United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

APR 10 2006

IN REPLY REFER TO:

L30 (NCR-LRP)

2006 APR 11 PM 3:42
DC BOARD OF ZONING

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
4414th Street, N.W., Room 210 South
Washington, D.C. 20001

Re: BZA Appeal Number 17285 of Patrick J. Carome of Building Permit No. B460927, (4825 Dexter Terrace, N.W)

Dear Chairman Griffis and Board Members:

The National Park Service (NPS) opposes the Owners' Frank and Dina Economides request for reconsideration of the BZA Order of March 24, 2006. The NPS requests that the Board of Zoning Adjustment reaffirm its Finding of Fact and Conclusions of Law and maintain its Order in this case. Further, the NPS supports Appellant Patrick Carome's answer in opposition to Owner's request for reconsideration in this case.

The Board's Order correctly interprets District law. As a result Order protects large trees and steep slopes adjacent national parks in the District of Columbia. Further, the Order prevents stream parks, such as the one at issue, from being converted into canyons by sandwiching them between towering artificial walls and interconnecting platforms.

With respect to Owner's assertion that the NPS expert witness Mr. Robert Pinciotti's was impeached, the assertion is baseless. Mr. Pinciotti's testimony relative to the 1996 BOCA code represented only one small part of his testimony to the Board, and was made in direct response to the DCRA's stated reliance on the 1996 BOCA code. Moveover, Mr. Pinciotti provided the Board with extensive testimony regarding Mechanically Stabilized Earthen (MSE) structures and conclusively demonstrated, irrespective of the BOCA code, that the Owner's MSE structure is much more that a mere retaining wall.

Again, the NPS urges the Board to reject Owner's unsupportable request for reconsideration. Thank you for considering this request.

Sincerely,

David J. Murphy
Adjacent Lands Liaison

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17285
EXHIBIT NO. 105

TAKE PRIDE IN AMERICA

Board of Zoning Adjustment
District of Columbia
CASE NO. 17285
EXHIBIT NO. 105

Office of Lands, Resources, and Planning
National Capital Region
National Park Service
1100 Ohio Dr. SW
Washington, DC 20242
Fax: (202) 401-0017
Phone: (202) 619-7025

FAX

Please deliver the following pages

To:

Name: Cliff May

Phone: Ct 777-6072

From:

Name: David Murphy

Phone:

Date & Time:

Number of pages to *follow*:

Message:

Ref. BZA - Appeal # 17285