Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

D.C. OFFICE OF ZONING
2003 OCT -7 PM 3:20

October 4, 2003

Ms. Jerrily R. Kress
Director, Office of Zoning
Suite 201 441 4th Street NW
Washington DC 20001

Re: BZA 17040 – 4417 Garfield Street NW

Dear Ms. Kress:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, October 1, 2003 at Sibley Memorial Hospital's Ernst Auditorium. Proper notice was given of this meeting through the newspaper, on our website and by posting notices around the neighborhoods. A quorum (4) was present at all times.

One of the items on our agenda was a request to consider the variance on the height of a garage roof at 4417 Garfield NW. Among those testifying were the owner, Mr. William Miller (a builder/developer), and Ms. Gladys Hicks, who was acting Zoning Administrator when the permit for the garage was approved and who is now a private consultant, with Mr. Miller as a client.

The house has a tangled history of neighbors charging zoning violations and zoning officials in DCRA insisting the house was in total compliance. Finally, DCRA's General Counsel was drawn into the case and ruled that the garage was 18 inches higher than the 15-foot height permitted by the zoning code. At that point, Mr. Miller sought a variance to permit the higher garage roof. ANC3D found that since the structure existed and since the excess over the permitted roof height was relatively inconsequential, it would be best to bring an end to the tangled controversy and approve the requested variance. The vote was 5-0-0 to approve this variance.

BZA
Case No. 17040
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17040
EXHIBIT NO. 25

The Commission, however, would like to cite the case as another example of the disturbingly frequent lack of observance and enforcement of the zoning code by the zoning office in DCRA in issuing building permits, and the tendency of builders and architects, presumable knowledgeable about the zoning and building codes, to stretch the zoning codes to the breaking point.

The Commission voted 4 to 1 in favor of this statement. The dissent came from a Commissioner who didn't think we should include the *obiter dictum* about lax enforcement of the zoning code.

The Commission hopes the BZA will accord the Commission's views the "great weight" to which it is entitled by law.

Sincerely,

John W. Finney
Chair
ANC3D