William E. Timmons
4426 Garfield Street, N.W.
Washington, DC 20007-1142

17 September 2003

Jerrily R. Kress
Director, BZA
Suite 210 South
441 – 4th Street, N.W.
Washington, DC 20001

Dear Jerrily:

Recently the Board of Zoning Adjustment approved a variance for Mr. and Mrs. McAdams at 2708 – 44th Street, N.W. (Case 17039). You may recall the McAdams' purchased their home unaware it was in violation of the zoning regulations. The ANC3-D and many neighbors supported the variance because the family was an innocent victim of the developer's actions.

However, the contractor was on notice before final construction that it must conform to both underlying zoning regulations and the Wesley Heights District Overlay. What penalties are going to be assessed the developer for a deliberate violation of the regulation? You can see the precedent here: build an illegal structure and quickly sell it to an unsuspecting buyer so there will be no consequence for the developer.

A second issue is what is the DC government going to do about zoning employees who approved these permits and consistently refuse to abide by the regulations? It seems they only get promoted!

I hope the BZA will make a recommendation on these two issues to the appropriate enforcement agency in the District government.

Thank you.

Sincerely,

William E. Timmons

BZA
Case No. 17039
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO. 17039
EXHIBIT NO. 45