Thomas F. Gibson
4400 Edmunds Street NW
Washington, D.C. 20007

July 21, 2003

Board of Zoning Adjustment
441 4th St. N.W.
Suite 220
Washington, D.C. 20001

Re: Support for Application Number **17039**

Dear Sirs:

I am the immediate next-door neighbor to the McAdams, who live at 2708 44th St. N.W. I and my family live at 4400 Edmunds St. NW, to the north of the McAdams property. I am a member of the Wesley Heights Historical Society, and have worked with many in the neighborhood here in trying to see the enforcement of the Wesley Heights overlay.

I support the McAdams in their request for a variance, <u>because they are the apparent innocent victims of</u> the City's inability to process and bring actions in a timely fashion against developers when zoning violations are brought to the City's attention. "Timely fashion" in my view should mean a few weeks -- not six months.

Sadly, there is a preponderance of evidence that the violations at 2708 44th St NW were know for months in advance of the sale of the property to the McAdams. Here is a brief chronology of events with respect to 2708 44th St. NW:

- 10 July 1997 - Building permit applied. 18 December 1997 - Permit granted.
- February 1998 - Construction started on foundation.
- May 1998 - George Watson, President of the Wesley Heights Historical Society, to Acting Zoning Administrator Gladys Hicks requesting inspection of property -- which violated the set-back rule by approximately 13 feet.
- May 1998 - ANC3-D letter to developer notifying him that all provisions of the law must be followed during new construction. The Developer was advised of violation by Wesley Heights Historical Society. Demolition of foundation is performed. Foundation is reconstructed according to zoning requirements.
- May 1998 - Developer requests amendment to permit to build-out attic for usable space.
- 26 August 1998 - City issued attic renovation permit.
- 22 September 1998 - Kathy Patterson to Jordan, Director of DCRA, asking if property has been inspected and if building permits comply with requirements.

BZA
Case No. 17039
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO. 17039
EXHIBIT NO. 40

- **21 January 1999** - Lourenco, Zoning Administrator, to Patterson admitting permit errors and a "meeting is currently being scheduled with the BZA to review our options to bring the structure into compliance."

- 14 February 1999 - newspaper advertisement to sell property containing "over 7,000 sq ft." Copy faxed by Timmons to Lourenco on 16 February with request to stop sale until zoning issues resolved.

- 26 February 1999 -Lourenco to Timmons "While there is no statutory authority that would allow this Department to prevent a legally binding transfer of ownership of property or property rights, be assured, nevertheless, that such transfer does not preclude enforcement action on our part..."

- 22 March 1999 - final structural inspection made on house. Note the Zoning Office approved project two months after Lourenco admitted non-compliance.

- 14 April 1999 - McAdams purchased 2708 - 44th Street.

- 19 May 1999 - Patterson to Jordan "how do you plan to bring the project into compliance?"

- **18 June 1999** - Lourenco to developer about violations of zoning regulations.

This is a very sad and disturbing chain of events, and begs a number of questions:

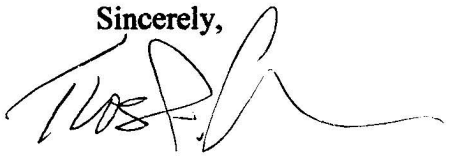
- How could professionals in Mr. Lorecno's Office TWICE -- on two separate occasions regarding the same property, when they had already been notified that they erred in the first instance -- approve plans that were out of compliance.

- Why did Mr. Lorecno's Office delay so long in "officially" notifying the developer that his building was out of compliance?

Regrettably, the answers to these questions appear to be outside the purview of the BZA.

The matter that is within the purview of the BZA is approving the variance contain in the McAdams application. As a matter of fairness to them, their application should be approved.

Sincerely,



Tom Gibson