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CHRONOLOGY OF EVENTS – BZA ACTION

Date: 12-2-00

February 1992	• We bought the empty lot, actually one large and one very small adjoining lot, located near Northampton and Moreland. • TSS began design work on a single-family house. The lot was an easy lot to build on, except for the large beech tree located almost exactly in the center. We had a choice: We could cut down the tree and design whatever shape and size we wanted, or we could preserve the tree and incorporate it into the design. • TSS reviewed the applicable zoning regulations and completed a "master plan" for developing the lot. He drew a U-shaped footprint for the house forming a courtyard surrounding the beech tree. The structure had to be far enough away from the tree so as not to disturb its roots. For this reason, he pushed the garage away from the main body of the house and connected it to the house with a wall, a walkway and a gate.
October 1992	• TSS completed design work and applied for a record lot and a building permit. The routine Record Lot application to the Office of the Surveyor for combining the two lots did not proceed because one lot is encumbered by the Highway Plan. • The permit application was therefore referred to the zoning administrator, Joseph Bottner. • The next step in the application process was a meeting with Joe Bottner and his assistant, Gladys Hicks. The meeting was held in the zoning office at 614 H Street, N.W. As TSS recalls, they spent almost an hour reviewing the plans and the official plat. Bottner and Hicks made it clear that even though we could not combine the two lots because of the Highway Plan encumbrance, we would be able to build. Both Bottner and Hicks pointed out that the walkway connecting the garage and the main house would have to be covered. Hicks indicated that a trellis incorporating columns would suffice as the connection, and they also discussed a glass-covered walkway. • TSS revised and resubmitted the documents showing a connecting element referred to on the official plat as "a covered walkway." The documents called for a single-story, 2-car garage which would provide the required off-street parking for the R-1-A zoning. The garage was specifically discussed as connected to the house. TSS, Bottner, and Hicks discussed the regulation that an accessory building could not be located in a front yard. The garage as applied for was never considered to be an accessory building by any of those present. This plan was thereafter approved (Hicks signed the plat and Bottner initialed the permit application).
June 1993	• We completed the main house and the connecting wall as Phase I of our master plan. However, because of limited finances, we were not able to complete the garage as permitted.

BZA
Case No. 16646
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16646
EXHIBIT NO.28

April 2000	• We received the building permit to construct the garage to complete our "master plan." We added a second floor to the garage which was not included in the original plan. The permit was applied for and granted as an "addition," not as an "accessory building."
May 2000	• Work on the addition commenced in the first week of May.
July 2000	• Coinciding approximately with framing completion, we received a letter from Serwer dated July 17 threatening legal action.
July 27, 2000	• We were notified by the building inspector to stop work. All work on the structure was thereafter suspended. • As a result of the Stop Work Order, contractors notified us that they would reschedule only after we resolved the Stop Work Order problem. • We called a land-use attorney immediately. The attorney advised us to meet with E. Nunley as soon as possible.
July 31, 2000	• L. Shiner met with Nunley on July 31 to review the nature of the complaint. Nothing was resolved at that meeting. However, Nunley requested a drawing showing a detail of the connection.
August 8, 2000	• We met at the site with Nunley and a land-use attorney to discuss the situation and review the requested construction detail of the covered walk. We also gave Nunley documentation of the 1992 plat with G. Hicks' signature and explained the correlation. • We personally submitted the requested detail as a revised permit application per Nunley's requirement on the afternoon of August 8. The application was approved. Thereafter a revised permit "ADDING A DETAIL OF THE COVERED WALK" (not adding a covered walk) was issued and the Stop Work Order was lifted. • We encountered a number of problems restarting construction because of the difficulty of rescheduling contractors. In TSS's professional judgment, we lost approximately 5-6 weeks on the construction schedule.
September 2000	• A neighbor notified us that a letter written by Serwer and McBride dated Sep 3 was circulating in the neighborhood. In the letter, Serwer and McBride made accusatory and false statements about our project and our intentions. They solicited money and petition signatures for an ANC resolution to stop work on our addition.
September 7, 2000	• TSS arranged for a second Wall Check verifying the locations of the covered walk piers or columns as required by the building inspector.

September 11, 2000	• At an ANC meeting, Serwer presented a petition and read a statement asserting that our addition was in fact an accessory building, that it "looked like a commercial building," "will be used for commercial purposes," and other inaccurate, alarmist and misleading charges. We presented information about our project and answered questions from concerned neighbors. Several neighbors objected to Serwer's characterization of our home and of our intentions.
September 25, 2000	• At the following ANC meeting, ANC Commissioner Frank Buchholz shared facts he had collected regarding the matter. Buchholz reported the ANC would be asked to review the matter again once the appeal was forwarded to the BZA. He commented at length about our addition and the pertinent zoning regulations. Buchholz recommended that the ANC reject Serwer's request for a resolution. The ANC vote against Serwer's resolution was 5-0. The ANC allowed time for Serwer to speak, Fishman to read a statement against the project, and Mrs. McBride to question TSS. We made no presentation at that meeting.
September 29, 2000	• We got a third revised permit clarifying changes to the addition's floor plan and window sizes as required by the building inspector. Approval for the close-in inspection of the addition was thereafter forthcoming.
October 2000	• We received a copy of the BZA Notification of Appeal in the first week of October. • According to information from the ANC web site, members at the Oct 23 ANC meeting considered two resolutions; one by Commissioner Buchholz and one by Commissioner Beach. No final position was taken. Neither we nor the Appellants were present at this meeting.
November 13, 2000	• We attended the ANC meeting where there was no discussion of our matter.
November 21, 2000	• We received a copy of the McBride letter to neighbors dated 11-14-00. We noted calls for reconsidering the matter at the next ANC meeting, continued false assertions, and charges that the Buchholz white paper was "partisan."
November 27, 2000	• We attended an ANC meeting at which Mr. McBride informed the ANC that he had complained to the Zoning Commission about lack of actual notification of the previous meeting's agenda and asked for a reconsideration of the matter so that he could make a legal presentation. One commissioner made a motion for a reconsideration of a previous motion to advise the BZA not to grant the Serwer-McBride appeal; there was no second to the motion for reconsideration, and it died.
December 1, 2000	• Based on the suggestion by ANC Commissioner Buchholz, TSS applied for a home occupation permit for his architectural practice, even though he has one already as a furniture designer for his furniture design company.