March 1, 2005

Jerrily R. Kress, FAIA
Director, Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR -4 PM 2:49

Regarding: DCBZA Application Number 17264

Dear Director Kress,

As residents of the Zone 6C and next door to the subject applicant's property which shares a party wall we are expressing not only our opposition to already illegally constructed Deck at 407 E – St., NE but also defend our basic rights. We, like everybody else do not believe that our Health and Privacy are something that can be compromised or to be compromised in our behalf for any reason. By granting the applicants not to dismantle the Deck, you will be denying our basic rights.

In the first meeting of the ANC 6C Committee, which was held on Feb 2nd, 2005 at 7:00 P.M. some Committee members voted for the Deck. Their decisions were based on the Grandfather Law. However, the Grandfather was not granted for this case by DCRA because The Law applies for existing construction to be repaired. Any new construction has to comply with new Zoning rules. That was the reason the case was referred to DCBZA. Therefore, this is our understanding that in the last ANC 6C meeting some committee members were not aware of the compliance of the Grandfather Law.

In the second meeting of ANC 6C Commission, which was held on Feb 9th, 2005 At 7:00 P.M. The Chairman of the Commission was not convinced that the Grandfather Law might apply at this case; he was suggesting leaving it up to DCBZA to make the decision and do the voting for the case. However, as soon as we were gathering our stuff to leave the stage area, one member of Commission suggested that since in the 1st meeting they voted in favor of the case according to the reasoning (Grandfather Law) of one of the Committee member, they should vote again for the second time in favor of the case.

Also at the end of the first meeting, a representative from the Capitol Hill Restoration Society approached us and said that he has heard our case and if we go to their meetings on Feb. 10th, 2005 he will be able to help us out by giving recommendation to DCBZA. Therefore, we attended their gathering the next day. The same person who suggested the Grandfather Law at the first meeting and caused the Commissioners to vote in favor of the case at the second meeting was one of the members of the Capitol Hill Restoration Society. Therefore, this

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concludes that all these decisions were influenced by only one person's suggestion.

As per our conversation with DCRA Zoning Department officials, they made it clear to us that if an existing non-conforming structure is dismantled or demolished the new codes must apply which call for maximum %60 land coverage for R4 Zone.

Please refer to the attached for the supporting legal documents. (Total 12 pages)

Sincerely,

Nasser & Fariba nejad
405 E – St., N.E.
Washington, DC 20002
202-271-3808
Nasser@builttech.com

CC: All the members