GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the General Counsel

NOV 21 2002

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

RE: Complaints concerning the property at 2708 44th Street, N.W

Dear Mr. Timmons:

This letter is in response to your letters dated August 29, 2002, October 2 and 23, 2002, concerning the property at 2708 44th Street, N.W. Your October 2 and 23, 2002 letters referenced another letter dated September 24, 2002, which was not received by the Department of Consumer and Regulatory Affairs (Department). In the letter dated August 29, 2002, you expressed some frustration in dealing with the alleged zoning violations at the above referenced address.

You alleged that there were several zoning violations at the subject premises located in the Wesley Heights Overlay district including the attic converted into a fourth story and the structure exceeding the maximum allowable gross floor area.

Contrary to your belief, the Department took your allegations seriously, and scheduled several inspections of the premises. The inspections revealed that the premises at 2708 44th Street, N.W., is a four story single family dwelling located in the Wesley Heights Overlay district and a R-1-B zone. The inspection also revealed that the fourth story is an occupiable and livable space, although currently being used as an attic for storage. Based on these findings the owner was cited for violation of Title 11 DCMR 400.1. Section 400.1 provides that a structure in an R-l-B zone shall not exceed three (3) stories.

Also the inspection and the advertisement revealed that the structure exceeds the maximum allowable gross floor area in violation of 11 DCMR 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

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square feet (600 sq. ft.) of a garage shall not count in gross floor area; and (b) Basement or cellar floor area if a 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 up to floor area equal to five (5) times the total fenestration area for the cellar or basement floor."

On November 18, 2002, the Department served the owners with a Notice of Violations and Notice to Abate the zoning violations. Agency Counsel had numerous conversations and conference calls with the owners of the premises. A meeting has been scheduled with the owners, who are cooperating with the Department, because they too want to bring the structure into compliance with the zoning laws of the District of Columbia.

If you have any questions, you may contact me at (202) 442-8475

Sincerely,

Doris A. Parker-Woolridge
Agency Counsel

David A. Clark, Director, DCRA
Denzil Noble, Acting Administrator, BLRA
Theresa Lewis, Deputy Director for Operations and Chief of Staff
Robert Kelly, Zoning Administrator
Grant Moy, Deputy General Counsel, OGC
Karen Edwards, General Counsel, OGC
Mr. and Mrs. John McAdams