



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

IN REPLY REFER TO:

L30 (NCR-LRP)

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Ms. Jerrily R. Kress
Director
Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, N.W. Suite 210-S
Washington, D.C. 20001

Dear Ms. Kress:

In accordance with 11 DCMR 3112.15 (2003), the National Park Service requests permission to intervene in the Board of Zoning Adjustment Appeal No. 17285, Appeal of Patrick J. Carome of Building Permit No. B460927, authorizing construction of a massive wall and fill structure at 4825 Dexter Terrace, N.W. The National Park Service has specific rights and interests that will be affected by this action, and seeks intervention for good cause, namely, the protection of public health and safety, and the protection of National Park Service natural resources and property rights.

The structure at issue in this action was placed immediately adjacent to U. S. Reservation 529, otherwise known as Wesley Heights Park. The National Park Service believes that the structure is likely unsound and therefore may pose a threat to public health and safety within the park. Furthermore, parklands and resources have been, and will continue to be, negatively impacted by the structure in violation of law. Lastly, the structure's integrity is dependent on there being little or no ground disturbing activity on parkland in the vicinity of the wall. This wrongfully burdens United States property interests in the park, interferes with National Park Service resource management decisions, creates liability risks for the United States, and sets precedent of serious concern for property owners within the District of Columbia.

If intervention is granted, Mr. David J. Murphy, Park Ranger, Adjacent Land Liaison will represent the National Park Service. Mr. Murphy's presentation will address, in part, 1) pertinent facts concerning the setting of the structure and its proximity of National Park Service resources; 2) the Service's structural integrity concerns; and 3) existing and anticipated damage to park resources and park management.

In making our request to intervene, we reserve our rights to pursue all other legal remedies available to us. Thank you for your consideration of this important matter.

Sincerely,

Regional Director, National Capital Region

BZACase No. 17285Exhibit No. 36**TAKE PRIDE[®]
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Board of Zoning Adjustment
District of Columbia
CASE NO. 17285
EXHIBIT NO. 36