GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

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January 21, 1999

Councilmember Kathleen Patterson
Ward 3
Council of the District of Columbia
441 4th Street, N.W. - Room 709
Washington, D.C. 20001

Dear Councilmember Patterson:

In response to your request regarding the status of our investigation of the structure located at 2708 44th Street, N.W., following is the history of our actions:

On December 18, 1997, a building permit number B412086 was issued to construct a single family dwelling at 2708 44th Street, N.W. Inadvertently, the zoning review was done based on a set of Baist Atlas books where the Wesley Heights Overlay District (WHOD) had not been recorded properly. As a result, the reviewer, Mr. Bello, approved the project without taking into consideration the additional restrictions imposed by the Wesley Heights Overlay District .

The matter was brought to the attention of the Department. The practical impact of this oversight was that the front yard setback was smaller than required. This matter was subsequently corrected, under revised building permit number B415639, issued on May 22, 1998 and attested to by the wall check which was approved on July 6, 1998.

Mr. Edgar Nunley, Chief, Zoning Review Branch, and Mr. Toye Bello, Zoning Technician, conducted field inspections as a result of continued complaints. These inspections revealed a dormer addition to the top floor that was not reflected on the approved plans. Subsequent referral to Mr. Robert Shelton, Building Inspector, revealed that a permit revision had been obtained to finish the attic space and add bathroom dormers to the roof. This revision, permit number B418044, dated August 26, 1998, was approved by Ms. Xoan Mac, Zoning Technician. The issuance of this last revision sanctioned a situation that does not conform to the Zoning Regulations, as the structure, which was conforming as originally approved, with the dormers and the finished attic became in violation of the height restriction and maximum number of stories, pursuant to both the underlying and overlay zones. The addition of habitable

BZA
Case No. 17039
Exhibit No. 11

Board of Zoning Adjustment
District of Columbia
CASE NO. 17039
EXHIBIT NO. 11

space in the attic also renders the structure nonconforming with respect to the gross floor area limitation of the WHOD.

To correct the error made by staff, a meeting is currently being scheduled with the Board of Zoning Adjustment to review our options to bring the structure into compliance, since a permit was inadvertently issued for the dormer addition.

If you have any further questions or comments, please do not hesitate to call me. I can be reached on 727-7340.

Sincerely,

Armando Lourenco
Administrator

Cc: Lloyd J. Jordan, Director
William E. Timmons