BZA APPEAL NO. 16679
By
Spring Valley-Wesley Heights Citizen's Association

Regarding 3020 43rd Street, N.W.
(Lot 70, Square 1621)

The administrative decision of the Zoning Administrator to approve Building Permit No. B430091, dated October 11, 2000 (attached as Exhibit A) is in error for the following reasons:

1. The Building Permit application is unsigned and therefore void on its face.

2. The Building Permit approval is incomplete and inconsistent with the Board's written decision in Appeal No. 16405.

3. The Building Permit approval violates the lot occupancy restrictions imposed by the Wesley Heights Overlay District ("WHOD"). 11 DCMR 1543.2 (a). The Zoning Administrator is not authorized any flexibility regarding the strict application of the lot occupancy restrictions imposed by the WHOD. 11 DCMR 407.

4. The Building Permit approval violates the applicable side yard restrictions. 11 DCMR 405.8. The Zoning Administrator's flexibility regarding the applicable side yard restrictions was a misuse and/or abuse of his limited discretion and substantially impairs the purpose of the otherwise applicable regulations. 11 DCMR 407.1.

5. The Building Permit approval violates BZA Appeal No. 16405 and the applicable private driveway width and grade restrictions. 11 DCMR 2117.

BZA
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CASE NO. 16679
EXHIBIT NO. 4

6. The Building Permit approval violates BZA Appeal No. 16405 and the applicable access and off-street parking restrictions. 11 DCMR 2101.1, 2117.4.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

Attorney for the Spring Valley-Wesley Heights Citizen's Association

November 28, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Board of Zoning Adjustment Appeal was transmitted by mail first-class, postage prepaid this 28th day of November 2000 to:

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