LAW OFFICES
BAKER, DONELSON, BEARMAN & CALDWELL
A PROFESSIONAL CORPORATION
MARKET SQUARE, SUITE 800
801 PENNSYLVANIA AVE., NW
WASHINGTON, D.C. 20004

(202) 508-3400

FACSIMILE
(202) 508-3402

TENNESSEE
MEMPHIS
NASHVILLE
CHATTANOOGA
KNOXVILLE
JOHNSON CITY
HUNTSVILLE

MISSISSIPPI
JACKSON

GEORGIA
ATLANTA

WASHINGTON, D.C.

JAMES W. MCBRIDE
Direct Dial: (202) 508-3467
Direct Fax: (202) 220-2267
Internet Address:jmcbride@bdbc.com

December 5, 2000

Board of Zoning Adjustments
441 4th Street, N.W.
Washington, D.C. 20001

'00 DEC -5 A2:21

Re: Board of Zoning Appeals # 16646

Gentlemen:

Enclosed please find an original and nine copies of the Appellants Pre-Hearing Statement in the referenced appeal.

Very truly yours,

James W. McBride

BZA
Case No. 16646
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16646
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENTS

IN RE: 5655 Moreland Street, NW Square 2307, Lots 801 and 802	)	
	)	Appeal No. 16646
Appeal of	)	
James W. McBride Daniel Serwer	)	

DC DEC -5 A 12:21

PRE-HEARING STATEMENT OF APPELLANTS

James W. McBride, D.C. Bar No. 99911
Baker, Donelson, Bearman & Caldwell
801 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 200004
(202) 508-3400
Attorney for Appellants

December 5, 2000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENTS

IN RE: 5655 Moreland Street, NW Square 2307, Lots 801 and 802	)	
	)	Appeal No. 16646
Appeal of	)	
James W. McBride Daniel Serwer	)	

PRE-HEARING STATEMENT OF APPELLANTS

INTRODUCTION

The facts of this case are clear: Mr. and Mrs. Thomas Shiner ("Shiners") have built in their front yard at 5655 Moreland Street an illegal accessory building over 20 feet high, a substantial portion of which has been built within the Highway Plan. They did so without the required Department of Public Works ("DPW") approval and without obtaining a record lot. Although it is located in an area zoned R-1-A, the Shiners are using this illegal accessory building, which looks like a commercial building and therefore impacts the character of the neighborhood, for commercial purposes not allowed by the Zoning Regulations, claiming that it is an addition to their residence.

City officials have repeatedly failed to apply properly the Zoning Regulations in this case. They issued a building permit—without a required DPW signature—in April 2000 but stopped work in August when they recognized their error in approving as an addition what was in fact an illegal accessory building. They later allowed construction to proceed—issuing a new

building permit in August that still lacked a required DPW signature—because the Shiners filed new plans.

These new plans showed, instead of the trellis in the March 2000 plans, a glass-covered walkway connecting their garage to the residence. This walkway still does not meet the requirements for making the illegal accessory building into an addition, if only because it does not connect the main house to the habitable area of the garage. More importantly, the glass-covered walkway does nothing to make two separate buildings that stand more than 19 feet apart (according to the plans submitted with the building permit application) into a single structure.

The building permits for 5655 Moreland have been issued without a record lot, on grounds that, since the property was encumbered by the Highway Plan, a record lot could not be issued. This is odd reasoning: everyone needs a record lot to proceed with construction, except those who cannot get one, who are then allowed to proceed with construction in any event. The regulation that zoning officials cite in an attempt to justify this bizarre procedure applies to mass transit, not the Highway Plan.

City officials specifically informed the Shiners when their application for a record lot was refused that the property is encumbered by the Highway Plan. The Shiners nevertheless failed twice to get the required DPW approval for construction. Zoning officials have stated repeatedly that the building permits could not have been issued without DPW approval, failing however to recognize that this is precisely what had been done. Mr. Shiner, who is an architect and has built homes in the District of Columbia, is certainly charged with knowledge that a DPW signature was required, and city officials should have enforced the requirement. This is crucial to protecting the public interest in this case since the property at 5655 Moreland lacks a building

restriction line. In other words, if the Shiners are permitted to build within the area preserved by the Highway Plan, they will be the only residents along a several block area of Northampton to be able to build in the natural ninety-foot right-of-way for the street.

Finally, Mr. Shiner has from 1992 onward presented building permit applications that show his house and garage six feet deeper into his property than is in fact the case. City officials have so far failed to recognize this misrepresentation.

Neighbors on July 17, 2000 informed the Shiners that they were concerned about the legality of the construction at 5655 Moreland, at a time when the building was far from complete. The Shiners never responded but instead proceeded with construction, even having work done after dark and early Sunday morning. Appellants asked zoning officials many times to stop the construction so that the Board of Zoning Adjustments would not be faced with a *fait accompli* but could instead discuss the matter before construction was complete. The Zoning Administrator stated that the Shiners were proceeding at their own risk.

The bottom line here is all too clear: as a result of errors and omissions by city officials as well as omissions and knowing misrepresentation by Mr. Shiner, an illegal, commercial accessory building stands on land that is part of the Highway Plan in an R-1-A residential neighborhood. This is an important, new precedent that should not be allowed to stand.

REGULATORY OVERVIEW

The following definitions are of particular significance in this matter. All are contained in 11 DCMR § 199.

Building -- a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

Building, accessory – a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building.

The following additional Zoning Regulations have particular applicability here:

(a) 11 DCMR 2500.2, requiring that a garage/accessory structure may not be located in the front yard;

(b) 11 DCMR 2500.4, 2500.5, and 2500.6, requiring that a garage/accessory structure not exceed the maximum height of fifteen feet (15') and one story or twenty feet (20') and 2 stories;

(c) 11 DCMR 2005.5, as it relates to the restrictions on the use of second floors in accessory buildings;

(d) 11 DCMR 203, dealing with the restrictions applicable to home occupation permits; and

(e) 11 DCMR 3202.3, dealing with the requirements for record lots.

FACTUAL BACKGROUND

Misrepresentations in the Application

The permit for the original residence at 5655 Moreland was issued in 1992. In early 2000, the Shiners made application to build what they represented to be a "2-story wood frame garage addition." (See, Exhibit 1, March 22, 2000 Building Permit Application.) It should be remembered that Tom Shiner, is a licensed architect in the District of Columbia acting as his own architect in this project, and, as such, is charged with knowledge of the zoning laws.

Indeed, at one of the ANC meetings at which this property was discussed, Mr. Shiner made a point of telling the ANC that he knew the D.C. zoning laws. Exhibit 2 (Site Plan) was submitted as part of the permit application dated March 22, 2000.

The application and plans dated March 22, 2000 are false and misleading in several material respects:

(a) The Shiners represented that they were building an "addition". However, as can readily be seen from Exhibit 2, these are two separate and distinct buildings. The proposed garage is "incidental" and separate to the existing main house and constitutes an "accessory building" not an addition. No connection that would satisfy any definition of a single building under D.C. law exists on these drawings. Additionally, the Project Data set out on the drawing indicates that the footprint of the "addition" is 487.66 SF, simply the square footage of the footprint of the garage. Thus, both the plans and the application are materially misleading in that they represent that the Shiners are going to build an addition to an existing building, when, in reality, they are building an accessory building.

(b) The March 22, 2000 permit application states (in box 107) that the height of the garage will be 20 feet. As can be seen from Exhibit 3 (Sheet 4 of the Permit Set of Drawings) attached hereto, the actual height of the garage is closer to 24 feet.

(c) Exhibit 2 indicates that Northampton Street intersects the subject property relatively close to the western corner of the lot. Because of this, it appears on the site plan that the garage is built well away from Northampton Street, when it is actually built within the ninety-foot right-of-way of the street. In reality the line for the ninety-foot right-of-way for Northampton Street as shown on the D.C. Highway Plan intersects the property one hundred feet east of the corner. See, Exhibit 4, Plat of the DC Highway plan, and Exhibit 5, the Landtech Survey of lots 801 and 802 which was attached to the permit application.

(d) Exhibit 2, actually shows the location of the original house and the garage approximately six feet further east than where they have been constructed. This makes both the house and garage appear to encroach onto the Highway Plan space less than they actually do. We will demonstrate this by laying an exactly to scale copy of the Wall Check filed with respect to this project over the same scale version of Exhibit 2, the Site Plan.

Chronology

On March 22, 2000 Mr. Shiner applied for a building permit for a "garage addition." See, Exhibit 1.

On April 1, a Building Permit, B426044, was issued. See, Exhibit 6

In, early July, as the second story goes up at 5655 Moreland, the Appellants determine that the garage violates the rules governing accessory buildings. It is in the front yard, it is over twenty feet in height and the second story is going to be used for a purpose not authorized by the zoning ordinances. Appellants contacted the Department of Consumer and Regulatory Affairs (Mr. James Shelton and Mr. Edgar Nunley). Mr. Nunley agreed to look into the matter. Appellants began efforts to obtain relevant building permit files from the Office of Records Management.

On July 17, Mr. Serwer wrote to Mr. Shiner advising him that neighbors believed his structure violated one or more of the DC Zoning Regulations and that they were prepared to take legal measures to stop construction. A copy of the letter is attached as Exhibit 7. Copies of photographs showing the extent of external construction at that time are attached as Exhibit 8.

On August 3 after numerous phone calls by Appellants, Mr. Nunley notified them that a stop work order had been issued because the garage does not meet the requirements for an accessory building and is not an addition.

On August 7 Mr. McBride wrote to DCRA Director Lloyd Jordan requesting a copy of the stop-work order and specifically requesting to be notified of any further action taken with respect to the stop-work order. Appellants continued to seek the building permit file, calling Records Management three times. Ms. Williams, in the records office, indicated that the permit file was in Mr. Denzil Noble's office and that Appellants would have to call Mr. Noble to get the

file. Appellants e-mailed the Buildings and Land Regulation Administration asking them to let Appellants know when they could see a copy of the permit file and obtain copies.

On August 8 Appellants called Mr. Noble and were told he was not available. A voice mail was left explaining that Appellants needed the permit file on 5655 Moreland.

On August 8 Appellants called Michele Cole in Councilwoman Patterson's office asking for her help in obtaining the permit file for 5655 Moreland. Ms. Cole agreed to call Mr. Noble's office and ask him to call Appellants. She called Mr. McBride later the same day and said the file was now back in Records Management.

On August 8 the Shiners applied for a revision to permit B426044, and it was approved on the same day. See, Building Permit B428648 Exhibit 9. Appellants learned from Ms. Cole that the stop-work order had been lifted.

On August 9 Appellants obtained from DCRA copies of the March 22 Building Permit Application together with all attached documentation. Appellants called Michael Johnson, then Zoning Administrator, to find out why the stop-work order had been lifted. He was unavailable. Appellants left voicemail messages.

On August 10, after Appellants had made repeated efforts to reach him, Mr. Nunley informed them that the stop-work order was issued because the plans Mr. Shiner submitted in March 2000 indicated a simple trellis connection between the new building and the house. A trellis, Mr. Nunley stated, was insufficient for the new structure to be considered an addition rather than an accessory building. He further said that the stop-work order had been lifted because the owner had agreed to file new plans to replace the trellis shown on the March 22

building permit application with a glass-covered walkway between his house and the garage. This, Mr. Nunley asserted, was sufficient to turn the garage into an addition. Mr. Nunley also informed Mr. Serwer that if the structure encumbers the Highway Plan then the DPW should have signed off on p. 4 of the Building Permit Application. Appellants determined that no such signature existed on either of the Shiners' two building permit applications.

Mr. Serwer also raised with Mr. Nunley the fact that several unrelated people appear to be living in the house. Mr. Nunley said this would only be permitted for up to six people if they had the same relationship to the home--i.e., they cannot be boarders if the Shiners are owners.

On August 14, not having received a response from Mr. Johnson, Mr. McBride requested a meeting with Mr. Johnson.

On August 24 Mr. McBride, in preparation for an August 28 meeting with Mr. Johnson and Mr. Nunley, e-mails a series of questions concerning the construction at 5655 Moreland.

On August 28 Appellants met with zoning officials, Mr. Johnson and Mr. Nunley.

On August 29 Mr. Serwer thanked Mr. Johnson by e-mail for the previous day's meeting and reiterated concerns about the construction at 5655 Moreland. Mr. Johnson informed Mr. Serwer that he had just returned from visiting the site, would discuss with his staff the issues and would let Appellants know the final determination within 24 hours (Appellants were never informed of this determination). Mr. McBride also e-mailed Mr. Johnson underlining that it would be far more satisfactory to have the matter go to the BZA with the project still uncompleted and noting that work is proceeding on the building even after dark.

On August 31 after several conversations, Mr. McBride wrote to ANC Commissioner Beach urging him to take an interest in the matter when it comes up at the ANC in September.

On September 3 Appellants write to neighbors outlining the concerns they have about the construction at 5655 Moreland and recounting their discussions DC zoning officials.

In Early September the Shiners write to neighbors asserting that they have acted "by the rules and in good faith" and accusing Mr. Serwer of providing false information.

On September 8 Mr. Johnson informed the Appellants that as a result of work continuing after hours he has sent Construction Inspector Stanley Neil to the site.

On September 10 Mr. Serwer e-mailed Mr. Johnson complaining about early Sunday morning construction work at 5655 Moreland and appealing once again for the work to be stopped so that the BZA can evaluate the matter. Mr. Johnson replies that "Although Mr. Shiner is moving forward, he does so at his own risk." A copy of that e-mail is attached as Exhibit 10.

On September 11 Mr. Serwer made an eight-minute presentation to the ANC on behalf of neighbors, 35 of whom had signed a petition urging the ANC to consider this matter. A copy of the petition is attached as Exhibit 11. Mr. Serwer outlined a wide range of neighborhood questions about the construction without going into legal details, as requested by the ANC Commissioner Frank Buchholz. The Shiners are allowed twice the time for their presentation, in which they claim they are building precisely the same structure as the one for which they had obtained a building permit in 1992.

On September 13 Appellants filed an appeal objecting to the decisions to issue building permits for the construction at 5655 Moreland with the Board of Zoning Adjustment.

On September 22 Appellants wrote to neighbors summarizing the discussion at the September 11 ANC meeting and informing them of an ANC meeting to be held on September 25.

On September 22 Mr. McBride wrote to ANC Commissioner Alan Beach urging that the ANC take a stand against the construction at 5655 Moreland.

On September 25 the ANC discusses 5655 Moreland without allowing presentations by either side, both of which have been specifically informed of the meeting and are present only to respond to questions. Mr. Shiner admitted that his 1992 building permit application was not the same as his March 2000 building permit application: in 1992, he did not propose a second story on the garage. It was agreed that a further discussion at the ANC would be held after the formal request for ANC views had been received from the BZA.

On September 29 the BZA notified Appellants of the hearing to be held on December 19.

On October 3 Mr. Serwer discussed 5655 Moreland with ANC Commissioner Buchholz, who said he believed both the house and the garage infringe on the Highway Plan.

On October 17 Mr. Serwer met with Mr. Johnson, now acting head of BLRA, and zoning official Toye Belo to discuss the applicable Zoning Regulations. Mr. Johnson made it clear that he could not discuss the specific case of 5655 Moreland because the case is in under appeal to the BZA. Mr. Belo pointed out that zoning officials have been accepting a tax lot when a record lot cannot be obtained, citing section 3202.3. He repeated Mr. Nunley's assertion that there had to be a DPW signature on the building permit application if construction encumbers the Highway Plan. He was unable to cite a precedent for an accessory building in a front yard being turned

into an addition through the device of a covered walkway. Both Mr. Johnson and Mr. Belo confirmed that a more than 20 foot high accessory building in a front yard would violate the Zoning Regulations.

On October 20 ANC Commissioner Frank Buchholz presented to ANC members a brief supporting the Shiners without discussing the legal issues with Appellants.

On October 23 the ANC both discussed and voted on what position it would take before the BZA concerning 5655 Moreland. The ANC did so without giving any express notice to Appellants. In fact 5655 Moreland was not on the printed agenda for the 23rd, but was added at the request of Commissioner Buchholz. At that time the ANC had never heard the Appellants legal arguments. The ANC was unable to arrive at a position.

On November 22, having learned that the ANC had acted without ever having heard the legal argument of the Appellants, Mr. McBride lodged a letter with the ANC asking for time at the December 11, ANC meeting to make a 15 minute presentation. A copy of that letter is attached as Exhibit 12. Members of the ANC stated that appellants before the BZA were not entitled to any actual notice of the ANC meeting at which their zoning appeal would be discussed and declined to allow Appellants any time to present their case.

ARGUMENT

A Building Permit has been Issued Without a Record Lot

11 DCMR § 3202.3 requires that before a building permit may be issued the property owner must have a record lot. The Shiners do not have a record lot, and are unable to get one because the property is encumbered by the Highway Plan. DCRA has cited no real authority

supporting its granting of a building permit here in the absence of a record lot. When questioned about this, Mr. Toye Bella indicated that DCRA relied on language in § 3202.3 making an exception for, "... buildings and structures related to a fixed right-of-way mass transit system...". With all due respect, the Shiners' garage is not "related" to a fixed right-of-way mass transit system. There is no authority for DCRA to have ignored § 3202.3, and that is particularly true where the structure is being built within the Highway Plan. Both Building Permits were improperly granted, and should be rescinded.

The Garage is an Accessory Building Constructed Illegally in the Front Yard

It will be uncontested by DCRA that the April 2000 permit for the garage approved the building of an accessory building in the front yard (as established by house orientation, use and Moreland Street address). This is so because the original plans have no covered connection between the two buildings, and the project data set forth on the plans make clear that only a garage is being built. Additionally, the building permit granted in April only allows the building of the garage. DCRA and the Shiners now claim that by building a covered walkway between a basement door and the door opening into the ground floor of the garage, the two buildings have been turned into one. It should be pointed out that it is impossible to get from the ground floor of the garage to the, so-called, studio on the second floor, under cover. There is only access to the second story of this project via an uncovered outside staircase, which has no "communication" with either the main house or the ground floor of the garage. See, Exhibit 13, Sheet A-9 of the Permit Set of plans. In effect, the DCRA and the Shiners now argue that any covered connection between the two buildings automatically converts them into a single

structure. This strained argument is curious, coming from DCRA, and must fail for a number of reasons.

There is, first, a technical reason why the "Revised" Building Permit does not solve the Shiners' problems. The Shiners and DCRA want, on the one hand, to rely on a very technical argument that these two clearly separate buildings are really only one because of the definition of a building contained in 11 DCMR § 199. On the other hand, they want to ignore the strict language of that definition when it serves their purpose to do so.

A building is defined in § 199 as:

> a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building. (emphasis added)

A review of the plans for the "covered walkway" reveal that there is no communication between these two structures at the main floor. See Exhibit 14, plans for the covered walkway submitted as part of the "Revised" Permit Application. The only entry from the walkway into the house is through a basement door, not into the main floor of the house. In order to have communication at the same level the covered walkway would have to extend almost sixty feet to connect to a door entering into the main floor of the house. Additionally, the only communication, or entry, to the second floor of the garage is by way of an uncovered outside staircase. DCRA and the Shiners cannot have it both ways. They cannot rely on a rigid interpretation of the law for one purpose, and ignore the letter of the law when it serves their purpose to do so. The new plans do not convert these two separate buildings into a single

building, the stop-work order was erroneously lifted, and the revised permit is not in compliance with the Zoning Regulations.

A second, and much more serious, reason exists as to why DCRA's and the Shiners' position makes no sense. One need only look at the technical argument we have just made to see that a rigid interpretation of the definition of a building very quickly gets us off onto a slippery slope, and opens the system up to the kind of abuse we have here. § 199 provides a broad and general definition of a building. But it should not be slavishly interpreted to undermine other sections of the regulations. It must be interpreted rationally. These are two separate buildings. Any rational person looking at them instantly knows that they are two separate buildings. Let us be clear; the Shiners do not want a covered walkway between these two buildings because it is expensive and serves no purpose except as an artifice to evade the Zoning Regulations. The regulations are being interpreted in such a way as to make useless many of the provisions that are designed to protect the neighborhood. Residents who live in R-1-A have a right to expect that no one will build a garage in the front yard of their property, that the height of any separate structure being constructed will conform to the Zoning Regulations, not impact negatively on the adjoining properties, and, most importantly, that the use to which any separate structure is put will conform to the very rigid use restrictions set forth for the R-1-A Zone. What has happened here is that a separate structure has been constructed which violates at least three Zoning Regulations.

The garage violates 11 DCMR 2500.2, requiring that a garage/accessory structure may not be located in the front yard. It violates 11 DCMR 2500.4, 2500.5, and 2500.6, requiring that a garage/ accessory structure not exceed the maximum height of fifteen feet and one story or

twenty feet and two stories. Finally, it violates 11 DCMR 2005.5, as it relates to the restrictions on the use of second floors in accessory buildings. The second floor of this garage is to be used as an office to run a museum furniture business.[1]

Against this backdrop, the DCRA amazingly takes the position that if you join the two buildings via a covered walkway, "Under the Zoning Regulations the resulting construction is a single building, allowable under the Zoning regulations." DCRA takes this position without regard to any other facts and circumstances surrounding the two structures. Apparently they would slavishly follow this interpretation irrespective of how badly the putative addition violated accessory building limitations, or how unnecessary or unwanted the connection. Such an interpretation makes a mockery of the limitations on accessory buildings, and leaves us with Zoning Regulations easily susceptible to abuse and circumvention. This Board should determine that the two permits were erroneously granted and that they should be retracted.

The Garage is Built Within the Highway Plan

A number of exhibits in this matter allow us to demonstrate readily that the garage is within the ninety-foot right-of-way for Northampton Street preserved as part of the Highway Plan. Exhibit 5, the Landtech Associates Survey, which was prepared for the Shiners for title purposes in 1989, shows the location of the present paved roadway and the boundaries of the ninety-foot right-of-way running through the Shiners' property. The boundary for the ninety-foot right-of-way intersects the Shiners' property one hundred feet east of the northwest corner of their property. The Landtech Survey also shows the ninety-foot boundary exiting the Shiners'

[1] It is noted that Tom Shiner is an architect, and apparently runs his architectural practice out of the same property.

property at the southwest corner of the lot. Reference to a number of documents confirms that the ninety-foot right-of-way intersects the Shiners' property at that same one hundred foot-mark along the northern property line. See e.g. Exhibit 15 the Wall Check. By looking at those documents and running a straight line from a point one hundred feet east of the northwest corner, diagonally across the property to connect Northampton with Moreland Street, it is immediately apparent that a large portion of the western pat of the Shiners' property is encumbered by the Highway Plan. It also seems apparent that the garage is built within the ninety-foot right-of-way.

But we have been more precise. Appellants have contracted with graphics firm to prepare digitally-scanned copies of the following documents so that they will all be at exactly the same scale, and can be used for comparison purposes:

1. Exhibit 2 the Shiners' Site Plan
2. Exhibit 15 the Wall Check for this project
3. Exhibit 16 an overlay connecting the intersections of the ninety-foot right-of-way line or Northampton through the Shiners' property.

We have used the Wall Check, Exhibit 15, to provide the most accurate location of the garage on the Shiners' property. By using the overlay showing the Highway Plan right-of-way we see that the garage is built within the right-of-way.

The Shiners May not Build Within the Highway Plan Without DPW Approval

DCRA granted a building permit to build within this ninety-foot right-of-way, and the DPW was never notified and did not approve. The Shiners began construction of the garage within the Highway Plan over the objection of neighbors. At the time the Shiners filed their Building Permit Application in March of 2000, they attached a copy of a 1989 survey of their

property that was prepared for title purposes. See Exhibit 5 Landtech Associates Survey. That survey shows how the property is encumbered by the Highway Plan.[2] Additionally, the Shiners do not have a record lot, despite 11 DCMR 3202.3. Appellants were told by DCRA that the Shiners cannot get a record lot because their property is encumbered by the Highway Plan, a fact established for the Shiners in 1992 when the District denied his request for a record lot. At the time the Building Permit Application was made in March, both the Shiners and the DCRA were on actual notice that the property was encumbered by the Highway Plan. Notwithstanding this fact, no one obtained DPW review or approval.

Exhibit 17, Dedication of Land for Widening Moreland Street, Surveyor's Records at Book 141 p. 40, shows the Shiners' property in relation to the surrounding property. Between Moreland and Oregon Avenue, there is a fully dedicated ninety-foot right-of-way, which assures that no structures will be built within that area. From Moreland to Utah Avenue there is a sixty-foot dedicated street and a fifteen-foot building restriction line on each side of the street, again protecting a ninety-foot zone in which there will be no construction. This is true for all properties except the Shiners'. It is critical that no building be allowed within the Highway Plan since it provides the only restriction on the Shiners' property as it relates to the street.

This is not an issue where some street that is never going to be used and in which the City presumably has no interest is part of the Highway Plan. Here, the Shiners' property protrudes well into an active and frequently used street. As a matter of fact, the paved portion of Northampton is actually on a portion of the Shiners' property. The City has a vital interest in

[2] We are aware that the city has now closed and abandoned portions of the Highway Plan as it affects Moreland Street, with the result the Moreland Street right of way has now been narrowed to 50 feet. See, Exhibit 12 Plat for the Surveyor's

seeing that no building occurs within the Highway Plan in order to protect the District's interest should it ever decide to straighten out Northampton, or in any other use of this public space for the health, safety or welfare of the neighborhood. Additionally, the City should have an interest in preserving the character of the neighborhood. As is readily apparent, the ninety-foot dedicated street east of Moreland provides for open space along the street on which no building will occur. Similarly, the sixty-foot dedicated street west of Moreland, when coupled with the fifteen-foot building restriction line on either side of Northampton preserves a ninety-foot area of open space. Unless the Highway Plan limits building, the Shiners have no such restrictions.

The DPW should have been carefully consulted on this issue before the Shiners were permitted to build on property encumbered by the Highway Plan. The issue is particularly critical where, as here, the property, not only encroaches onto the natural right-of-way of an active street, but also is actually beneath a portion of the paved street. Building within the natural ninety-foot right-of-way for Northampton is something no other property owner can do. The proper and correct procedure would have been for the Shiners to go to the DPW and request that this property be released from the Highway Plan, before simply building on it. The DCRA certainly should have required such action before granting a building permit. As the ultimate protectors of the City's public space, DPW should have been consulted before any permit was issued or building took place. The building permits are defective and should be rescinded.

---

office showing the closing of portions of Moreland Street. This does not affect the 90 foot right of way for Northampton.

The Shiners Built With Full Knowledge That They Had No Valid Permit

The Shiners filed their application and proceeded to build the garage with full knowledge that it was violating the limitations on accessory buildings, and that they were building within the City's Highway Plan. Mr. Shiner, a licensed architect in the District of Columbia, has chosen to act as his own architect, and is thus charged with knowledge of the accessory building limitations. The plans which were submitted state that "all work shall conform to the District of Columbia building codes and all other applicable laws, rules and regulations." (Exhibit 1).

In addition, the Shiners were placed on written notice on July 17, 2000, that the construction violated the zoning laws. The Shiners were further placed on notice that the Appellants would proceed with this appeal.[3] All of this took place while construction was at an early stage, and well prior to the time that the garage was completed.

A property owner cannot rely upon issuance of a building permit approved in violation of District of Columbia regulations. Rafferty v. D.C. Zoning Commission, 662 A.2d 191, 192 (D.C. 1995) ; Murray v. D.C. Board of Zoning Adjustment, 572 A.2d 1055 (D.C. 1990). Any alleged financial hardship on the Shiners caused by requiring the garage to come into compliance is "self-created hardship" and precludes a claim by the Shiners that they relied in good faith on the Zoning Administrator's ruling. Id. at 1058.

[3] Much of the construction took place after this appeal was filed. Appellants made repeated attempts to have construction halted until this Board could consider this matter. Appellants were in formed by the Zoning Administrator that even though construction was not halted, the Shiners, nonetheless, proceeded "at their own risk."

CONCLUSION

Because DCRA issued building permits when there was no record lot, as required by of § 3202.3 , the permits are invalid. Because DCRA issued a permit to construct an illegal accessory building in the front yard in clear violation of a number of regulations, the permits are invalid. Because DCRA issued a permit to construct within the Highway Plan, without having DPW review and approve the construction, the permits are invalid. The permits should be rescinded.

James W. McBride, D.C. Bar No. 99911
Baker, Donelson, Bearman & Caldwell
801 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 200004
(202) 508-3400
Attorney for Appellants

Exhibits

1. March 22, 2000, Building Permit Application
2. Site Plan
3. Sheet 4 of the Permit Set of Drawings
4. Plat of the D.C. Highway Plan
5. 1989 Landtech Associates Survey
6. April 18, 2000 Building Permit B426044
7. Letter of July 17, 2000 from Mr. Serwer to Mr. Shiner
8. Photographs of July 18, 2000 taken by building inspectors
9. August 8, 2000 Building Permit B 428648
10. September 10 e-mail
11. Neighborhood petition
12. Mr. McBride's November 22 letter to ANC
13. Sheet A-9 of the Permit Set of Plane detailing the plans for the outside staircases
14. Plans for the Covered Walkway
15. Wall Check
16. Overlay of Northhampton right-of-way through the Shiners' property
17. Dedication of Land for Widening Moreland Street
18. Photographs

CERTIFICATE OF SERVICE

I hereby certify that I have on December 5, 2000 hand-delivered a true copy of the foregoing Statement of Appellants pursuant to 11 DCMR § 3112.10 to the parties listed below:

Mr. and Mrs. Thomas Shiner
5655 Moreland St., N.W.
Washington, D.C. 20015

Zoning Administrator
DCRA/BLRA
Zoning Division
941 North Capital Street, N.E., Suite 2200
Washington, D.C. 20002

ANC 3G



James W. McBride, D.C. Bar No. 99911
Baker, Donelson, Bearman & Caldwell
801 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 200004
(202) 508-3400
Attorney for Appellants

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
P.A.D.C. No.:	O.G. No.:	R-1-A	00-00035	B426044	By:
H.P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date: 4/18/00	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-33 (Rev. 10/91)

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

17822

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

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

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:
5655 MORELAND ST, NW		801/802	2307	3-22-00

5. Owner of Building or Property:	6. Address: *(include Zip)*	7. Phone:
THOMAS AND LINDA SHINER	5655 MORELAND ST NW WASH DC 20015	Work: 202 537 0098 Home: 202 364 4076

8. Agent for Owner: *(if applicable)*	9. Address: *(include Zip)*	10. Phone:
THOMAS S. SHINER, AIA	- SAME AS ABOVE -	Work: 202 537 0098 Home:

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:

2-STORY WOOD FRAME GARAGE ADDITION.

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

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 $
RESIDENCE SFD	2	1	By: Date:
16. Proposed Use(s) of Building or Property:	**17. Prop. No. of Stories of Bldg.:**	**18. Prop. No. of Dwelling Units:**	
RESIDENCE same	2	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?
APR 15, '00	JULY 15, '00	☐ 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	SILT FENCE	sq. ft.	9	5 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
S					☐ No ☐ Sm. ☐ Lg.

2-0307 wd-375

EXHIBIT 1

(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:
THOMAS S. SHINER, AIA	3472	5656 MORELAND ST NW WASH DC 20015	202 537 0098
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: *(include Zip)*	35. Phone:
N/A			
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:
OWNER-BUILT			

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel	☐ Fully Sprinklered ☐ Standpipe System	☐ New	11,054 sq. ft.	a. Building: 18.67 %
☒ Wood ☐ Other:	☐ Partially Sprinklered ☒ None	☐ Existing		b. Paved Area: %
☐ Concrete	☐ Other:	☐ None		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?
4,200 sq. ft.	5,200 sq. ft.	☐ All ☒ Floors 1 & 2	☐ 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: ft. 52. Signature of Owner (projection only):

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.: $ 54,000.
(b) Alt/Rep.: $
Total: $

60. Volume of New Bldg. or Addition: 9,000 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE	
$	By:	$ 180.00	By:	$	By:	$ 180.00	By:
	Date:		Date: 4/18		Date:		Date: 4/18

(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:	96. Color:	97. Location:
	ft.		☐ 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	OFFICIAL USE ONLY		
		FEE	By:	Date:
100. Address of Adjoining Owner:	101. Lot: / 102. Square:	$		

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

103. Number:	104. Length:	105. Width:	106. Area:	107. Height:	108. Volume:	109. Estimated Cost of Work:	OFFICIAL USE ONLY
2-CAR	21 ft.	21 ft.	252 sq. ft.	20' ft.	9,000. cu. ft.	$ 54,000.	FEE $ N/A
							By: / Date:

110. Material of Roof:	111. Material of Sides:	112. Wall thickness::	113. Color:
EPDM	WD FRAME/EIFS	☐ External (6) inches ☐ Party __ ( ) inches	

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

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

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

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs?	126. Type:	127. Power	128. Electrical Contractor:
	☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	☐ Incandes. ☐ Fluoresc. ☐ Neon	_____ VA	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:	138. Length:	139. Area of Sign:	140. Width of Business Frontage:
ft.	ft.	sq. ft.	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: 5655 MORELAND ST NW Date: 3·22·00

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: _____ Date: _____

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

A. PERMIT CONTROL

- ☑ 1. Fine Arts by: [illegible] Date: 4-18-00
- ☐ 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:

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED

C. PLANS AND APPLICATION APPROVAL

- ☑ 1. Information Counter by: [illegible] Date: 4/18/00
- ☐ 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: [illegible] Date: 4/18/00
  - ☐ (f) Police Dept. by: [illegible] Date: 4/18/00
- ☑ 3. Zoning by: [illegible] Date: 4/18/00
  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: [illegible] Date: 4/18/00
  - ☐ Storm Water Mgmt. by: _____ Date: _____
  - Plan No. _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☒ 8. Plumbing Eng. Review by: [illegible] Date: 4-18-00
- ☒ 9. Electrical Eng. Review by: [illegible] Date: 4-18-00
- ☐ 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: [illegible] Date: 4/18/00
- ☐ 16. Structural Eng. by: [illegible] Date: 4/18/00
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: _____ Date: _____

ZONING

C of O Number _____ Date _____

Existing Use(s) _____

CAD (Addition: 1 studio on 2nd & Garage)

☐ 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: _____

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
BUILDING PERMIT APPLICATION SUPPLEMENTAL FORM - ENVIRONMENTAL QUESTIONNAIRE

PROJECT ADDRESS: 5655 MORELAND ST NW LOT 801/802 SQUARE 2307

Note: please answer all 9 questions in this questionnaire, by checking either column "Yes"or "No" for each question. If yc answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column 'contact person/office as soon as possible. Until this application is reviewed and approved by the concerned office(s), the permit will not be issued.

SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE
1. Does the total cost of the project exceed $1 million? This does not apply if project is for internal (tenant space) renovation only and there will be no change in the use of the building.		X	(202) 645-6617, EIS Coordinator, EHA	
2. Will the work to be performed involve the installation, removal, abandonment, or repair of an underground storage tank (UST) system?		X	(202) 645-6080, Underground Storage Tank Division, EHA	
3. Will the work to be performed involve the assessment Or clean-up of soils associated with the release of materials from an underground storage tank (UST)?		X	(202) 645-6080, Underground Storage Tank Division, EHA (202) 645-6093, Air Quality Division, EHA	
4. Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of materials from an underground storage tank (UST)?		X	(202) 645-6080, Underground Storage Tank Division, EHA (202) 645-6093, Air Quality Division, EHA (202) 645-6601, Water Quality Division, EHA	
5. Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 3 and 4?		X	(202) 645-6601, Water Quality Division, EHA (202) 645-6093, Air Quality Division, EHA	
6. Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?		X	(202) 645-6080, Hazardous Waste Division, EHA	
7. Will the proposed project involve construction which will disturb the sediment in rivers, streams or wetlands?		X	(202) 645-6601, Water Quality Division, EHA	
8. Will the proposed use involve the construction of a facility for the handling, transfer, storage, disposal or treatment of solid waste, medical waste, or recyclable materials?		X	(202) 645-6617, EIS Coordinator, EHA	
9. Will the proposed project result in the discharge into the air of gases, dust, or the creation of any objectionable odors?		X	(202) 645-6093, Air Quality Division, EHA	

AFFIDAVIT

I hereby certify that I have the authority of the owner of the property to make this application. I declare that the answers to the above questions in this Questionnaire are complete and correct to the best of my knowledge.

Signature _____ Name (print) THOMAS S. SHINER, AIA

Address 5655 MORELAND ST NW Date 3·22·00 Phone 202 537 0098

OFFICE USE ONLY

EHA APPROVAL BY _____ NAME (Print) _____

CONTACT NUMBER : (202) _____ DATE: _____

COMMENTS AND PERMIT RESTRICTIONS: _____

(USE REVERSE IF NECESSARY)

SHINER RESIDENCE - GARAGE ADDITION

5655 MORELAND STREET, NW WASHINGTON, DC 20015

TRUCTION SYMBOLS

EXISTING CONST TO REMAIN
EXISTING CONST TO BE REMOVED
NEW TYPICAL PARTITION
STUD WALL WITH INSULATION
CHASE WALL
PARTITIAL HEIGHT WALL
WOOD STUD PARTITION

:RIAL SYMBOLS

BRICK
CONCRETE
CONCRETE MASONRY UNIT
INSULATION, BATT TYPE
[illegible]ATION, RIGID TYPE
WOOD
FERROUS METAL
NON FERROUS METAL
WOOD, FINISH
WOOD, ROUGH CONTINUOUS
WOOD, ROUGH BLOCKED
MILL WORK
PLASTIC LAMINATE
WOOD VENEER

H-ELEC SYMBOLS

DUPLEX RECEPTICLE
QUADRUPLEX RECEPTICLE
ELEC OUTLET IN FLOOR
TELEPHONE OUTLET IN FLOOR
JUNCTION BOX
SWITCH
DIMMER SWITCH
FOUR WAY SWITCH
TELEPHONE
WALL MOUNT TELEPHONE 54 AFF
LOW VOLTAGE SIGNAL JACK

ICATIONS

PLUMBING FIXTURE (NUMBER)
REVISION (NUMBER)
WINDOW TYPE (NUMBER)
DOOR TYPE (NUMBER)
ROOM/ SPACE NUMBER
MATERIAL NUMBER
EQUIPMENT NUMBER
ELEVATION letter / drawing number
SECTION number / drawing number
DETAIL

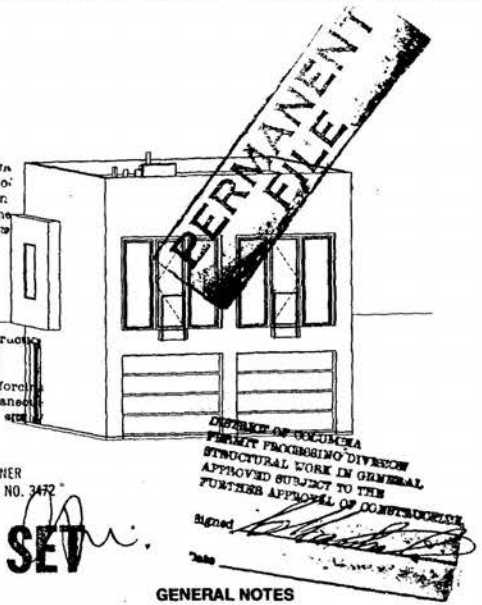
ABBREVIATIONS

SYMBOLS USED AS ABBREVIATIONS:

∠	angle	⊥	perpendicular
℄	centerline	℞	plate
[	channel	∅	round
d	penny		

ABBREVIATIONS:

ABV	above	FR	frame (d), (ing)	PERF	perforate (d)
AFF	above finished floor	FUR	furred (ing)	PLAM	plastic laminate
ACC	access	FUT	future	PL	plate
ADH	adhesive	GA	gage, gauge	PG	plate glass
A/C	air conditioning	GL	glass, glazing	PWD	plywood
ALT	alternate	GV	galvanized	PT	paint
AL	aluminum	GD	grade, grading	PVC	polyvinyl chloride
ANC	anchor, anchorage	GVL	gravel	PCF	pounds per cubic foot
AB	anchor bolt	GT	grout	PFL	pounds per lineal foot
APX	approximate	GPDW	gypsum dry wall	PSF	pounds per square foot
ARCH	architect (ural)	HBD	hardboard	PSI	pounds per square inch
AUTO	automatic	HDW	hardware	PFB	prefabricate (d)
BSMT	basement	HWD	hardwood	PFN	prefinished
BRG	bearing	HDR	header	PL	property line
BPL	bearing plate	HTG	heating	QT	quarry tile
BM	bench mark	HVAC	heating/ventilating/ air conditioning	RAD	radius
BEL	below	HD	heavy duty	RL	rail (ing)
BET	between	HT	height	REF	reference
BVL	beveled	HM	hollow metal	REFR	refract (ed), (ion)
BIT	bituminous	HOR	horizontal	REG	refrigerator
BLK	block	HB	hose bibb	RE	register
BLKG	blocking	HW	hot water heater	REM	reinforce (d), (ment)
BOT	bottom	HWH	incinerator	RA	remove
CAB	cabinet	INCIN	include (d), (ing)	R	return air
CPT	carpet	INCL	inside diameter	RD	riser
CSMT	casement	ID	insulate (d), (tion)	RFG	roof drain
CIPC	cast-in-place concrete	INS	insulate (d), (tion)	RM	roofing
CK	caulk (ing)	INSC	insulating concrete	RO	room
CLG	ceiling	INT	interior	SCH	rough opening
CHT	ceiling height	INV	invert	STG	schedule
CEM	cem	JT	joint	SEC	seating
CM	centimeter(s)	J	joist	SHTH	section
CER	ceramic	KPL	kickplate	SHT	sheathing
CHAM	chamfer	KIT	kitchen	SH	sheet
CR	chromium (plated)	KO	knockout	SIM	shelf, shelving
CIR	circle	LAB	laboratory	SL	similar
CIRC	circumference	LAM	laminate (d)	SC	sleeve
COL	column	LAV	lavatory	SP	solid core
CLR	clear	LH	left hand	S	sound proof
COMP	compress(ed), (ion), (ible)	L	length	SPC	south
CONC	concrete	LT	light	SPL	spacer
CMU	concrete masonry unit	LC	light control	SPEC	speaker
CONST	construction	LW	lightweight	SQ	specification (s)
CONT	continuous or continue	LTL	lintel	SST	square
CONTR	contract (for)	LL	live load	STD	stainless steel
CTR	counter	LVR	louver	ST	standard
CPL	countersinking	MFR	manufacture (er)	STO	steel
CRS	course(s)	MRB	marble	SD	storage
DPR	damper	MAS	masonry	STR	storm drain
DEMO	demolish, demolition	MO	masonry opening	SYM	structural
DTL	detail	MTL	material	SYN	symmetry (ical)
DIAG	diagonal	MAX	maximum	SYS	synthetic
DIAM	diameter	MECH	mechanic (al)	TEL	system
DIM	dimension	MC	medicine cabinet	TV	telephone
DIV	division	MED	medium	THK	television
DR	door	MBR	member	THR	thick (ness)
DH	double hung	MMB	membrane	TPD	threshold
DS	downspout	MET	metal	TOL	toilet paper dispenser
D	drain	M	meter (s)	T&G	tolerance
DT	drain tile	MM	millimeter (s)	TSL	tongue and groove
DWG	drawing	MWK	millwork	TW	top of slab
DW	dishwasher	MIN	minimum	TB	top of wall
E	east	MIR	mirror	TR	tower bar
ELEC	electric(al (al)	MISC	miscellaneous	T	transom
EP	electric panelboard	MOD	modular	VJ	tread
EL	elevation	MLD	molding, moulding	VB	typical
ELEV	elevator	MT	mount (ed), (ing)	VAR	underlayment
EMER	emergency	MOV	movable	VNR	vapor barrier
ENC	enclose (ure)	MULL	mullion	VERT	varnish
EXH	exhaust	NAT	natural	VIN	veneer
EXG	existing	NI	nickel	W	vertical
EXP	exposed	NOM	nominal	WC	vinyl
EXT	exterior	NMT	nonmetallic	WSCT	vinyl corlon tile
FB	face brick	N	north	WH	wainscot
FGL	fiberglass	NTS	not to scale	WR	wall hung
FIN	finish (ed)	OC	on center	WH	water closet
FFE	finished floor elevation	OP	opaque	WP	waterproofing
FFL	finished floor line	OPG	opening	WS	waterstop
FA	fire alarm	OPP	opposite	WWF	welded wire fabric
FE	fire extinguisher	OD	outside diameter	W	west, width, wide
FP	fireproof	OA	overall	WIN	window
FRC	fire-resistant coating	OH	overhead	WO	without
FRT	fire-retardant	PNT	paint (ed)	WD	wood
FLG	flashing	PNL	panel	WB	wood base
FHWS	flathead wood screw	PAR	parallel	WPT	working point
FLX	flexible	PBD	particle board	WM	wrought iron
FLR	floor (ing)	PTN	partition		
FD	floor drain	PVMT	pavement		
FTG	footing	PED	pedestal		



Approval of the following is included in the approval of these plans; Installation of driveway, tank, pump, lamp post, sign, mechanical appliances of equipment; the removal of any tree; any construction or change beyond the building line

duty office of Chief, Field Construction Section D.C. Inspection Division, on 24 hrs. in advance of the erection of Structural Steel, reinforcing steel, bar joists, or other miscellaneous steel. Approved plans to remain on site at all times

DISTRICT OF COLUMBIA
PERMIT PROCESSING DIVISION
STRUCTURAL WORK IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION
Signed
Date

THOMAS S. SHINER
D.C. ARCHITECT REG. NO. 3472

PERMIT SET

DRAWING INDEX

NUMBER	TITLE
T 1	TITLE SHEET
SITE	SITE PLAN
A 1	1st AND 2nd FLOOR PLAN
A 2	MEZZANINE AND ROOF PLAN - MECHANICAL
A 3	SOUTH AND WEST ELEVATION
A 4	NORTH AND EAST ELEVATION
A 5	SECTIONS
A 6	DETAILS
A 7	INTERIOR WALL AND ELEVATIONS
A 8	INTERIOR ELEVATIONS SHOWER
A 9	STAIR AND BALCONY CONSTRUCTION
A 10	SCHEDULE AND PLUMBING RISER DIAGRAM
E 1	1st AND 2nd FLOOR PLAN - ELECTRICAL
S 1	FOUNDATION / SLAB PLAN
S 2	1st FLOOR AND ROOF FRAMING PLAN

GENERAL NOTES

All work is to be done in accordance with rules and regulations of Washington, DC. The General Contractor is responsible for securing all building permits as required for work he is to perform and will retain and pay for all required inspections during the course of the work.

Contractor shall visit site and be aware of existing conditions to the extent and influence of the work.

Any discrepancies found in the plans, dimensions, existing conditions, or any apparent error in classifying or specifying a product or its use is to be pointed out to the Architect. Addenda will be issued as necessary and will become part of the contract documents.

Drawings are not to be scaled for dimensions and/ or sizes. The General Contractor shall be responsible to field measure existing conditions prior to beginning of work and periodically during progress of work to verify all critical dimensions. Any deviation from dimensions indicated on drawings is to be approved with the Architect.

Shop drawings are to be submitted to the Architect for approval before proceeding with fabrication.

WN BY	ISSUED FOR	DATE
	GC / PERMIT	02-24-00
	PRELIMINARY	02-17-00
	PRELIMINARY	01-27-00

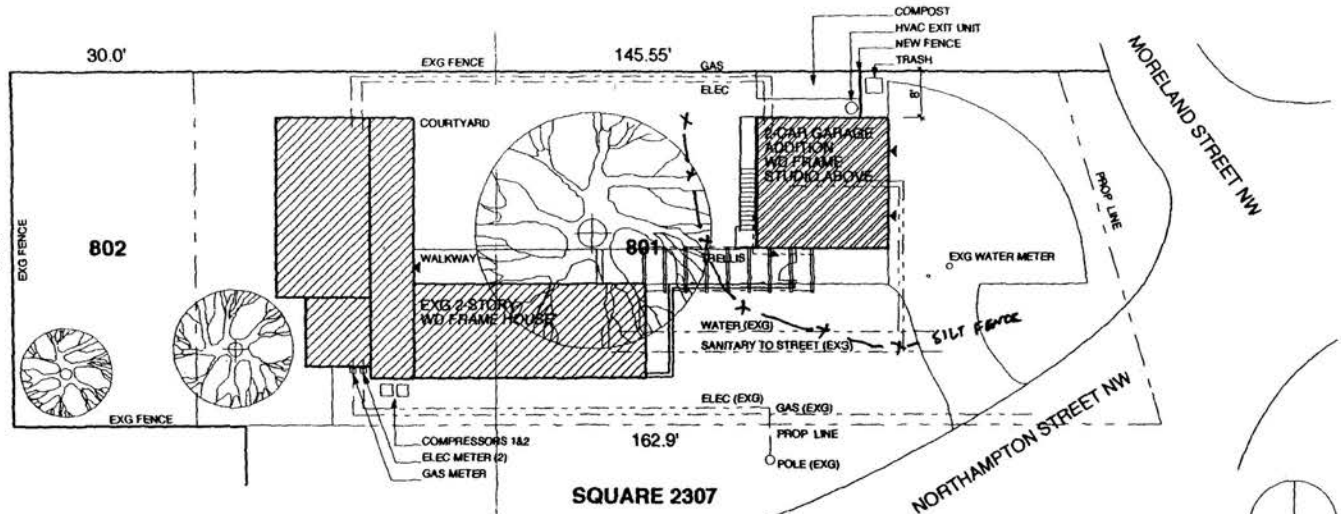
THOMAS S. SHINER ARCHITECT
5655 MORELAND STREET NW
WASHINGTON DC 20015-0111
202 537 0098 FAX 202 537 4851

PROJECT
SHINER RESIDENCE - GARAGE ADDITION
5655 MORELAND ST., NW WASHINGTON, DC

SHEET TITLE
TITLE SHEET

SHEET NO.
T 1
1 OF 15

EXHIBIT 2



SITE PLAN

1/16" = 1' - 0"

SITEWORK NOTES:

UTILITIES / UTILITY CONNECTION NOTES:

DISTRICT OF COLUMBIA
PERMIT PROCESSING DIVISION
STRUCTURAL WORK IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION
Signed
APR 18 2000

PROJECT DATA

LOTS	802, 804
SQUARE	2307
ZONE	R 1 - A
LOTS AREA	11,054.0 SF
FOOTPRINT, HOUSE	1,569.35 SF
FOOTPRINT, ADDITION	487.66 SF
TOTAL PROPOSED FOOTPRINT	2,057.01 SF
% OF LOT OCCUPANCY	18.61%
MIN LOT WIDTH	60'
MIN SIDE YARDS	8'

THOMAS S. SHINER
D.C. ARCHITECT REG. NO. 3472

PERMIT SET

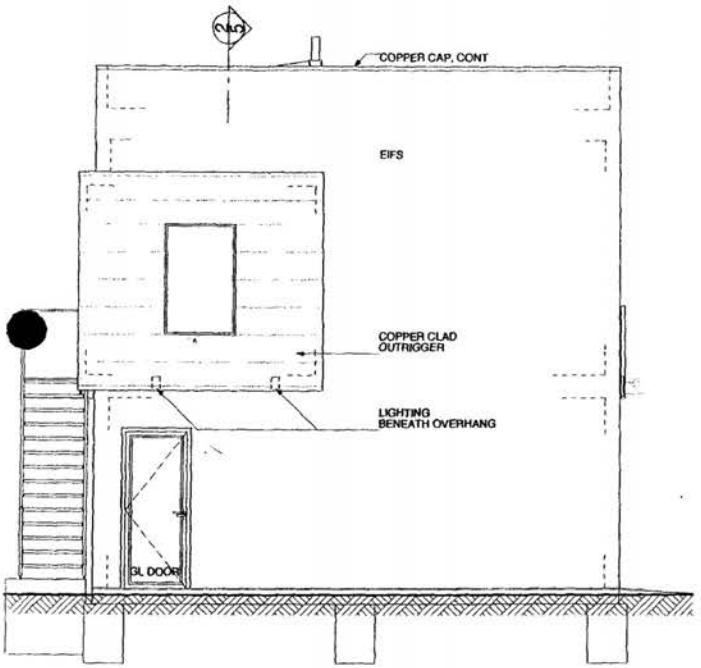
DRAWN BY	ISSUED FOR	DATE
JB	GC / PERMIT	02-24-00
	PRELIMINARY	02-17-00
	PRELIMINARY	01-27-00

THOMAS S. SHINER ARCHITECT
5655 MORELAND STREET NW
WASHINGTON DC 20015-0111
202 537 0098 FAX 202 537 4851

PROJECT
SHINER RESIDENCE - GARAGE ADDITION
5655 MORELAND ST., NW WASHINGTON, DC

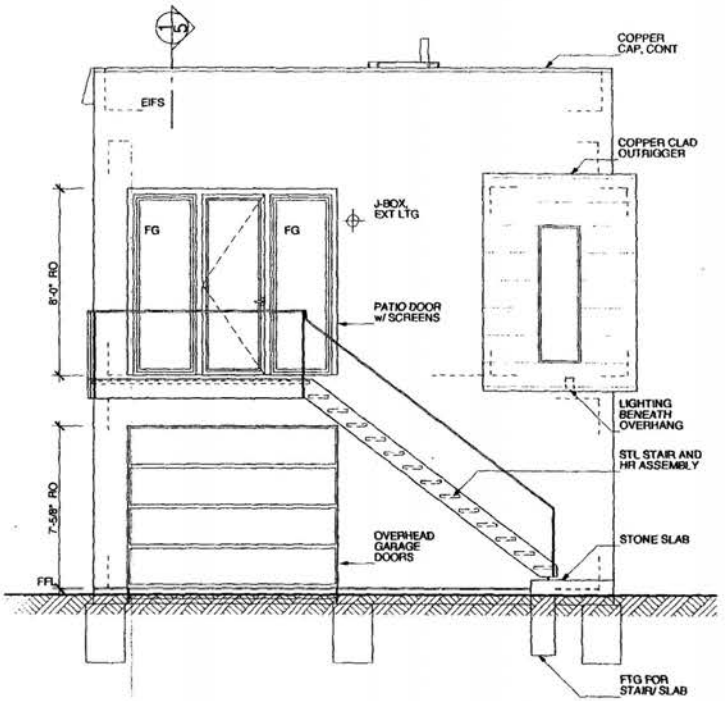
SHEET TITLE
SITE PLAN
1/16" = 1'- 0"

SHEET NO.
SITE



NORTH ELEVATION

1/4" = 1'- 0"



EAST ELEVATION

1/4" = 1'- 0"

THOMAS S. SHINER
D.C. ARCHITECT REG. NO. 3472

PERMIT SET

DISTRICT OF COLUMBIA
PERMIT PROCESSING DIVISION
STRUCTURAL WORK IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION

Signed

Date APR 13 2000

BY	ISSUED FOR	DATE
	GC / PERMIT	02-24-00
	PRELIMINARY	02-17-00
	PRELIMINARY	01-27-00

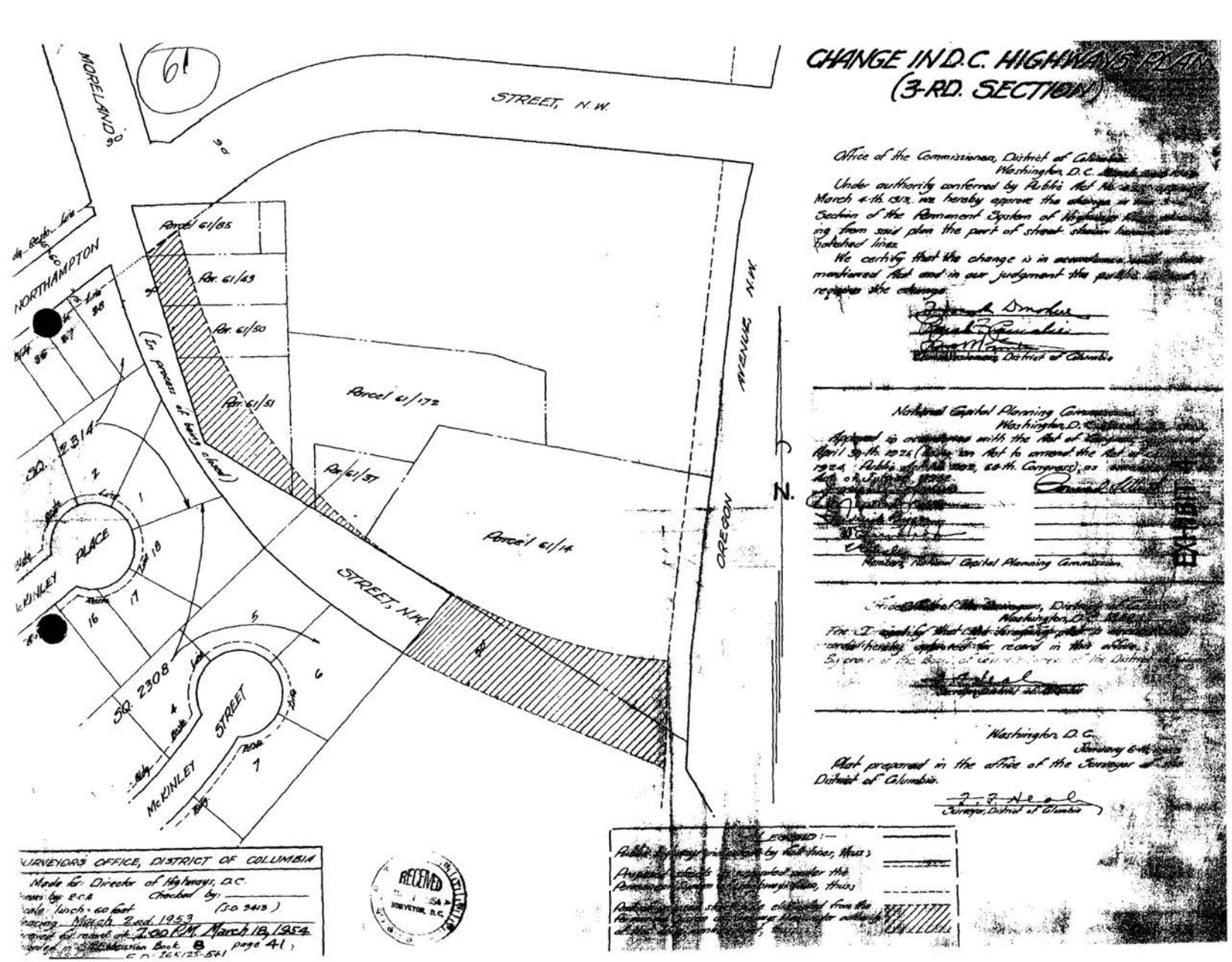
THOMAS S. SHINER ARCHITECT
5655 MORELAND STREET NW
WASHINGTON DC 20015-0111
202 537 0098 FAX 202 537 4851

PROJECT
SHINER RESIDENCE - GARAGE ADDITION
5655 MORELAND ST., NW WASHINGTON, DC

SHEET TITLE
NORTH & EAST ELEVATION
1/4" = 1'- 0"

SHEET NO.
A 4
6 OF 15

EXHIBIT 3



CHANGE IN D.C. HIGHWAYS PLAN (3-RD. SECTION)

Office of the Commissioners, District of Columbia
Washington, D.C. [illegible]

Under authority conferred by Public Act No. [illegible] approved March 4-th 1913, we hereby approve the change in the [illegible] Section of the Permanent System of Highways [illegible] resulting from said plan the part of street shown hereon by [illegible] dotshed lines.

We certify that the change is in accordance with plans mentioned Act and in our judgment the public [illegible] requires the change.

[illegible]
Commissioners, District of Columbia.

National Capital Planning Commission
Washington, D.C. [illegible]

Approved in accordance with the Act of Congress approved April 30-th 1926 (Public Law No. [illegible] to amend the Act of [illegible] 1924, (Public No. [illegible] 68-th Congress), as amended by Act of [illegible]

[illegible]
Members, National Capital Planning Commission.

EXHIBIT

Office of the [illegible], District of Columbia
Washington, D.C. [illegible]

The [illegible] certify that this [illegible] correctly platted and conforms thereby upon the record in this office.

Surveyor of the Board of Commissioners of the District of Columbia

[illegible]
Assistant Surveyor

Washington D.C.
January 6-th 1954

Plat prepared in the office of the Surveyor of the District of Columbia.

J. F. Neal
Surveyor, District of Columbia

LEGEND:—

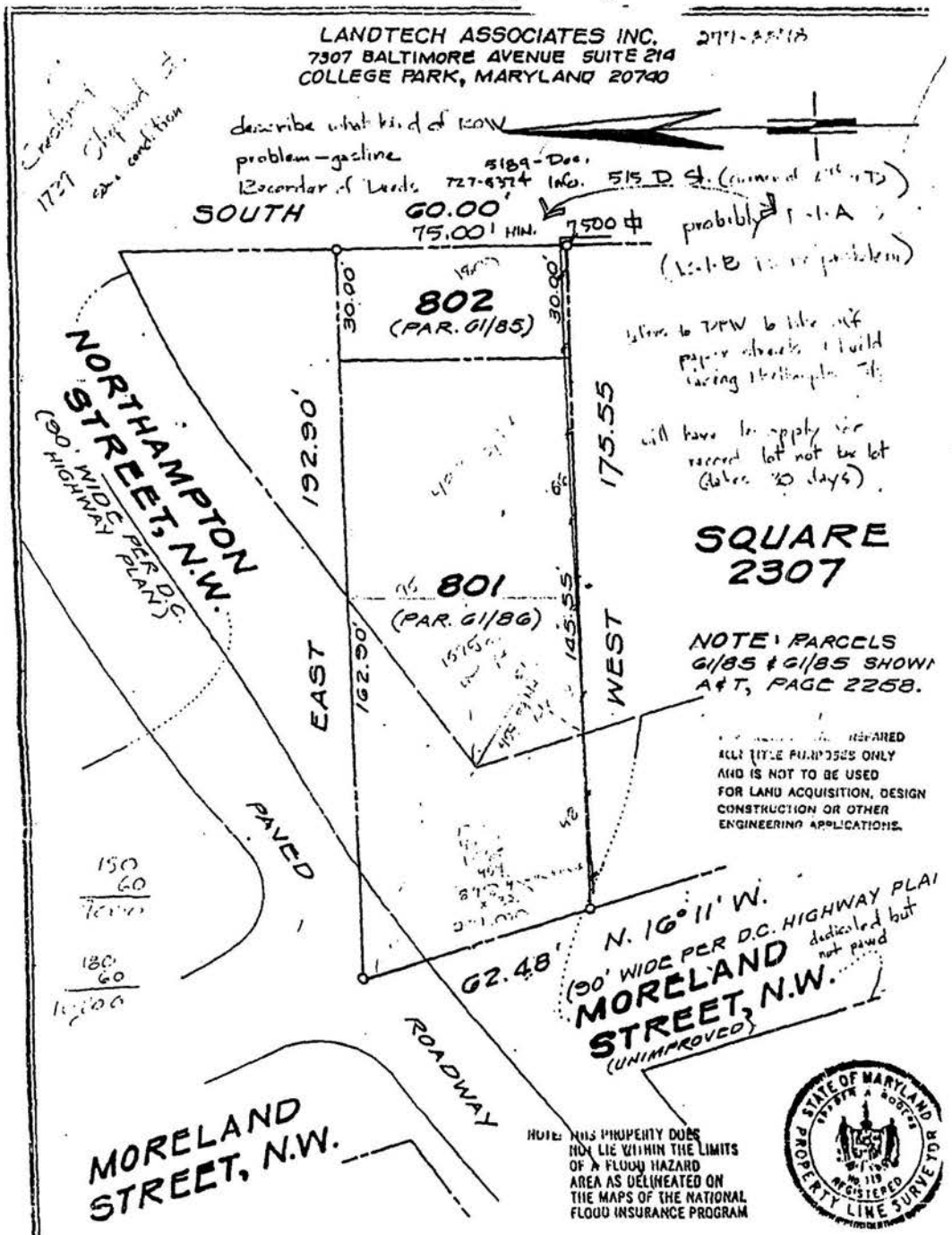
Public highway [illegible] by this order, thus:

Property lines [illegible] under the Permanent System of Highways, thus:

Portions of streets [illegible] from the Permanent System of Highways [illegible] under authority of this order, thus:

SURVEYOR'S OFFICE, DISTRICT OF COLUMBIA
Made for: Director of Highways, D.C.
Drawn by: R.C.A. Checked by: [illegible]
Scale: 1 inch = 60 feet (S.O. 3413)
Hearing March 2nd 1953
Received for record at 1:00 P.M. March 18, 1954
and recorded in Permanent Book 8 page 41,
of the records of the Surveyor's Office, District of Columbia.
C.D. 76/125-541

RECEIVED
[illegible]
SURVEYOR, D.C.



NO TITLE REPORT FURNISHED

LOCATION SURVEY OF VACANT LOTS ~ NORTHAMPTON & MORELAND STREETS, N.W.	LOT: 801, 802 (deed - confusing description not mine)	SQUARE: 2307
ways to describe legally a parcel: not part of subdivision (metes & bounds) deed description; assessment Taxation	LIBER: Shown A&T	FOLIO: 2400 *
	DATE: 6-9-89	SCALE: 1" = 30'
	CASE NO: —	FILE NO: MSC-892

CERTIFICATION: I hereby certify that the position of all the existing improvements on the above described property have been carefully established by a transit tape survey and that unless otherwise shown there are no encroachments. This is not a property line survey and should not be used as such.

Graden A. Rogers

GRADEN A. ROGERS — PROF. L.S. MD. LIC. NO. 119

EXHIBIT 5

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B426044

PERMIT

Date 4/18/00 (Type) NEW CONST.

Address of work 5655 MORELAND ST NW

Permission is hereby granted to

(Owner) THOMAS AND LINDA SHRIER

NO. with the authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof: Garage addition.

2-STORY WOOD FRAME GARAGE ADDITION.

Lot 801/802 Square 2907

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 180.00

FOR INSPECTIONS CALL 727-7562 442-4641

Builder—

Width of Bldgs. Length Height

Zone R1A

Height of terrace above grade

Address of owner 5655 MORELAND ST NW

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

L.JORDAN 32301

DIRECTOR

Value No. of Bldgs.

No. Stories 2

To be occupied as SF

Projections:

Chief, Permit Issuance Branch

Permit Clerk

Receipt# 0001 D.C. GOVERNMENT
Location: OTR-DCRA CASHIER OFFICE
Rec# 1 04/18/00 at 13:42 Clk# 28
Receipt# 087387 Amount $***180.00
EB22001215 BUILD.STRUCTURE & EQUI

EXHIBIT 6

DANIEL SERWER
2701 Northampton Street, NW
Washington, DC 20015

Telephone 202-686-3622 or 202-429-3840
Fax 202-686-3622 e-mail: danielserwer@sprintmail.com

July 17, 2000

Mr. Thomas Shiner
5655 Moreland St., NW
Washington, DC 20015

Dear Mr. Shiner:

I live at 2701 Northampton Street, close to your residence at 5655 Moreland, and have concerns about the structure that is currently being built on your property. Several other neighbors share that concern. We believe the structure may violate one, or more, of the zoning regulations of the District. We have asked a zoning inspector to look into the matter.

I wanted you to know that should a violation exist we intend to take such legal actions as are necessary to see that it does not continue.

Sincerely,

Daniel Serwer

Mr. and Mrs. Alan Fishman
Mr. and Mrs. James McBride

EXHIBIT 7



5655 Moreland St NW
Y. Rocheo 7/18/00



5655 Moreland St NW
Y. Rocheo 7/18/00



5655 Moreland St NW
Y. Rocheo 7/18/00



5655 Moreland St NW
Y. Rocheo 7/18/00

EXHIBIT 8

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B428648

PERMIT

Date 8/8/00 (Type) MISC.
Address of work 5655 MORELAND ST NW
Permission is hereby granted to

THOMAS S. & LINDA M. SKINNER (Owner)

is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

Lot 801/802 Square 2307
TOTAL PERMIT FEE $
FILING FEE $
NO. DATE
FEE PAYABLE $45.00
FOR INSPECTIONS CALL 727-7562 442-4641

REVISION TO PERMIT B426044 TO ADD DETAIL OF COVERED WALK CONNECTION

Builder—
Width of Bldgs. Length Height No. of Stories Bldgs.
Zone To be occupied as SFD
Height of terrace above grade Projections:
Address of owner 5655 MORELAND ST NW
Deposit No. Amount $
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Value $

L. JORDAN 32301
DIRECTOR

By
Chief, Permit Issuance Branch
Permit Clerk

Store# 0001 D.C. GOVERNMENT
08/08/00 at 17:57 Clk# 9
Receipt# 107682 Acct#
BUILDING STRUCTURE & EQUI
EBC2001215

EXHIBIT 9

Subject: RE: Construction Activity at 5655 Moreland: 7:30 am Sunday morni ng
Date: Sun, 10 Sep 2000 10:53:55 -0400
From: "Johnson, Michael" <MJohnson@DCRA.DCGOV.ORG>
To: "Daniel Serwer" <danielserwer@SprintMail.com>,
"Johnson, Michael" <MJohnson@DCRA.DCGOV.ORG>,
"Ford, Vincent" <Vford@DCRA.DCGOV.ORG>,
"Shelton, James" <Jshelton@DCRA.DCGOV.ORG>,
"Noble, Denzil" <Dnoble@DCRA.DCGOV.ORG>
CC: Ann Morrison <annmorrison@colpark.com>,
"Nunley, Edgar" <Enunley@DCRA.DCGOV.ORG>,
"Dennis, Jill" <Jdennis@DCRA.DCGOV.ORG>,
"Lewis, Theresa" <Tlewis@DCRA.DCGOV.ORG>,
"Fuller, Carlynn" <Cfuller@DCRA.DCGOV.ORG>,
"Jordan, Lloyd" <Ljordan@DCRA.DCGOV.ORG>

Mr. Serwer, thank you for the message. As I mentioned, staff is conducting a total review of the plans submitted, wall checks, etc. I was informed by Building Inspector Neil that "everything was okay!" I requested him to conduct a site inspection on Fri. based upon your info. related to after hour work. I have not received the results of the inspection at this time. I can presume, that he found nothing amiss, and thus allowed the work to proceed.

Although Mr. Shiner is moving forward, he does so at his own risk. I assure you, compliance will be met. By copy of this email, to Inspector Neil's supervisor, I am asking that I receive a full report on Mon. Of course the findings will be shared w/ you & the neighbors!

FYI, I will be discussing our current "Stop Work Order" policy w/ BLRA mgrs., w/ the intent to, in my opinion, strengthen it!. Again, thank you!
MDJ

cc: Jill Dennis, Interim Acting BLRA Administrator (Mr. Noble is on vacation)

> *-----Original Message-----*
> *From: Daniel Serwer [SMTP:danielserwer@sprintmail.com]*
> *Sent: Sunday, September 10, 2000 9:41 AM*
> *To: Michael Johnson; Vincent Ford; James Shelton; Denzil Noble*

EXHIBIT 10

> Cc: Ann Morrison
> Subject: Construction Activity at 5655 Moreland: 7:30 am Sunday
> morning
>
> I was awakened this morning (Sunday) by construction activity at 7:30 am
> at 5655 Moreland. The entire neighborhood would appreciate your
> enforcement of the rules. Mr. Shiner's continuing defiance clearly
> requires more vigorous action.
>
> Mr. Shiner is rushing to complete this construction in the hope that the
> zoning board will not ask him to tear it down. Fairness would suggest
> that the construction be stopped completely while the matter is being
> discussed at the ANC and the BZA.

Petition

Living in the neighborhood of 5655 Moreland Street, NW, I would like to express my concern about the new construction in the front yard of that property. This commercial facility does not belong in a residential neighborhood. I appeal to the Advisory Neighborhood Commission to express to the appropriate city authorities its opposition to this construction.

	Signature	Address	Phone number/email
1.	Daniel Serwer	2701 Northampton St. NW	686-3622 daniel serwer@usip.org
2.	Jacqueline Serwer	2701 Northampton St NW	686-3622
3.	Barbara O'Hanlon	5727 Moreland St NW	966-8233 barbara_ohanlon@aol.com
4.	[illegible]	5727 Moreland St NW	966 8233
5.	Elvin Globokar	5733 Moreland St NW	362-7507
6.	Robert Chlopak	5737 Moreland St NW	362-7507
7.	[illegible] Morrison	5712 Moreland St NW	364-2530
8.	Latin Morrison	5712 MORELAND ST NW	364 2530
9.	Peter Mallon	5724 Moreland St	966-0799 pmallon@newmarkre.com
10.	Cheryl Kariya	5721 Moreland St NW	363-7558 kariya_cheryl@pic.com
11.	Deirdre McGlynn	5900 Moreland St. NW	237-5919
12.	Carol Newman	5739 Moreland St NW	202 362-4498
13.	[illegible]	5712 27th ST.	202-363-4182
14.	Sonia Kollmeyer	5724 27th St.	202-244-1252
15.	Pat Brooks Williams	5747 27th St.	202 363-5432
16.	Peter V. Zaborisky	" " " "	"
17.	[illegible] (BOLECH, THERESA)	5711-27 St NW	(202) 362 9110
18.	James Sweeney	5705-27th St NW	202-363-3326

EXHIBIT 11

Petition

Living in the neighborhood of 5655 Moreland Street, NW, I would like to express my concern about the new construction in the front yard of that property. This commercial facility does not belong in a residential neighborhood. I appeal to the Advisory Neighborhood Commission to express to the appropriate city authorities its opposition to this construction.

	Signature	Address	Phone number/email
1.	Olive D Dahlman	2614 Northampton	
2.	JoEllen K. Feshman	2614 Northampton	
3.	Sara Cain	2606 Northampton	
4.	Charlotte Keil	2606 Northampton St NW,	
5.	Leroy Nesbitt	2618 Northampton St NW	I support a hearing at ANC & Zoning ↳ I take no position on the final approval construction.
6.	Tracy Thurlow	5712 27th Street NW Washington DC 20015	
7.	Allison Watson	5730 27th St NW 20015	
8.	George Thurlow	2832 NORTHAMPTON ST. NW	(202) 244-2819
9.	Sunday Glore	2849 Northampton St NW	202-256-9457 I support a hearing
10.	Vivian M. Graff	2845 Northampton St. NW	
11.	Henry G Griggs	2841 Northampton St NW	(202) 363-743
12.		2909 Northampton St. NW	202/244-0963
13.	Caroline Abate	2809 Northampton St NW.	202-244-0963
14.	Zita Black	2805 Northampton St. NW	202-244-1218
15.	Nancy McBride	5701 27th St. NW	244-6580
16.	James McBride	5702 27th St. NW	244-6580
17.	Kathy Swan	2833 Northampton St NW	362-8035
	↳ I take no position on the final approval of construction		
18.			

LAW OFFICES
BAKER, DONELSON, BEARMAN & CALDWELL
A PROFESSIONAL CORPORATION
MARKET SQUARE, SUITE 800
801 PENNSYLVANIA AVE., NW
WASHINGTON, D.C. 20004

(202) 508-3400

FACSIMILE
(202) 508-3402

TENNESSEE
MEMPHIS
NASHVILLE
CHATTANOOGA
KNOXVILLE
JOHNSON CITY
HUNTSVILLE

MISSISSIPPI
JACKSON
GEORGIA
ATLANTA

WASHINGTON, D.C.

JAMES W. MCBRIDE
Direct Dial: (202) 508-3467
Direct Fax: (202) 220-2267
Internet Address: jmcbride@bdbc.com

November 22, 2000

Mr. Jeffery Norman
Vice-Chair ANC-3G
5601 Connecticut Ave. N.W.
Washington D.C. 20015

Re: 5655 Moreland Street N.W.-- BZA Appeal NO. 16646

Dear Mr. Norman:

I am one of the appellants , and am serving as counsel, in the referenced appeal. I recently discovered that the ANC considered the position that it would take before the Board of Zoning Adjustment ("BZA") in a meeting held on October 23, 2000. Based upon my review of the minutes of that meeting it appears that it was the decision of the ANC to take no position on the appeal.

I never received actual notice that our appeal was to be considered at the October 23rd hearing, even though I understand it is the normal practice to specifically notify the parties when an ANC considers the position it will take on appeals to the BZA. It is true that the matter of the garage construction at 5655 Moreland had been generally discussed at prior meetings of the ANC, but those all took place before an appeal was made to the BZA, and before our legal and factual positions were solidified. This ANC has never had the benefit of knowing the case we will make before the BZA. And yet, ANC member Buchholz filed a five page document making detailed legal and factual arguments in support of the Shiner's position. In effect, the ANC seems to have made its decision without knowing both sides of the case.

Since we never received actual notice of the meeting at which our appeal was discussed, and since one of the ANC members has filed a document essentially making the Shiner's arguments, I would ask that, at the December 11th meeting, the ANC reconsider its position, and give me 15 minutes to make our points and respond to the Buchholz document. I certainly understand that you do not want an open discussion of

EXHIBIT 12

this matter and I am not asking for that. However, we believe that sound procedure, and certainly fairness, weigh heavily in favor of our being given an opportunity to express our position before the ANC concludes its consideration of this matter.

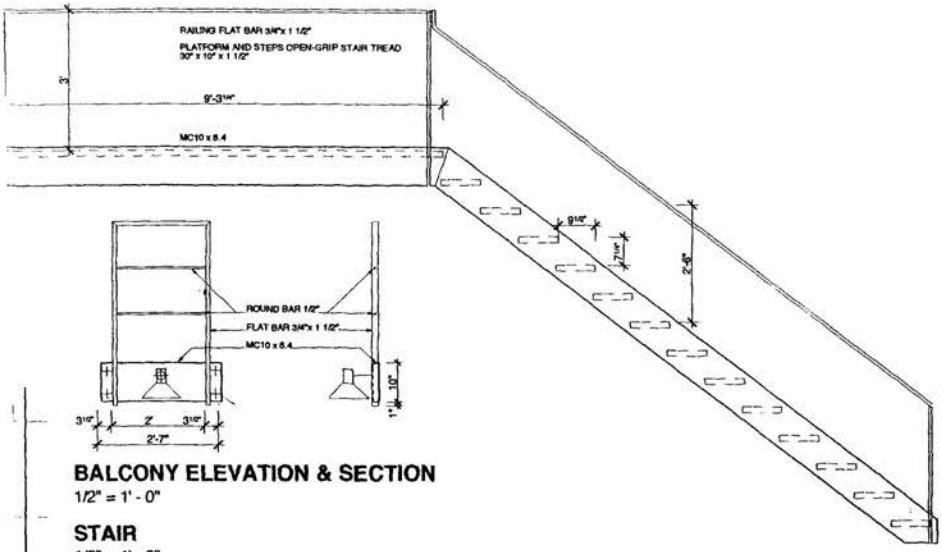
Thank you for your consideration in this matter.

Very truly yours,

James W. McBride

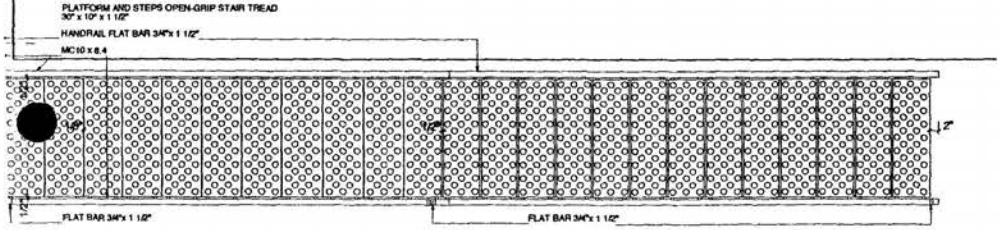
cc: Anne Renshaw
Allen Beach
Joseph Bishop
Robert Meyers
Marilyn Holmes
Frank Buchholz

SIDE ELEVATION
1/2" = 1' - 0"

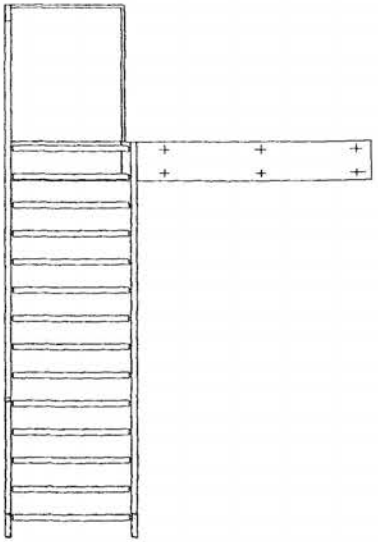


BALCONY ELEVATION & SECTION
1/2" = 1' - 0"

STAIR
1/2" = 1' - 0"



FRONT ELEVATION
1/2" = 1' - 0"



THOMAS S. SHINER
D.C. ARCHITECT REG. NO. 3473

PERMIT SET

EXHIBIT 13

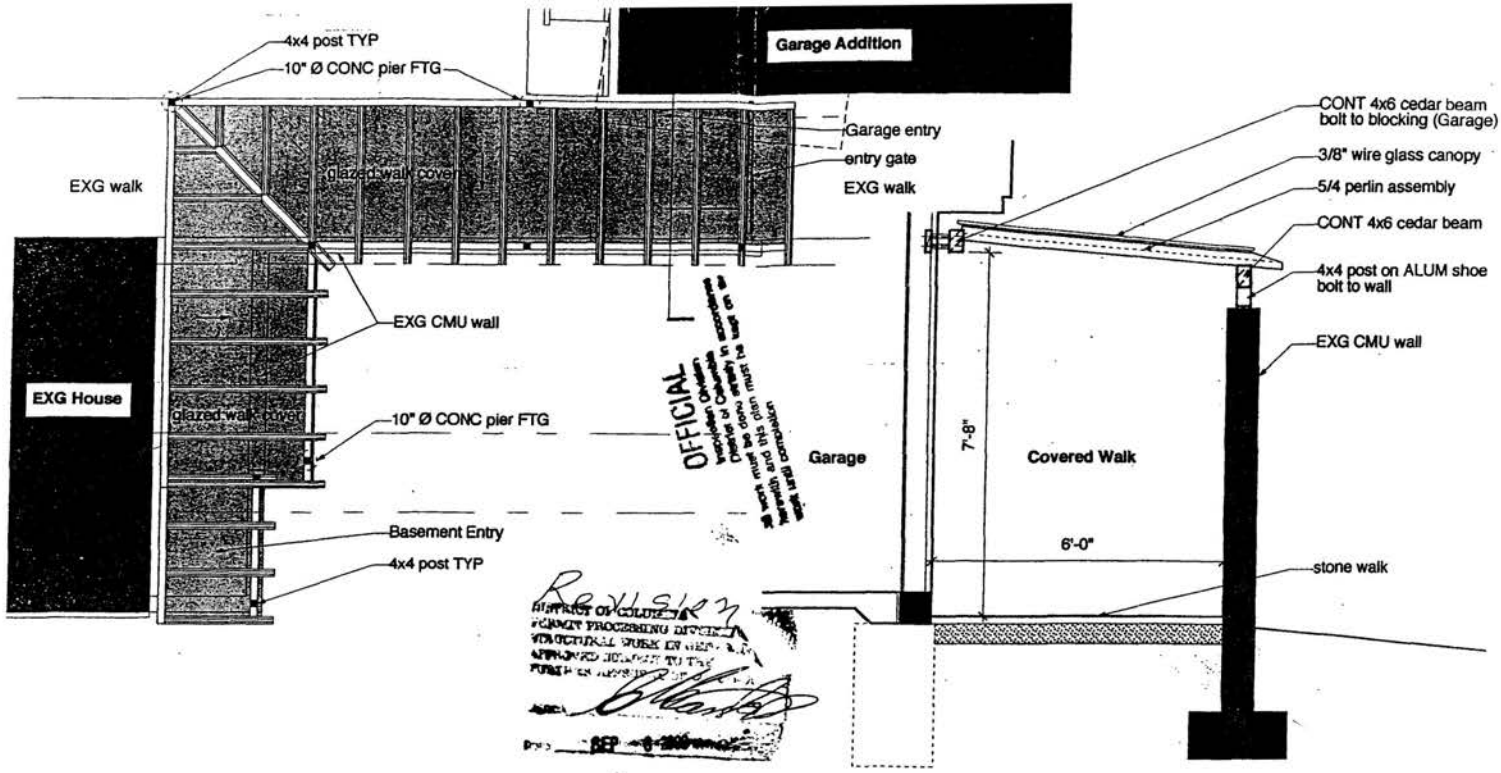
N BY	ISSUED FOR	DATE
	GC / PERMIT	02-24-00
	PRELIMINARY	02-17-00

THOMAS S. SHINER ARCHITECT
5655 MORELAND STREET NW
WASHINGTON DC 20015-0111
202 537 0098 FAX 202 537 4851

PROJECT
SHINER RESIDENCE - GARAGE ADDITION
5655 MORELAND ST., NW WASHINGTON, DC

SHEET TITLE
METALWORK - STAIRS & BALCONY
1/2" = 1'- 0"

SHEET NO.
A 9
11 OF 15



PLAN - COVERED WALK
SCALE 1/4" = 1'- 0"

Complies with requirement of Zoning Regulations
Initial 8/8/00

SECTION - COVERED WALK
SCALE 1/2" = 1'- 0"

DRAWN BY	ISSUED FOR	DATE	THOMAS S. SHINER ARCHITECT	PROJECT	SHEET TITLE	SHEET NO.
KV	REVISED	07-31-00	5655 MORELAND STREET NW WASHINGTON DC 20015-0111 202 537 0098 FAX 202 537 4851	SHINER RESIDENCE - GARAGE ADDITION 5655 MORELAND ST., NW WASHINGTON, DC	COVERED WALK	A14 1 of 1

SQUARE 2307
LOT 801
SCALE: 1" = 30'
07/06/00

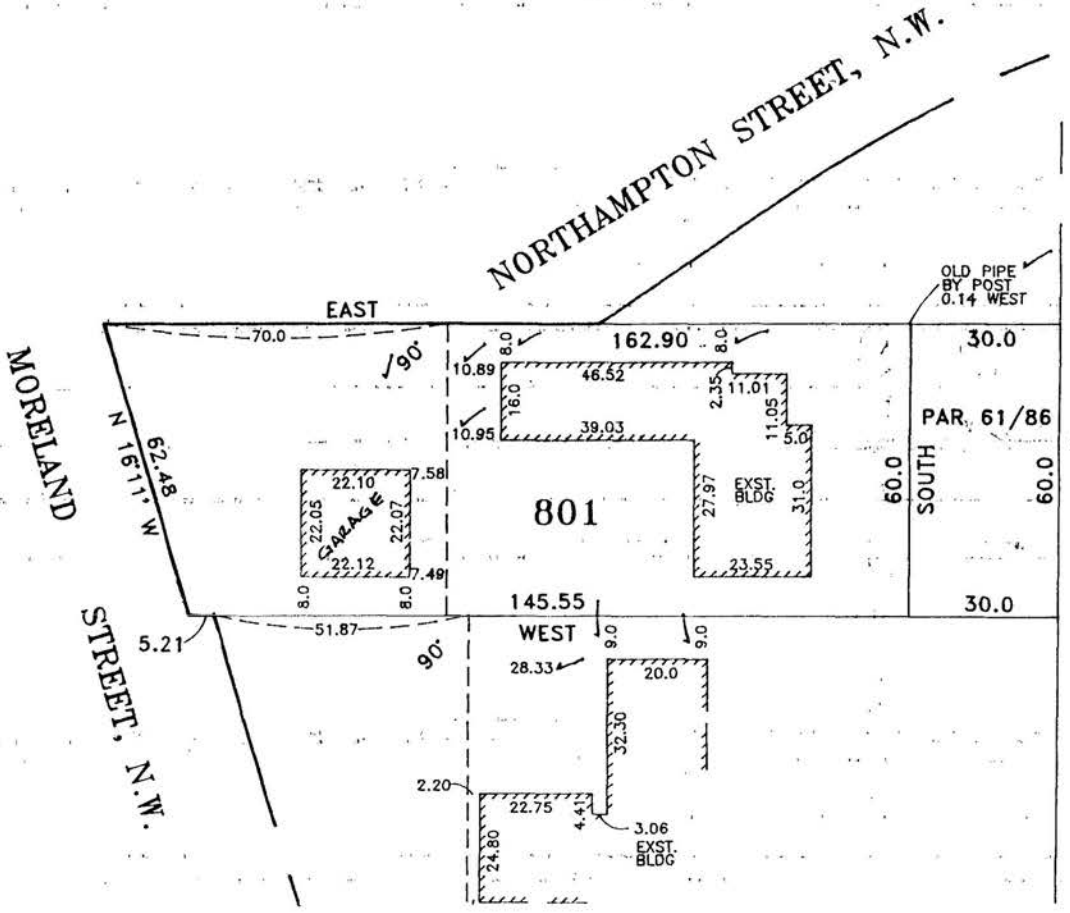
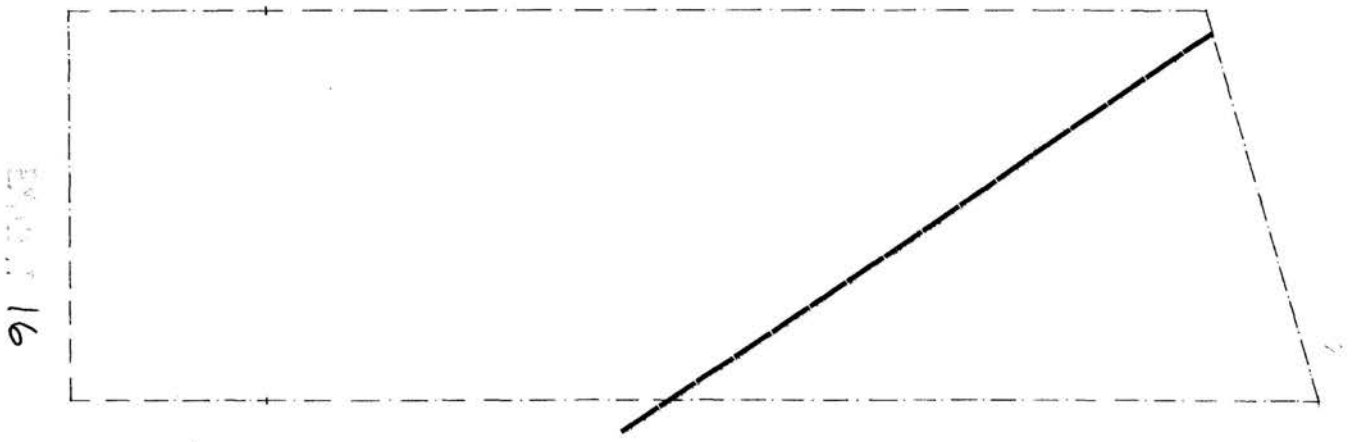


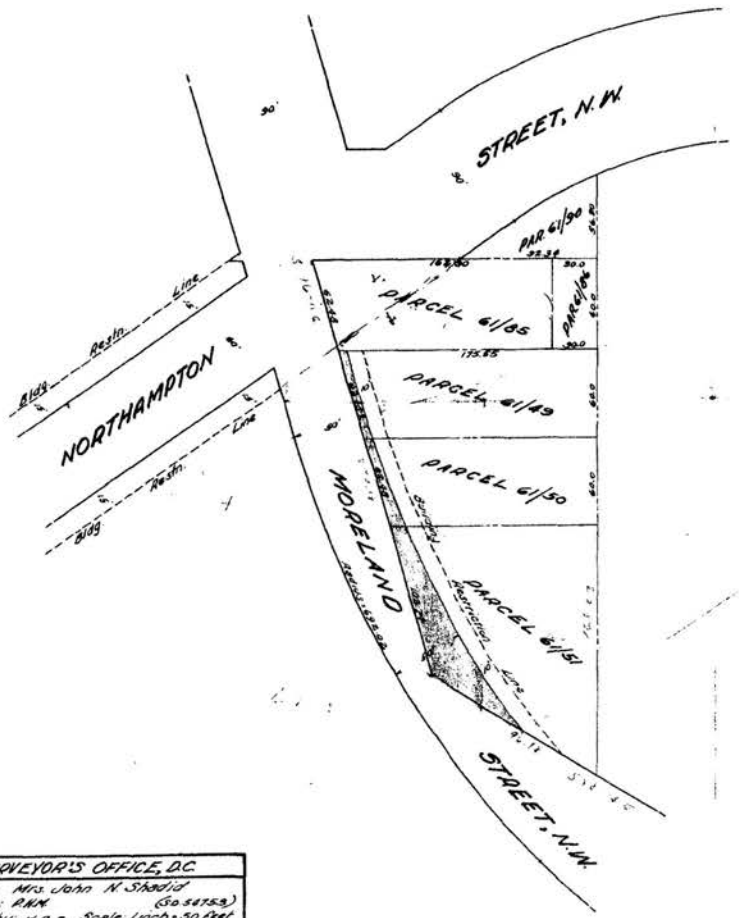
EXHIBIT 15



Change In D.C. Highways Plan (3-RD. Section):

source for scaled drawing showing Northampton right of way across Parcel 61/85

DEDICATION OF LAND FOR WIDENING OF MORELAND STREET, N.W.



We the undersigned, owners of all the land shown hereon in red, hereby dedicate the same to the District of Columbia for highway purposes.

We hereby establish a building restriction line as shown hereon in red broken lines and agree not to build upon the area between the building restriction line and the line of the street except as permitted under the building regulations of the District of Columbia; and we further agree that the area between the building restriction line and the line of the street shall be subject to all the provisions and conditions as expressed in the Act of Congress approved May 21, 1900 (31 Stat. 243 and 249).

We certify that there are no suits or actions pending affecting the title of the land hereby dedicated and that there is no trust on said property.

Witness our hands and seals this 24th day of APRIL, 1961.

WITNESSES	OWNERS	WE ASSENT, TRUSTEES
Albert E. Shadid	Pauline R. Shadid	
Jadie Shadid		
Albert E. Shadid	John N. Shadid	
Julia Shadid		
George N. Shadid		

Office of the Commissioners of the District of Columbia
Washington, D.C. May 16, 1961.

The dedication offered hereon is hereby accepted for the widening of Moreland Street, N.W. and the establishment of the building restriction line is approved.

By order of the Board of Commissioners of the District of Columbia.

Secretary to the Board

Office of the Surveyor of the District of Columbia
Washington, D.C. May 18, 1961.

I certify that the foregoing plat is correct and is approved for record in this office.

Surveyor, D.C.

SURVEYOR'S OFFICE, D.C.
Made for: Mrs. John N. Shadid
Drawn by: P.M.M. (Co 54758)
Checked by: H.D.B. Scale 1 inch = 50 feet
Recorded at 1:00 P.M. May 18, 1961
Recorded in Book 141 Page 140
Filed in C.O. Subs. Under Moreland St.

File No. S.O. 61-19







EXHIBIT 18





