

February 25, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, N.W.
Washington, D.C. 20001

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D.C. OFFICE OF ZONING
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Re: Appeal #17285
Hearing Date: March 1, 2005

Dear Mr. Chairman:

We support Appeal #17285 filed by Mr. Patrick Carome regarding the enormous walled platform/terrace structure that is under construction at 4825 Dexter Terrace, N.W.

This mammoth (175-feet long on one side, almost 30 feet tall at some points) four-sided, masonry block structure does not comply with applicable District and federal laws and regulatory provisions governing residential and building construction. DCRA permit approval was improperly and erroneously granted and must not be allowed to stand.

The structure's tallest point (almost thirty feet above existing grade) is less than ten feet from our residential property at 2715 49th Street, N.W. Its proximity and looming presence continually and significantly diminish our enjoyment of our home, and real estate agents and appraisers have told us informally that the structure directly and adversely affects the economic value of our property.

The structure is, among other things, a "fence wall" that marks and encloses the rear and side property boundaries of 4825 Dexter Terrace, N.W. As such, its thirty-foot height clearly violates then District's seven-foot height limitation on fences and "fence walls".

BZA

Case No. 17285
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 17285
EXHIBIT NO. 39

The structure is not a “retaining” wall. It was never designed or intended to “retain” (that is, prevent the movement, sliding or erosion of) native soil or other material originally situated on the 4825 Dexter Terrace property.

Instead, this four-sided structure was designed and intended to serve as a receptacle for tens of tons of non-native soil, fill-dirt and other material that was trucked into the 4825 Dexter Terrace property from distant sites.

We are also extremely concerned that the structure is unstable and unsafe. District records fail to show that the mandatory periodic “wall checks” were performed during construction. The attached DCRA letter states that the wall “was not inspected in stages of construction.” Any subsequent private inspections and/or assurances have to be discounted or, more appropriately, dismissed altogether because the structure currently shows unmistakable signs of instability (dozens of the masonry blocks are seriously cracked, and the faces and contours of the structure have numerous bulges and depressions) – and such flaws will multiply and be exacerbated over time.

Furthermore, it is entirely possible, as some have suggested, that our home and even our personal safety are in jeopardy. If the structure collapses, tens of tons of dirt and other material could partially bury our home. Worse, some of the trees beneath and beside the structure are seventy-five feet tall, and if one falls because its root system and stability are compromised by erosion and concentrated water run-off caused by the structure, our home could be destroyed.

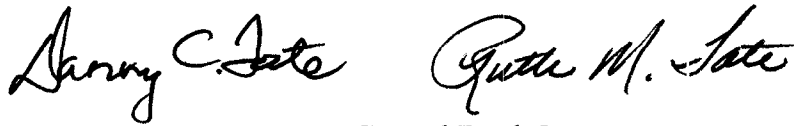
We also note that the structure and the 4825 Dexter Terrace property back onto Wesley Heights Park and are within the Wesley Heights Overlay District. The elevated platform or terrace of this structure appears to occupy more than thirty percent of the lot in violation of the Overlay’s limitation – and most certainly does so when measured in combination with the dwelling. Also, the structure is built within a few feet (in some instances, within mere inches) of rear and side property lines in violation of the Zoning Code’s minimum setback requirements.

We are pleased that both the Palisades Citizens Association and Advisory Neighborhood Commission 3D recently voted unanimously to support Mr. Carome’s appeal. Unquestionably, these actions reflect the genuine and

abiding concern of scores of our neighbors in the surrounding community and throughout the District with this construction project.

We respectfully urge the Board to uphold Mr. Carome's appeal.

Sincerely,

Handwritten signatures of Danny C. Tate and Ruth M. Tate. The signature of Danny C. Tate is on the left, and the signature of Ruth M. Tate is on the right.

Danny C. and Ruth M. Tate
2715 49th Street, N.W.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

DCRA/OGC FOIA # 5116

PUBLIC RECORDS



Building and Land Regulation Administration
Office of the Administrator

December 15, 2004

Frank and Dina Economides
4825 Dexter Terrace, NW
Washington, DC 20018

Re: Stop Work Order at 4825 Dexter Terrace, NW

Dear Mr. Economides and Ms. Economides:

Pursuant to District of Columbia Municipal Regulations (DCMR) Title 12, §102.2, a Stop Work Order (SWO) was issued November 29, 2004, for unauthorized construction subsequent to the issuance of three previous SWOs.

You will recall a SWO was issued November 2, 2004, by Inspector Juan Scott for working without posting the proper permits. The SWO was issued also because a review of the permit file revealed that no record existed that permitted the razing of the existing building and that a building permit for new construction was improperly issued to you as a revised permit.

Therefore, and in accordance with the agreement reached with you in the meeting November 30, 2004, which included staff of the Building and Land Regulation Administration, the Zoning Administrator's Office, the Environmental Division of the Department of Health (DOH), you are hereby required to submit plans and a DC Surveyor's Plat for a comprehensive review of the proposed new construction. Additionally, you are required to submit a Raze Permit Application for review.

DOH staff expressed a concern about erosion problems at the construction site, therefore, has given permission to do the following:

"Stabilize all disturbed/denuded areas by sodding, as outlined in the approved Soil Erosion and Sediment Control Plan. When completed, you must then call the Watershed Protection Division of the Department of Health at 535-2977 for final inspection."

DCRA-FOIA-00326

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Please be advised, that pursuant to the instructions above, all pertinent review of the building permit application and plans filed by you with this department has been completed with the exception of Public Space Review. The Department has it on confirmed inspection reports that illegal construction was continued on subject premises notwithstanding an effective SWO, to the extent that you excavated and constructed drive way access to your property involving work in public space without the required public space permit. Consequently, the Public Space Division is unable to complete review of the building permit application pending your filing of proper and required Public Permit Application for the illegal driveway under construction.

Please be further advised, that because the construction of the retaining wall was not inspected in stages of construction, this letter serves as notice that you are required to provide a structural certification from a DC registered professional engineer stating that all walls has been constructed in accordance with approved plans and that the retaining wall is structurally sound. As your professional engineer ought to be aware, the construction of this type of retaining wall requires continuous monitoring during construction. This includes proper block and pin placement, proper tensioning of the Geogrids reinforcement, and proper backfilling of back of the wall with suitable soil materials. The retainer soils should be compacted and tested to the required degree on compaction.

Therefore, the inspection report should contain all the specifications set forth on the design manual from Ryan & Associates, sections from 2.01 to 3.15. The SWO will remain in effect, other than site work permitted by DOH, until the review and subsequent approval of the required plans are completed.

You are herein put on notice, again, that the SWO of November 29, 2004, is still in full force and effect, and that no construction activity, other than as permitted by the DOH and stated above is permitted.

Pursuant to 12 DCMR §112.1, you have a right to appeal this SWO. That section provides:

APPEALS WITH THE DEPARTMENT: The owner of a building or Structure or any other person may initiate an appeal, within the Department from official orders, interpretations, refusals to grant approval or modifications, and other official actions or decisions, including appeals related to the DC Fire Prevention Code. Claimants shall appeal using a form provided by the Code Official, on which they shall state the grounds for the appeal, which shall be based on a claim that the true intent of the Construction Codes or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the Construction Codes do not fully apply, or that an

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equally good or better form of construction can be used. The appeal shall be filed within 15 days of the written letter.

In order to exercise this right, you must request an appeal, on the enclosed Appeal Request Form, mailed within three (3) calendar days of service of this Notice on you. The Appeal Request Form should be mailed first class postage prepaid to the Reviewing Official, Denzil L. Noble, Administrator, Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, NE, Suite 2000, Washington, DC 20002. Alternatively, you may hand deliver the Appeal Request Form to the Reviewing Official at the same address, within three (3) calendar days of service of this Notice to you. A copy of your Appeal Request Form and any other pleading or other relevant communication in this case should also be delivered or sent to Julie Lee, Acting General Counsel, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, NE, Suite 9400, Washington, DC 20002.

Within three (3) working days of the Department's receipt of your appeal, the Reviewing Official shall affirm, modify, or reverse the Department's previous action or decision. If the Reviewing Official affirms or modifies the previous action or decision, the claimant may request a review of the matter by the Director. Further, if the Reviewing Official does not act upon the appeal within three (3) working days, the decision will be deemed approved and the claimant may proceed to request the review by the Director. The appeal may be submitted by mail or in person, the manner described above for the initial appeal, the Director, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, NE, Suite 9100, Washington, DC 20002. The Director will act on the appeal within three (3) working days after receipt. The decision of the Director shall be the final decision of the Department. If the Director does not act within the three (3) working day period, or denies the appeal, you may further appeal the matter to the District of Columbia Board of Appeals and Review by filing an appeal by mail or in person, in the manner described above for the initial appeal, addressed to the Board of Appeals and Review, 441 - 4th Street, NW, Suite 540 South, Washington, DC 20001, within three (3) working days of the Director's decision.

Sincerely,



Abdullahi Barrow
Acting Chief, Building Inspection Division

cc: Theresa D. Lewis
Denzil L. Noble
Toye Bello
Julie Lee