GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Administrator

ORDER TO ABATE AND REMOVE THE TOP STORY

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

On August 13 and November 18, 2002, Inspector Allen James from the Department of Consumer and Regulatory Affairs, Building and Land Regulation Administration conducted inspections of the property at 2708 -44th Street, N.W., Washington, D.C. 20007.

The inspections revealed that the single-family structure is four stories, located in an R-1-B zone, and is within the Wesley Heights Overlay District. The area from the roof to the ceiling of the third story should have housed only the roof truss systems, ceiling joist, and any mechanical or electrical items. By adding the dormer(s) and creating occupiable space changed the house to a four-story structure, in violation of 11 DCMR Section 400.1. Pursuant to Section 400.1, the R-1-B zone limits improvements to a maximum of three (3) stories and forty feet (40 ft.) of height, measured from finished grade at the middle of the front wall, to the ceiling of the top story.

The inspection revealed that the structure exceeds the maximum allowable gross floor area in violation of 11 DCMR Section 1543.3 (a) and (b). Section 1543.3, provides in part that:

> "The gross floor area of all buildings and structures on the lot shall not exceed the sum of two thousand square feet (2,000- Sq. ft.) plus forty percent (40%) of The area of the lot; Provided, that the following modifications of gross floor area Shall apply in the WHOD: (a) the first two hundred square feet (200-sq. ft.) of Total open porch, or total open porch space if there is more than one open porch, And the first six hundred square feet (600-sq. ft.) of a garage shall not count in gross floor area; and (b) Basement or cellar floor area if finished floor is provided, if the floor to ceiling height in excess of six feet six inches (6 ft. 6 inches), and shall count only to floor area equal to five (5) times the total fenestration area for the cellar or basement floor."

The recorded size of the subject lot is 10,883.76 square feet. Therefore, pursuant to Section 1543.3 of the Wesley Heights Overlay District, the maximum gross floor area permissible is calculated as follows:

(10,883.76 sq. ft. x .40) + 2,000 sq. ft. = 6,353.2 sq. ft.

BZA
Case No. 17039
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17039
EXHIBIT NO. 4

The revision to the attic space increased the approved gross floor area by 962 square feet, thereby exceeding the maximum allowable gross floor area by 352.56 square feet.

5,743.76 sq. ft. + 962 sq. ft. = 6,705.76 sq. ft.

6,705.76 sq. ft. - 6,353.2 sq. ft. = 352.56 sq. ft.

Consequently, on August 18, 2002, you were served with the attached Notice of Violation and Notice to Abate within fifteen (15) days, and you failed to comply. Therefore, you are hereby ordered to restore the area from the roof to the ceiling of the third story to house only the roof truss systems, ceiling joist, and any mechanical or electrical items.

Please be advised that you may appeal this Order or file for a Special Exception and Variance with the Board of Zoning Adjustment to allow the excess height, the additional story, and for the gross floor area. Appeal to the Board of Zoning Adjustment may be filed at the following address:

Office of Zoning
441 4th Street, NW, Suite 210S
Washington, DC 20001

Attached are a *Zoning Self Certification Form* and an *Application for an Appeal* to the Board of Zoning Adjustment. Failure on your part to appeal to Board of Zoning Adjustment or abate the violations will cause this Department to refer your case to the Office of the Corporation Counsel for enforcement action which may include civil penalties, appropriate legal action, or both.

If you have any questions, you may contact my office at (202) 442-4560 or Karen M. Edwards, General Counsel at 202-442-8475.

3/18/03
Date

Denzil Noble
Acting Administrator