WESLEY HEIGHTS HISTORICAL SOCIETY

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BZA 17039 Exhibit No. 36
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DIST. OF COLUMBIA

July 22, 2003

BZA Case:17039, 2708 44th Street, Wesley Heights (Square 1340, Lot 35)

Mr. Geoffrey H. Griffis
Chair, Board of Zoning Adjustment
441 4th Street, N. W., Suite 210
Washington, DC, 20001

By FAX: 202-727-6072

Dear Chairman Griffis,

I had hoped to appear before you in person to support Mr. and Mrs. McAdams' request for three variances at their Wesley Heights property at 2708 44th Street because they apparently were unaware of the neighborhood concern about zoning matters and pending action by DCRA against the developer/builder/realtor of their home when they bought it and because they have received much support for their case from the present immediate neighbors and ANC3D.

This property has had an interesting history. It was originally the open side yard of a half-acre corner lot with only an enclosed swimming pool. Many of the corner lots in Wesley Heights were given special treatment, both in the more modest section of R1B lots to the north and more generous R1A lots to the south, when the subdivision was first laid out in the 1920's by the developer, A.C. & W. N. Miller Company, and its primary architect, Gordon MacNeil. And this tradition of large, showplace corner properties was continued in the newer sections that were developed later. When Walter Slowinski, a prominent Washington lawyer died and his home was sold, the lot was subdivided, providing a separate 10,000-square-foot building lot on the south, which was bought by the developer, William Lipnick for putting up a speculation house, eventually offered as containing over 7,000 square feet including 5-7 bedrooms.

When construction began in the spring of 1998 it was immediately evident that the footings and front foundation walls facing 44th Street were being poured much closer to the street than allowed by the Wesley Heights Zoning Overlay District. The Society and the Wesley Heights Spring Valley Citizens Association called this to the attention of Gladys Hicks, then Zoning Administrator, and requested that she send an inspector to the site. We also presented the same information to ANC3D at a public meeting in May. The then AND3D chair, Joseph Dinsmore Murphy, wrote a letter to the developer citing the front-yard setback called for in the WHOD and asked for immediate remediation. Within

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a few days, a bulldozer demolished the walls and the entire structure was moved back to conform to the overlay.

Building proceeded on the same plan for a three-story townhouse with a windowless Mansard roof over the ample attic. Late in the construction, however, windows were added in the attic, effectively adding a potential fourth story with additional living space, seemingly in violation of the FAR provision of the WHOD and the 3-story, 40-foot limits of the underling zoning regulations. The Society attempted to examine the building plans in the Zoning Office in June, 1999, but was unable to do so because Wayne Bowie, the builder's agent, had removed them and never returned them (we were told this was not regular procedure in DCRA, but it happened in this case).

There ensued a flurry of correspondence between Mr. William Timmons, chair of the Society's Zoning Committee, and the DCRA with copies to various other city officers. The final conclusion, several years later, was that DCRA agreed that it had erroneously issued permits and Zoning Administrators and inspectors had erred. A letter of the violation was sent to the new owners, the McAdams, in 2003 some five years late.

This is but one more example of the problem our Society, the Citizens Association, the neighborhood and ANC3D has had in zoning and overlay matters with the Zoning and other Offices in DCRA.

We appeal to you now once more to see to it that the Zoning and Permit officers, and the inspectors and Compliance Enforcement staff of DCRA do their jobs professionally and competently and in a timely manner so that the Overlay and underlying zoning provisions are applied in a fair, even-handed and timely manner in our neighborhood and elsewhere in the city and so that the neighborhood and property owners are protected and that situations and delays in enforcement to not result in great inconvenience and expense to innocent parties as they have in this and other earlier and pending cases we have presented to the BZA.

Sincerely,

George E. Watson
President