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August 21, 2003

BZA Case No. 17039
2708 44th Street, N.W.
Square 1340, Lot 35

Memorandum to the Board of Zoning Adjustment

At the conclusion of the public hearing on the subject case, the Board asked the applicants for a memorandum showing how they meet the tests for an area variance and addressing the issues of estoppel and laches.

The Facts Present a Condition That is Unique and Extraordinary

Variances are authorized where the board finds "exceptional narrowness, shallowness or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition the strict application results in peculiar and exceptional practical difficulties to... the owner for the property..." DC Code Sec. 6-641.07 (2001). This is echoed by numerous court cases that hold it is fundamental "that the difficulties or hardship be due to unique circumstances particular to the applicant's property and not to the general conditions of the neighborhood." Gilmartin, 579 A.2d at 1168, citing Palmer v. Board of Zoning Adjustment, 287 A.2d 535, 539 (D.C. 1972).

The McAdams house is uniquely situated. The house, built in 1998, was an infill development between two houses which were there since 1936 and 1938 (Lusks Directory 1994). Garage access to the adjacent houses, could be provided without reducing the grade of the lowest story. For instance, 4400 Edmunds, to the north of the subject house, faces Edmunds, while garage access is cut into the hill from 44th Street, several feet below. Similarly, to the South, the house at 2706 44th Street is on a hill with the three stories counted from the top of the hill rather than the basement level. Garage access is up a driveway at the side of the house and is level with the first floor. See pictures attached. Both houses are on larger lots, 16,171 square feet and 11,200 square feet, respectively. The vast majority of lots in the square are larger than McAdams' lot which is 10,884 square feet. The heights of the three houses are not dramatically different. All have four levels including the basement. All have only three stories visible at the rear. They simply treated the hill differently, depending on their unique situations. Because of the unique topographical conditions, and the absence of an alley at the rear, it appears that access to McAdams' garage could only be achieved by cutting down the front portion of the hill.

Another element of uniqueness is the fact that there are no other houses in Wesley Heights in which dormers were approved by the Zoning Administrator for the roof of an

BZA
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otherwise three-story house where the mistake was not discovered until the house had been built and sold, and where the owner was not made aware of the problem for three and a half years. As the Board is aware, there is no requirement that the uniqueness inhere in the land at issue. Extraneous events can create the uniqueness. Id, citing Capitol Hill Restoration Society, 534 A.2nd at 942; Monaco v. DCBZA, 407 A.2d 1091(D.C. 1979). [1]

The Applicants are Faced with a Practical Difficulty

As we have seen in the cases cited above, practical difficulty can be found in a number of exceptional circumstances unrelated to the topography of the land. In *Tyler v. DC BZA*, 606 A2d 1362 (DC App, 1992) it was found in the high cost of complying with the zoning code. The applicant had requested variances to build a 20 unit apartment. Among other things, the Board found practical difficulty in the high cost of preserving some historic structures on the property. In *Monaco v. DC BZA,* 407 A2d 1091, an applicant's inability to realize a reasonable return on investment was judged to be a justification for a finding of uniqueness and hardship. The Court said: "Applicants' good faith, detrimental reliance on previous zoning actions can also be relevant to determine undue hardships..." at 1100 [2]

In the instant case, there are three elements of practical difficulty, any of which support the finding. First, there is the slope of the land which loses an entire floor between the front of the house and the rear. Accordingly, only a small percentage of the basement is livable space. Under the Wesley Heights Overlay Zone regulations only 258 square feet may be counted, as opposed to 2,100 square feet on the first floor. Additionally, because of the slope of the roof, the top story has only 965 square feet of usable space, according to the Zoning Administrator. Given that the house was sold as a 7,000 square foot house and contains only 5,600 square feet as determined by the Zoning Administrator, in his letter to the Board of July 21, 2003, the loss of an additional 962 square feet would present a devastating practical difficulty for the McAdams's or any family purchasing a 7,000 square foot house.

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[1] The District of Columbia Appellate Court has found unique physical aspects or extraordinary circumstances in a wide variety of situations unrelated to the size or shape of the property or topography: Monaco v. DCBZA, 407 A.2d at 1099 (private restrictive covenants may be considered in their own right as an extraordinary condition of the property); Tyler v. DCBZA, 606 A.2d 1362, 1365 (D.C. 1992) (high cost of preserving historic buildings can be an exceptional situation); Draude v. DCBZA, 582-A.2d 949, 955 (property dedicated to public service of providing health care constitutes exceptional circumstance); *Monaco v. DCBZA* 407 A.2d, 1091 (DC App. 1979) (existence of a covenant between the zoning authority and the Houses Office Building Commission permitting expansion of the site.) Wolf v. DCBZA 397 A.2d 936 (DC App. 1979) (likelihood of owner losing money if he could not build three apartments.) Likewise, *de Azacarate v. DCBZA*, 388 A.2d 1233, 1239 (DC App. 1978) where the mistaken permit to subdivide one lot into three buildable lots was seen as an exceptional condition giving rise to a practical difficulty.

[2] See also *Wolf v. DCBZA*, 397 A2d 936, (DC App. 1979) where an area variance was granted only after the applicant was able to show that without it, the marketability of the property was in doubt. For a similar treatment in other jurisdictions, see *National Merritt, Inc. v. Weist*, 41 NY 2d, 438, 361 N.E.2d 1028 (1977). See also *Clerics of St. Viator, Inc. v. BZA*, 320 A.2d 291, 293-4, DC App. (1974).

Secondly, the cost of removing the dormers, removing portions of the floor, readjusting and balancing the air conditioning and electrical systems, as well as the cost of reroofing, are substantial and painful sacrifices made necessary by the District's mistake. As the attached estimates indicate, the cost of removing the dormers and reroofing will exceed $54,000.00. In addition, Mrs. McAdams' dust allergy will force them to find alternative living space for the duration of the construction, thus increasing the emotional and monetary disruption to their settled lives.

Third, the house was sold at a price that reflected the full use of the house as purchased by the McAdams's. Without the extra living space, the resale value will drop precipitously. See the letter of August 19, 2003, from Long and Foster estimating a drop in value of $400,000.00. Normally, if a variance were sought to make alterations in a home in order to increase its value, the Board would rightly find the justification insufficient. However, where the house is already built in accordance with the District's procedure, the economic and other losses resulting from a forced change are relevant in granting a variance. [3]

Applicants relied on the District's mistake to their detriment. Because the District did not properly enforce its regulations, the builder was allowed to sell the house for nearly two million dollars, a price which reflected the increased living space afforded by the dormers. Moreover, applicants might have been able to recoup some of their purchase price if they had had timely notice of the problem. Now, such redress would be speculative at best.

There Are No Adverse Effects

The house is similar in height and bulk to the other houses in the neighborhood. The Wesley Heights Overlay District was adopted to protect smaller houses from being overshadowed and overwhelmed by outsized houses on adjacent lots. Such is not the case here. Glover Archibald Park is across the street and the houses on either side are substantial.

The bulk of the house should not be an issue here, since, absent the dormers, the building complies with regulations. The continuation of the building in its present form is in harmony with the purpose and intent of the Zoning Regulations.

Finally, the neighbors, including adjacent neighbors, have unanimously come out in support of the variance. The ANC voted 5-0 in favor. 41 neighbors signed the petition urging the BZA to grant the variance. Ms. Lazarus, whose testimony was critical of the builder, concluded that the McAdams's should not be forced to make any changes. In most cases, it is agreed that, far from being a negative influence, the dormers are a valuable aesthetic feature. Their removal would have a greater negative impact on the neighborhood than their continued existence.

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[3] In *de Azacarate v. DCBZA*, 388 A.2d 1233 (DC App. 1978), the court was faced with this precise situation. The property owner was told repeatedly that it could subdivide its land into three buildable lots. Only after the first two houses were built did the District see its mistake and seek to deny any further construction. In finding that the facts constituted an "extraordinary or exceptional situation or condition of a specific property" warranting variance relief, citing language from *Palmer v. DCBZA,* 287 A.2d 535, 539 (D.C. 1972) in which the court cited cases from other jurisdictions defining the term to include "economic, geographic, or topographic conditions, or a condition created by the zoning authority's action." at 1237

Variance is the appropriate remedy

Below we set out the case for estoppel and laches. The Court of Appeals has said that evidence of unreasonable delay by the municipal authority and significant prejudice to the applicant for a variance can form the basis of variance relief. *Monaco v. DCBZA*, 407 A.2d 1091 (DC App. 1979) This is true even where the case for estoppel and laches is insufficient. *Biens v. DCBZA* 572 A.2d, 122, 129 The BZA can take the circumstances into account as part of its consideration of the variance application "to avoid harsh and unjust results in extraordinary situations." [4]

The District is Estopped

The District is estopped from enforcing the zoning law against John and Pat McAdams. The elements of an estoppel case are "a party (1) acting in good faith, (2) on affirmative acts of a municipal corporation, (3) makes expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor the party invoking the doctrine." *Wieck v. DCBZA*, 383 A.2d 7 (DC App. 1978). The court concluded that the owner showed good faith and demonstrated the affirmative acts of the municipality but held that he did not rely on that affirmative act. Nevertheless, they ruled for the homeowner on the grounds of laches, discussed below. See also *Saah v. DCBZA* 433 A.2d 1114 (DC App. 1981) where the Court, after noting that both the architect and the District should have known that the revised plans exceeded the percent of lot occupancy regulations, concluded that petitioner's reliance on the District's approval of the plans was justified. *Saah,* at 1117 -

There is ample evidence in our case that the District performed an affirmative act in granting the permits, that both the homeowner and the builder acted in good faith, and that they relied on the affirmative acts of the District. The builder completed the improvements based on approved plans. The McAdams's purchased the property, at a price that reflected the enhanced square footage, with no knowledge that the District had concluded that the permits had been improvidently granted. Moreover, the District allowed the owners to stay in that state of unawareness while scores of letters flew back and forth between itself and third parties for three and a half years.

Two recent cases serve to bring the estoppel and laches issues into focus. Both cases involved claims that appellants were estopped to challenge the Zoning Administrator's grant of a permit and were found by the Appellate Court to be timely. In *Biens v. DCBZA* 572 A.2d, 122, the property owner obtained permits to build a rear addition with an enlarged family room, new deck and interior hallway. The neighbor waited 32 days from the date it

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[4] In, *Biens,* notwithstanding that the court suggested bad faith on the part of the owner, the court said that even if the complainant is right regarding the violations, the owner could apply for area variances, citing "economic prejudice and the acts of the zoning officials giving rise to the estoppel decision" as "relevant factors." at 129, citing *de Azacarate v. DCBZA*, 388 A.2d 1233, 1239 (DC App. 1978). See also *de Azacarate* at 1236 where the court held that the mistake of the Zoning Administrator in approving a subdivision of a lot into three buildable lots is an extraordinary or exceptional situation or condition of a specific property permitting the Board to grant a variance.

reasonably had notice of [redacted] violation before appealing the permit [redacted] period the court found justifiable and not barred by *laches*. Noting that "the Board's rules contain no specific time limit on appeals, but instead require only that appeals be filed in a 'timely' manner, the court stated that in interpreting this limit 'a reviewing court should apply a standard of reasonableness,'" quoting *Goto v. DCBZA* 423 A.2d 917 (DC App 1980). While the court found that 32 days was not excessive and the appeal could go forward, its close examination of the circumstances and concern for the property owner suggests that three and a half years might be considered obscene.[5] The Board has also gone on record as to the timeliness of bringing an appeal. In denying Biens' appeal, it found "inexcusable their failure to take the critical step of noting an appeal" after three months. See *Biens,* at 127

In *Sisson v. DCBZA*, 805 A2d 964 (DC App 2002), although the neighbor did not appeal until most of the construction work had been done, the court found the period reasonable, partially because the owner failed to exhibit good faith. The court cited the piece-meal application process (there were six separate permits) and the homeowner's "tendency to complete or substantially complete work before obtaining permits", as well as errors in the permit application, which "made it hard for Crary [the appellant] to know what to appeal from." At 970.

In our case, there is no evidence of bad faith on the part of the builder or the owner. If anything, one can wonder why the complainant, who knew that the house had been sold, continually omitted sending copies of the correspondence to the owner and did not insist that the District do so. Mr. Timmons knew about the story violation no later than January 21, 1999, when he was copied on a letter from the Zoning Administrator to Councilmember Patterson, well before the completion of the house in April. (It is not clear from the evidence we have uncovered whether this was communicated to the builder. If it was, why did the District not issue a stop-work order?)

The complainant should have filed an appeal

It is ironic that had Mr. Timmons attempted to file an appeal two months after having notice of the violations, he would have been estopped from asserting the violations. How can a fair reading of the Zoning rules permit Mr. Timmons to ignore the established process and, simply by constant letter-writing, bring about enforcement some four years later.

Here Mr. Timmons was led to believe early on that the District agreed that violations had occurred. However, so much time passed without corrective action, he should have concluded that it was necessary for him to bring an appeal. Moreover, he received letters on December 21, 2001, and February 26, 2002, stating that the passage of time made enforcement unlikely. He might have filed an appeal at that time but did not. He might have filed an appeal after the inspector's report of August 13, 2002, stating that there was no violation. His letter of August 29, 2002, to Doris Parker Woolridge, DCRA Gen. Coun. Office, shows quite clearly that he was aware of that report. Still, he failed to appeal, thus prejudicing the owner still further by delay.

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[5] It seems settled now that two months is the limit of reasonability. *Waste Mgmt. of Md.*, 775 A.2d 1117, 1122 (DC App. 2001).

The Evidence of Prejudice to the Applicant is a Sound Basis for Laches

Unlike estoppel, which deals with the timeliness of a third party appeal or enforcement action by the District, as the case may be, *laches* is concerned only with prejudice to the party asserting it, in this case the owner. "The principal element in applying the doctrine of laches is the resulting prejudice to the defendant, rather than the delay itself." *Bien*, at 127, citing *Goto* at 925. In *Wieck* the petitioner had purchased the house with an additional apartment in a backyard structure. The court ruled for the new property owner on the grounds of *laches* quoting Rathkopf, *Law of Zoning and Planning*, at 67-1 (3d ed. 1972): "Laches is a species of estoppel, being defined as the omission to assert a right for an unreasonably and unsatisfactorily explained length of time under circumstances prejudicial to the party asserting laches." In *Wieck*, the original property owner had notice of the violations and had received enforcement orders which were not pursued by the District. The court found as follows: (the similarity between the *Wieck* facts and ours is uncanny):

> If, at any time prior to May of 1974, when petitioner bought the P Street property, the zoning officials had followed up on the two prior enforcement orders, the petitioner might not have purchased the property, or if he had, he would not have done so in reliance on the presence of a valuable rental dwelling in the backyard. The Petitioner purchased the property for $165,000 and presented some evidence that the offending building was an asset worth approximately $25,000. The BZA, however, found that petitioner failed to present "the precise measure of injury in dollars and cents which would result from his having to remove the facilities in question." Although petitioner did not present evidence of the "precise measure of injury" in that he did not demonstrate how much the actual removal of the facilities would cost, we believe petitioner's showing of injury--from the loss of an income-producing property, the value of which was indubitably reflected in his purchase price--to be sufficient to find substantial prejudice to him as a result of the zoning officials' inexcusable delay." at 12

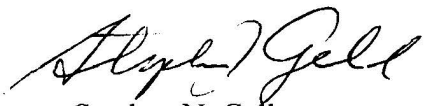
Similarly, in the instant case, had DCRA cited the builder at that time, or had Mr. Timmons or Wesley Heights Historical Society, or any individual, brought an appeal from the issuance of the building permit in a timely matter (to be judged in accordance with the facts of each case), the builder would have dealt with the matter. Even if the house had recently been sold, the McAdams's would have had a better case against the builder for redress. There can be no question that the McAdams's have been prejudiced.

Finally, In *Goto v. DCBZA,* 423 A.2d 917, a delay of 9 months between the final decision of the Chief of the Zoning Office that no permit was necessary and the filing of the appeal was considered sufficient to bar the appeal because of *laches*. at 926 The reason given is the prejudice to the tenant who had, by that time expended substantial sums to build the kiln in her back yard. The same concern for the homeowner which leads to the time limit for bringing an appeal should apply to the District when it delays enforcement of the zoning laws. Today we are experiencing the prejudice and injustice which can result from failure to have a time limit on appeals. Fundamental fairness demands that all the relevant parties have timely notice of the violations. Had that principle been observed, the McAdams's would not have been kept in the dark for three and a half years.

CONCLUSION

The Applicants should be granted a variance to allow the dormers and the top story to remain. The building fits nicely into the neighborhood and its maintenance in its present size has no perceivable negative effect on the nearby houses.

Yours very truly,



Stephen N. Gell

Cc: Rosalind Lazarus
John McAdams
John McGettigan

Enclosures:

Chronology
Letter from Jose Saiz, Long & Foster Co.
Proposal from J.A. Skillman Co., Inc.
Proposal from G. Morris Steinbraker & Sons, Inc.
Pictures of garage entrances to abutting houses

BZA Case No. 17039
2708 44th Street, N.W.

Re: Chronology prior to filing of Application for Variance

The following items come from letters provided to Mr. McAdams through an FOIA request, a chronology provided by Mr. Gibson in his letter to the Board of July 21, 2003 and a chronology included in Mr. Timmons letter to Mr. Clark, DCRA, on January 2, 2002. I have not seen the letters in all cases and, therefore, could not describe the contents.

Significant matters and those of which the McAdams's had notice are in bold type

Date of action or communication	Parties	Nature of action or communication
July 1997	**Builder**	**Building permit applied for**
February 1998	Builder	Construction started on foundation
May 14, 1998	Wesley Heights Historical Society to Zoning Administrator	Possible violations. Urged inspection.
May 19, 1998	ANC3D to builder	Urging conformance with regulations.
May, 1998	WH Hist. Soc. to ZA	
May 19, 1998	ANC3D to developer	
May, 1998	WH Hist. Soc. to developer.	
May, 1998	Builder	Foundation reconstructed at 13 ft. setback.
May, 1998	**Builder**	**Revision for dormers filed.**
June 12, 1998	WH Cit. Assn and WH Hist. Soc. to builder	Reminding of regulations
July 6, 1998	**Zoning Administrator**	**Revised plans approved.**
July 9, 1998	Timmons to ZA	Pointing out violations
July 30, 1998	Timmons to ZA	Re: status
August 20, 1998	Timmons to Patterson	Re: violations
August 20, 1998	Timmons to Office of Investig.	Re: violations
August 21, 1998	Office of Investig. to ZA	Referral for action
August 26, 1998	DCRA	Permit issued for revised plans
September 22, 1998	Kathy Patterson to DCRA	Has property been inspected?
October 12, 1998	Timmons to ZA	Re: status
October 12, 1998	Timmons to Office of Investig.	Re: status
November 20, 1998	Timmons to Patterson	Re: status
January 12, 1999	Timmons to Patterson	Re: status
January 21, 1999	ZA to Patterson (cc:Timmons)	Advising of permit errors, including the number of Stories, and indicating that a meeting was being scheduled with the BZA re: options.
January 27 1999	Timmons to BLRA	Re: various violations
February 14, 1999	Builder	Property advertised (over 7,000 sq. ft.)
February 16, 1999	Timmons to BLRA	Stop sale until zoning issues resolved.
February 26, 1999	BLRA to Timmons	Can't stop sale but enforcement not precluded.
March 22, 1999	**ZA**	**Building approved after inspection.**
April 14, 1999	**McAdams**	**Closing on the sale.**

April 30, 1999	Timmons to DCRA	Advised Lourenco that the house had been sold And builder was on notice.
May 4, 1999	Timmons to DCRA	Requesting status
May 19, 1999	Patterson to DCRA	What plans to bring the project into compliance?
June 4, 1999	Timmons to DCRA	Plans could not be found.
June 14, 1999	Timmons to DCRA	Re: status
June 14, 1999	Timmons to Patterson	Re: status
June 18, 1999	**ZA to developer**	**Detailing violations, including the number of stories**
June 21, 1999	WH Historical Society to Inspector General	Requesting investigation.
June 28, 1999	DCRA to Patterson	Copy of letter to developer
July, 1999	ANC3D chair to DCRA	Urging enforcement
September 28, 1999	WH Hist. Society to DCRA	Re: status
October, 29, 1999	Timmons to Mayor	Re: status and urging further action.
November 30, 1999	ANC to Mayor	Requesting enforcement
December 15, 1999	Timmons to Mayor	Re: status
January 5, 2000	Timmons verbal request to Mayor's assistant	Re: status
June 16, 2000	DCRA to Timmons	Matter referred to BLRA
July 14, 2000	Meeting: Timmons and DCRA	Re: enforcement. Rescheduled because Zoning officials did not attend.
July 25, 2000	Meeting with Timmons and Zoning office	Johnson promised a prompt written response
July 25, 2000	Timmons to Zoning Adm.	Summarizing meeting
August 29, 2000	Timmons to ZA	Re: status
September 7, 2000	Timmons to DCRA	Re: status
September 22, 2000	Timmons to ZA	Re: status
November 1, 2000	Timmons to CA	Suggesting meeting with ANC, etc.
November 13, 2000	Mayor's Office to Timmons	Referral to Office of Planning and Economic Development
November 22, 2000	Timmons to OPED (email)	Re: status
November 28, 2000	OPED to Timmons	Information has been referred to ZA
November 29, 2000	Timmons to OPED	Objects to referral.
November 30, 2000	Timmons to Mayor	Urges independent investigation of Zoning Office
December 4, 2000	Timmons to DCRA	Re: status
January 25, 2001	Timmons to ZA	Re: status
February 15, 2001	Timmons to BLRA	Re: status
March 6, 2001	Timmons to BLRA	Re: status
April 10, 2001	Timmons to DCRA	Re: status
May 18, 2001	ZA to Timmons	Re: status
May 30, 2001	Timmons to ZA	Re: status
July 20, 2001	Timmons to Bello	Re: status
October 16, 2001	Timmons to ZA	Re: status
October 16, 2001	Timmons to Mayor	Re: status
October 16, 2001	Timmons to Patterson	Re: status
November 27, 2001	Timmons to ZA	Re: status
November 27, 2001	Timmons to Mayor	Re: status

November 27, 2001	Timmons to Patterson	Re: status
November 30, 2001	Patterson to DCRA	Re: status
December 5, 2001	DCRA to Timmons (email)	Referral to Gregory Love
December 12, 2001	Timmons to Foster	Re: status
December 21, 2001	DCRA to Patterson	"quandary of retroactive enforcement" Questions ability to enforce where builder had valid permit and no evidence he provided false information.
January 2, 2002	Timmons to DCRA	Listing communications to or from District in 98-01
February 26, 2002	BLRA Administrator to Timmons	Same language as above. No specific promise to take action.
March 21, 2002	Timmons to DCRA	Re: status
August 13, 2002	Zoning Inspector	Inspection report : "No zoning violations on the premises" Subsequently "no" scratched out.
August 29, 2002	Timmons to DCRA Counsel	Taking issue with the inspector's report.
September 9, 2002	Timmons to DCRA Counsel	Re: status
September 24	Timmons to DCRA Counsel.	Re: status
October 2, 2002	Timmons to DCRA Counsel.	Re: status
October 23, 2002	Timmons to DCRA Counsel	Re: status
November 7, 2002	DCRA Gen.Counsel to Timmons	Recommendation will be ready soon.
November 18, 2002	**Notice to McAdams**	**Citing violations and demanding abatement.**
November 21, 2002	**DCRA General Counsel to Timmons**	**Referring to above. McAdams on the "cc" list.**
November 25, 2002	**McAdams to DCRA**	**FOIA request for documents.**
November 26, 2002	**McAdams to DCRA Gen. Coun.**	**Requesting time to research issues.**
March 18, 2003	**BLRA to McAdams**	**Order to Abate and Remove Top Story**
May 16, 2003	**McAdams**	**Application for variance and Appeal filed**
June 20, 2003	**DCRA to Patterson**	**New owners have applied for variance; DC can't force Lipnick to make corrections.**
July 22, 2003		**BZA Hearing**

LONG & FOSTER COMPANIES
LONG & FOSTER, REALTORS

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4650 East West Highway
Bethesda, Maryland 20814
Office: 301-907-7600
Fax: 301-907-6610

EXECUTIVE OFFICES
11351 Random Hills Road
Fairfax, Virginia 22030
703-359-1500
www.longandfoster.com

19 August 2003

Re: Home Value 2708 44th Street NW
Washington DC 20007

Dear John and Patricia McAdams

As per your request on altering the top floor of your home. The effect on the value of the house would be substantial; reducing the value of your top floor, changing it from usable living space to virtually a storage attic situation. Thus removing approximately one thousand -1,oooo - sqft from your usable living space or about twenty percent -20%- . As you know the market is very good now, but I will use *DC Govt.* tax records to calculate the rough financial loss to you. Improved value per DC tax records is $1,846,900.oo with a total building area of 5,600 sqft thus yielding you about $200.oo per sqft for a value. If you were to remove the dormers you are taking out about 1,oooo sqft of living space yielding a loss of about $400,000.oo to the value of your home. The above are, I consider, conservative numbers and do not take into account the cost of removal, repair, clean-up, and agravation.

I have been doing real estate for 20 + years and have and Associate Brokers License in Washington DC. Should you have any questions please contact me at 301.907.7600

Sincerely:

Jose Saiz

P.S. In past year two sales have had four (4) level homes sold in Berkley Sub.

1) 4512 Edmunds Street on 26 June 2003
2) 2227 49th Street on 20 December 2002

Proposal

J. A. Skillman Company, Inc.
11407 Frederick Road - Beltsville, MD 20705
Roofing and Sheet Metal Contractors (301) 937-4339

Mrs. John A McAdams
2708 44th St., NW
Washington, DC

August 7, 2003
Re: 2708 44th St., NW
Washington, DC

Remove all existing roofing shingles from entire roof and haul debris from the premises
Install 30# underlayment felt on entire roof
Install 50 year dimensional Carriage House roofing shingles on entire roof
Install copper drip edge at eave, copper pipe flashings and valley flashings. Chimney flashing to remain

Note: Removal of eight dormers and carpentry repairs to be performed by others

Materials guaranteed by manufacturer for (50) fifty years
Workmanship guaranteed for (2) two years from date of completion

WE PROPOSE to furnish all labor and material - complete in accordance with above specifications, and subject to the conditions found on both sides of this agreement, for the sum of:

Nineteen thousand six hundred eighty dollars($ 19,680.00).

Payment to be made as follows: Payment due in full upon satisfactory completion

Accepted. The above prices specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance _____

By _____

By _____

Respectfully Submitted

J. A. SKILLMAN COMPANY, INC.

By _____

Note: This proposal is valid for thirty days.

P6905

G. MORRIS STEINBRAKER & SON, INC. • BUILDING CONSTRUCTION
3207 GRACE STREET, N.W. • WASHINGTON, D.C. 20007 • (202) 333-1790

August 1, 2003

Mr. and Mrs. John McAdams
2708 44th Street N. W.
Washington, D. C. 20007

Dear Dr. and Mrs. Adams:

Pursuant to your request, we submit the following estimate for the proposed work to be done at your residence. This estimate is preliminary and for budget purposes only.

We propose to furnish all labor, equipment and materials necessary to complete the following listed work:

1) Erect safety and staging scaffolding around entire house from ground level to gutter line.
2) Eliminate electrical wiring and lights as necessary in dormers.
3) Remove eight existing dormer structures and windows.
4) Install rafters and plywood roof sheathing at old dormer locations.
5) Insulate rafter space.
6) Patch ceiling and side walls as required.
7) Remove scaffolding.

The approximate cost for this work will be $34,500.00. We have not included new roofing or painting work.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

David Steinbraker

G. David Steinbraker



2706 44th Street, N.W.





4400 Edmunds Street, N.W.