. Review by: _____ Date: _____
- ☐ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev.
    by: _____ Date: _____
- ☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section)
  by: _____ Date: _____
- ☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check)
  by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☐ 16. Structural Eng. by: _____ Date: _____
- ☐ 17. Permit and Certificate Issuance Counter
  By: _____ Date: _____
- ☐ 18. Q.C. By: _____ Date: _____

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

ZONING

C of O Number _____ Date _____
Existing Use(s) _____

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

Job No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

FOREST HILLS, LLC
PO Box 34208
Bethesda, Maryland 20827
301-806-9116

May 17, 2000

Re: 4512 28th Street, NW, DC

To Whom It May Concern:

We propose to modify our existing house at the above referenced address as follows:

1. Existing roof gables and front windows, on top floor, are to be removed.
2. A hip roof is to be built over the projected study end.
3. A gable roof will be built over master bedroom end, with slope and pitch similar to existing roof.
4. The existing facia on second floor will be the starting point for the new roof slope.

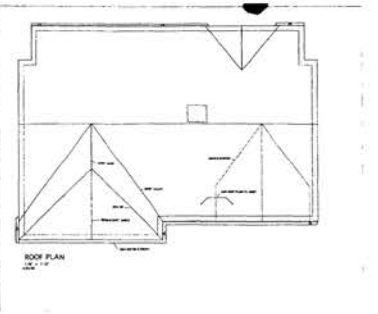
In addition, the existing attic space will be modified to mezzanine space above and open to the second floor. Finishes will be" as existing." Excess floor area will be reduced to storage area.

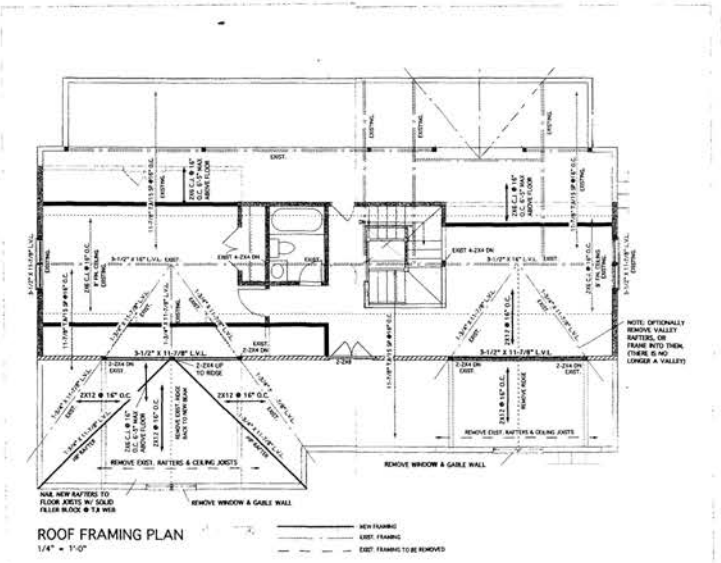
The estimated costs of material and labor for the above modifications; including removal, replacement, trim and finishing will be $ 42, 345.00.

Very truly yours,

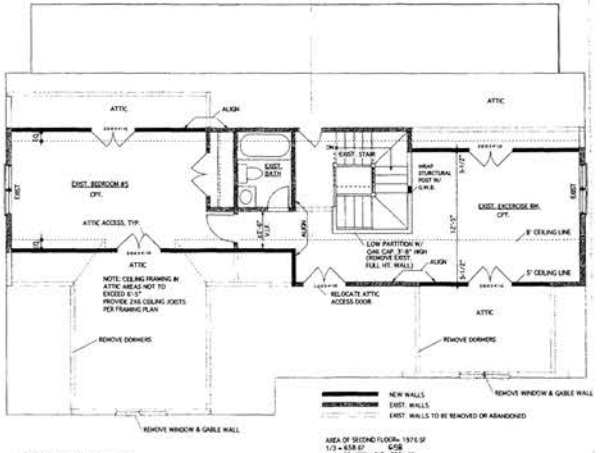
Forest Hills, LLC

Murray A. Cohen, Member





ROOF FRAMING PLAN
1/4" = 1'-0"



AREA OF SECOND FLOOR= 1976 SF
1/3 = 658.67
658
AREA OF MEZZANINE= 885± SF
NOTE: ALL AREAS ARE TO OUTSIDE OF EXTERIOR WALLS.
MEZZANINE AREA INCLUDES STAIR LANDING & 1/2 OF STAIR OPENING

MEZZANINE PLAN
1/4" = 1'-0"

RESIDENCE
4512 37TH STREET, NW
WASHINGTON, DC

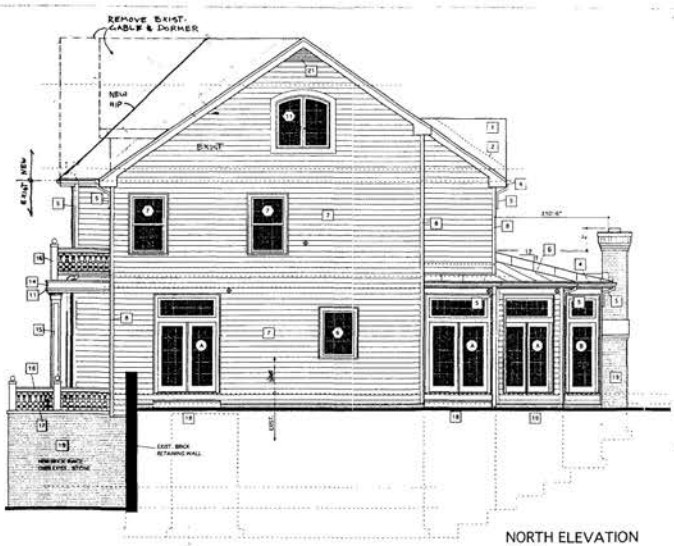
NEAL ALAN DUNCAN ARCHITECT
1140 3rd STREET, NE
WASHINGTON, DC 20002 (202) 607-1484

PLANS

5-17-10

A5

ELEVATION KEY
1 FIBERGLASS REINFORCED ASPHALT SHINGLE
2 ALUMINUM FLASHING
3 ALUMINUM RIDGE VENT
4 5" ALUMINUM GUTTER
5 ALUMINUM DOWNSPOUT, PER TO DAYLIGHT
6 STANDING SEAM COPPER ROOF
7 WOOD SIDING 6" EXPOSURE, PTD.
8 5/4" X 4" WOOD CORNER BOARD, PTD.
9 "DRYVIT" EXTERIOR INSULATION & FINISH SYSTEM
10 1 X 10 BAND, PTD.
11 RAKE MOULD, PTD. SHOOT "LWF-2BS" PRE-PRIMED
12 1 X 8 WOOD FASCIA, PTD.
13 1 X 10 WOOD FASCIA, PTD.
14 1 X 12 WOOD FASCIA PTD.
15 WOOD COLUMN, SEE DETAIL, PTD.
16 "TYPON" RAILING PER CODE 1246 BAL. 1242 POST 1240 T.R. 1241 B.R.
17 CAST STONE COPING
18 CONC. STEPS W/ FLAGSTONE TREADS
19 NEW BRICK MATCH EXIST.
20 EXIST. BRICK
21 GABLE VENT



NORTH ELEVATION



EAST ELEVATION

RESIDENCE
4533 STUART AVE. NW
WASHINGTON DC

NEAL ALAN DAMON ARCHITECT
1739 R Lamo Place N.W. Suite 30
Washington DC 20007 (202) 333-1101

ELEVATIONS

6-12-00
9-12-00

A6