

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
(Potomac-Massachusetts)
Washington, D.C. 20016

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February 15, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RE: Appeal #17285
Hearing Date: March 1, 2005

Dear Mr. Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting February 2, 2005, at Sibley Memorial Hospital's Ernst Auditorium with a quorum (4) present at all times. Notice of the meeting appeared in the Northwest Current on January 26 and February 2, 2005, and meeting notices were posted in the ANC area. On the agenda was consideration of the Appeal of Patrick Carome concerning 4825 Dexter Terrace, NW. (Square 1381, Lot 806.) ANC 3D voted 6-0-0 to support Appeal #17285.

The February 2, 2005, meeting was attended by Mr. Carome on his own behalf and Richard Aguglia representing Frank and Dina Economides, owners of the subject property. At the beginning of the discussion, members of the commission, the two attorneys and members of the public were reminded by the chair that only issues related to BZA Appeal #17285 were to be addressed.

Mr. Carome opened his remarks, stating that the subject property is located within the Wesley Heights Overlay District and backs onto Wesley Heights Park. He stated that what had been built was not a retaining wall but rather a "walled platform structure" erected atop what was previously the upper portion of a wooded and steeply sloped ravine and situated within inches of Federal parkland. He argued that the building code limits the height of fence walls, therefore without the fill that was added behind the wall, each of the walls is a "fence wall" that is limited to a height of 7 feet in residential districts. Mr. Carome expressed concern about the quality of the fill dirt trucked in over time and the safety of the wall, noting there was no evidence in the DCRA files that periodic "wall checks" were performed during construction. He also cited the requirement in the Wesley Heights Overlay that limits lot occupancy to 30 percent. Mr. Carome referenced the Overlay and its intent to "preserve and enhance the low density

BZA

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character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area.”

Mr. Aguglia responded by saying that the owners of 4825 Dexter Terrace, NW want to have a useable back yard. He disagreed with Mr. Carome’s assertion that this is other than a retaining wall and noted that all permits for construction of the wall were properly obtained. He furnished the commission with a December 15 letter from Specialized Engineering regarding the integrity of the wall. He also asserted that wall checks had been performed but did not furnish verification. Mr. Aguglia also presented photographs of several other retaining walls of significant height in the area. With regard to the wall in this case, he stated that there was no impact to the parkland as a result of the wall and that the grade at the front of the house was the grade used to establish the height of the wall. Mr. Aguglia also told the commission that special, more absorbent soil from Spring Valley had been used as fill thus lessening the possibility of water runoff from the wall onto Federal parkland.

The commission also heard from George Watson, president of the Wesley Heights Historical Society and member of the ANC Zoning Committee, who spoke in support of the Appeal. Mr. Watson stated that grade would be measured from where the wall meets the earth, not the grade at the front of the house and reiterated that the allowable height for fence walls is 7 feet.

Spence Spencer, representing the Palisades Citizens Association (PCA), informed the commission that the vote of the PCA general membership taken the previous night unanimously supported the Appeal.

Dr. Steven Wolf, representing the Chain Bridge Road/University Terrace Preservation Committee, also spoke in support of the Appeal.

Daniel Tate, whose property is immediately southeast of the wall, expressed concern about the height of the wall that has resulted in a loss of light and air to his property. He noted the destruction that had taken place to both the parkland and wildlife that had lived in that area. He opined that the park views and its inhabitants had given his family great pleasure and contributed to their quality of life.

The commission voted unanimously 6-0-0 to support the Appeal of Patrick Carome based on the following:

- 1) The retaining wall is not in harmony with Title 11, § 1541, [the] Wesley Heights Overlay District. It does not “preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.”
- 2) The retaining wall impacts Federal parkland. Its construction has caused silt to cover parkland and has blocked the natural flow of water from Wesley Heights Park into the stream in Battery Kemble Park across 49th Street. The

drain at the base of the wall has created a new stream of water flowing from private property onto and through Federal parkland.

- 3) Question #6 of the *Environmental Health Administration Construction Permit Application, – Supplemental Form – Environmental Questionnaire* (TAB Q, dated 2/23/04) asks, “Will the proposed project involve construction that will disturb the sediment in rivers, streams or wetlands?” The applicant checked, “NO;”
- 4) The combined wall structure and the dwelling are in excess of the 30 percent lot occupancy allowed in the Wesley Heights Overlay District as specified in Title 11, §1543.2;
- 5) The height of the wall is in excess of seven feet as permitted under Title 12, § 3110A; and, the retaining wall examples presented by Mr. Aguglia failed to convince the commission that the structure is a retaining wall.
- 6) The incomplete permit application (TAB Q) indicates a new retaining wall will be constructed around the rear yard, but fails to indicate that the area behind the wall will be backfilled or that the property is in the Wesley Heights Overlay District;
- 7) The wall is built on the rear and side property lines and does not meet the setback requirements Title 11, §§ 404 and 405; and
- 8) Concern was expressed about the Spring Valley origin of the fill dirt as there is no indication that it was ever tested.

Therefore Advisory Neighborhood Commission 3D asks the Board of Zoning Adjustment to afford its 6-0-0 vote to support the Appeal of Patrick Carome the “great weight” to which it is entitled under District of Columbia law

Sincerely,



Alma H. Gates
Chair

Cc: Patrick Carome
Richard Aguglia