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WASHINGTON, D.C. 20007

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February 28, 2005

Mr. Geoffrey Griffin, Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington DC 20001

Reference: Appeal #17285
Hearing Date: March 1

To Chairman Griffin and Members of the Board:

This appeal involves the construction of a massive wall that has become not only an eyesore in our neighborhood, but also a symbol of excessive development that mocks the law and calls into question the competence and integrity of inspectors charged with enforcing it.

One of the hallmarks of good urban planning is that it seeks to incorporate human development within the natural landscape. Our section of Wesley Heights does just that, nestling homes on steep hills on the edge of federal parkland that runs through it. But for some reason, it has gotten into the heads of some developers and new home owners that they should be allowed to use bulldozers and huge amounts of landfill to create the flat back yards apparently favored by suburbanites. If they want such an amenity, let them live or do their business elsewhere. This is not Wesley Flats!

This is an important test case. As you are undoubtedly aware, it is now common for developers to buy perfectly fine houses in this and other neighborhoods with the express purpose of tearing them down and building oversized mansions on the same parcel, playing fast and loose with the zoning regulations and the permitting process. That was certainly the case here, starting with the "emergency" permit to tear down the original house issued after demolition had already begun. Were you to deny this appeal, you will be sending a strong signal to the development community that not only is this behavior acceptable, but that there will be little or no consequence for any developer who disregards the letter and spirit of the zoning regulations.

The landowner argues that height limits in the zoning regulations pertaining to walls and fences does not apply to "retaining walls." I am not a lawyer, but the logic that a retaining wall is not a wall is certainly lost on me. One purpose of the regulation is to spare neighbors unsightly views and keep things in scale—precisely the issue raised by the petitioner.

BZA

Case No. 17285

Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17285
EXHIBIT NO. 37

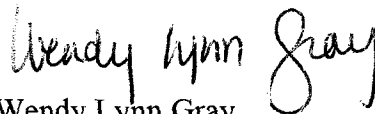
You should know that this case has become a cause celebre in the neighborhood. Happily, another agency of city government has already begun criminal proceedings in this matter. But how your agency handles this case will surely color our view of whether the city bureaucracy is run for the benefit of taxpayers and residents, or whether it is run for the benefit and convenience of city employees and select special interests.

I hope you will also not be bamboozled by any pleas from the property owner that he was merely trying to provide a backyard for his young children to play in. There is no guarantee that the property owner will, in fact, make this home his permanent residence. If he can earn a significant profit by flipping this property in a hot real estate market, he almost certainly will.

This case involves a flagrant and notorious violation of the zoning laws and regulations the Board has been charged with enforcing. It is a blight on our neighborhood that I am forced to look at daily from my front yard, lowering property values and diminishing my enjoyment of my property and my neighborhood. Along with virtually all our neighbors, I urge you to issue a firm, Reaganesque order in this appeal:

Mr. Economides, tear that wall down!

Respectfully,

A handwritten signature in black ink that reads "Wendy Lynn Gray". The signature is written in a cursive, flowing style.

Wendy Lynn Gray
Homeowner
4715 Fulton Street NW
Washington, DC

cc: Pat Carome
Hon. Kathy Patterson