

- **The structure is a retaining wall**
- **Retaining walls are exempt from yard restrictions under § 2503.3**
- **The retaining wall is not in violation of the Wesley Heights Overlay District**

- **THE STRUCTURE IS A RETAINING WALL**

- Burden of proof is on appellant to prove otherwise; appellant has failed to meet burden
- Appellant produced **NO SWORN TESTIMONY** from an expert showing otherwise
- Appellant's written evidence from his own expert engineers indicated that the structure was a retaining wall:

Neubauer - "rear yard retaining wall" Exh. No. 1 attached; Carome Exh. No. 89

Kilsheimer "a large geostructure type wall relying on earth characteristics and gravity for support in an acceptable bootstraps approach." Exh. No. 2 attached; Carome Exh. No. 88

- Appellant also submitted written evidence from intervenor property owner's own expert engineer that structure was a mesa site retaining wall
Exh. No. 3 attached; Carome Exh. No. 24
- Property owners have submitted an affidavit in the record from their expert engineer that property is a true retaining wall and that all properly constructed retaining walls must have an anchor and that the "anchor" for all mesa block retaining walls are the geogrids and clean fill dirt properly compacted
Exh. No. 4 attached

- **RETAINING WALLS ARE EXEMPT FROM YARD RESTRICTIONS UNDER § 2503.3**

§ 2503.3 reads as follows:

“A fence or retaining wall constructed in accordance with the D.C. Building Code may occupy any yard required under the provisions of this title.”

- **Given this unambiguous exception, there is no need to review the legislative (text) history of § 2503.3. Nevertheless, that history indicates that retaining walls are permitted as a matter of right in any part of a yard**
- **Case law we have provided supports the Zoning Administrator’s position on this issue that retaining walls are considered part of the landscaping (Exh. No. 5 attached)**

- Subject retaining wall was built in accordance with D.C. Building Code as evidenced by initials of Robert Chen, DCRA engineer, on application form under structural approval and on design book cover for retaining wall as well as by affidavit of engineer who designed the wall (Exh Nos. 6, 7 & 4)**
- There is no height restriction in the D.C. Building Code for retaining walls**
- The only requirement for retaining walls in the D.C. Building Code is that they be designed to ensure stability. (Exh No. 8)**
- Specialized Engineering monitored the compaction of “clean” soil daily to assure that it met the engineering design standards and verified the foundation design bearing capacity and geogrid lengths were in substantial compliance with those plans and specifications (Exh. No. 9)**

- **THE RETAINING WALL IS NOT IN VIOLATION OF THE WESLEY HEIGHTS OVERLAY DISTRICT**
 - **Many homes in the Wesley Heights Overlay District have retaining walls of varying heights (Exh. No. 10)**
 - **The Zoning Regulations for the Wesley Heights Overlay “refer” to residences and livable structures, not retaining walls, as evidenced by the legislative (text) history**
 - **Retaining walls are allowed in the underlying R-1-A zoning as a matter of right which is not in conflict with WHOD.**

NEUBAUER CONSULTING ENGINEERS, P.A.**7825 TUCKERMAN LANE, POTOMAC, MD 20854
(301) 299-7617 FAX (301) 299-6547**February 18th, 2005**Patrick Carome
4747 Fulton Street, N.W.
Washington, D.C. 20007****Re: Retaining wall at 4825 Dexter Terrace****Dear Mr. Carome:**

On the 14th of February I visited the parkland adjacent to the property at Dexter Terrace to review a newly constructed, approximately 420-foot long, rear yard retaining wall. The wall was built to permit the formerly sloping terrain to be filled in and leveled resulting in a large flat back terrace. During my visit, we discussed the history of the wall construction and you have since sent me the design calculations and drawings for the wall.

The retaining structure is comprised of a concrete masonry wall that is attached at intervals along its height to synthetic fabric mats (also called geogrids) that lay horizontally behind the wall, sometimes extending 27 feet back under the surface of the terrace. Fill soil is compacted atop these mats and it is the weight of this soil, in concert with the wall, which retains the soil of the terrace.

Based on only a visual, post-construction inspection, it is impossible to tell whether or not the wall was built according to the design. Proper compaction of the fill, preparation of the subgrade, installation of the correct length of geogrid and suitability of the existing soil are critical to the long-term success of this structural system. None of these can be verified without the property owner's permission. During our meeting you showed me a letter from a structural engineer stating that these items and others dictated by the wall design specifications had been inspected over the course of construction and were acceptable. Documentation supporting this claim has not been provided. Consider though that the inspectors would have to have visited the site at least twenty times during construction to verify geogrid lengths as that is the total number of layers of geogrid in the design drawings.

The design plans show that the wall is to be straight along its sides. The specifications require that "the wall installer's field construction supervisor shall have demonstrated experience and be qualified to direct all work at the site." However, there are significant bows in the wall that indicate to me the distinct possibility that the contractor was inexperienced. Furthermore, the specifications also state that no block shall be used with cracks longer than one-half of an inch. While I did not count them, I noticed many block with cracks their entire height (eight inches). You showed me a sketch that you and your

NEUBAUER

February 18th, 2005
Patrick Carome

page 2.

wife had made that represents that there are almost 100 of them. In my opinion, since the blocks are supposed to be interlocked with the geogrids, it is virtually impossible to replace the cracked ones.

General Note 13 in the wall design specifications call for the angle point at station 2+27 to be "built as a radius.....to prevent a vertical joint". This obviously was not done. Eliminating the radius should have been brought to the design engineer's attention for his comment. To my knowledge, this was not done.

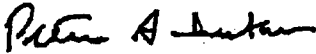
During our visit, you represented to me that counsel for the owner/developer stated, in response to concerns about runoff, that the soil used as fill behind the type wall was "of a type that was especially absorbant". Usually, one wants a freely draining soil as fill since that soil will prevent the buildup of hydrostatic (water) pressure. The more water there is in the soil the more pressure it puts on the wall. If this higher soil pressure is not accounted for in the wall's design, the wall could suffer structurally. If you notice in the design documents there is a layer of gravel immediately behind the block wall that runs its full height. This is intended to reduce the build-up of water within the soil adjacent to the wall by providing a passage for any water to a drainage pipe at the base of the wall.

In a few locations, mud has seeped through the block joints. The presence of a gravel drainage layer behind the wall, as shown in the design drawings, should prevent passage of any waterborne silt to the wall so that this seepage does not happen. However, there is no visible evidence that the drainage layer was installed as required.

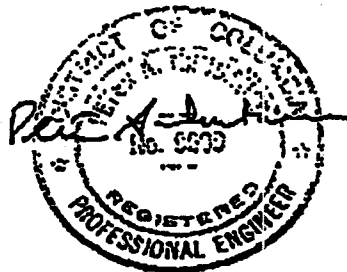
While none of this conclusively points to a poorly constructed wall, there are a number of issues that cast doubt on the quality of the construction and thus the safety of the wall. This is a significant structure, one that has potentially large public safety issues. To be anything other than extremely conscientious in the design and particularly in the installation of this kind of structure is taking a great risk in my opinion.

If any further information is desired, please let me know.

Very truly yours,


Peter A. Neubauer, P.E.

File: reside05\carome.1



FEB. 17. 2005 12:20PM KCE STRUCTURAL ENGINEERS

NO. 5624 P. 2

KCE STRUCTURAL ENGINEERS, P.C.

CONSULTING ENGINEERS • 1818 JEFFERSON PLADE, N.W. • WASHINGTON, D.C. 20036 • 202-833-8622

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February 16, 2005 – (Revised February 17, 2005)

Wilmer Cutler Pickering Hale and Dorr LLP
2445 M Street NW
Washington, DC 20037

Attn: Patrick J. Carome

Re: 4825 Dexter Terrace N.W.

Job No. 2005-10-16

Gentlemen:

You have asked that we review the large wall structure constructed along park service property at the subject project.

The structure is a large geostructure type wall relying on earth characteristics and gravity for support in an acceptable bootstrap approach.

We noted several items of importance regarding this structure:

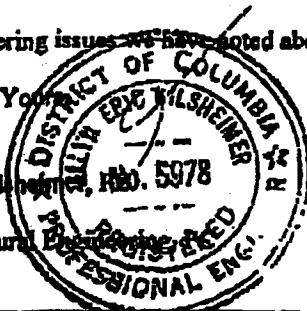
- Was a gravel drainage course installed along the back of the wall as it was constructed with a fabric drainage protective layer?
- Was the backfill material of a classification that was as required by the design?
- Are the weep hole drains (very limited) acceptable to the design engineer for the wall?
- Has the design engineer for the wall viewed the broken wall components especially at the base of the tallest section of the wall?
- We understand the "bulges" evident in the wall have occurred over time and may be increasing overtime in magnitude and number- has the design engineer reviewed the problem?

Our concern with a wall of the height and proximity to a running path is that, should it experience a failure, not only would it affect the space and people below but also the houses and their environs at the high grade behind the wall.

The engineering issues we have noted above should be carefully reviewed and responded to.

Very Truly Yours,

Allyn E. Kilgus
President
KCE Structural Engineers, P.C.
AEK/mgh



PROFESSIONAL REGISTRATIONS: COLORADO, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, ILLINOIS, LOUISIANA, MARYLAND, MASSACHUSETTS, MISSOURI, N.J.S.E., NEW JERSEY, NEW YORK, NORTH CAROLINA, OHIO, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VIRGINIA, WEST VIRGINIA, WISCONSIN

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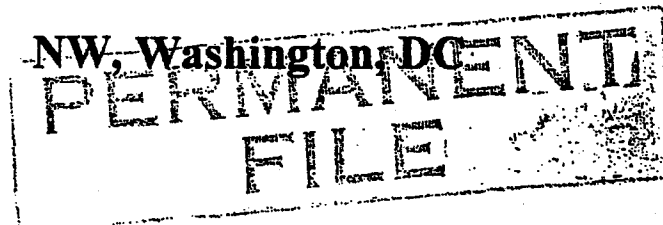
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Ryan & Associates *A Division of WKR Consulting, Inc.*

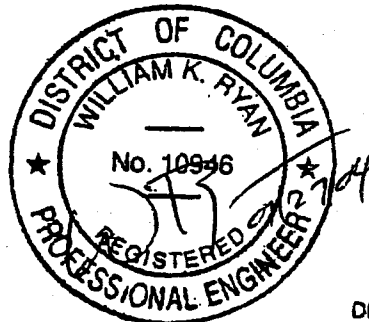
MESA SITE RETAINING WALL

FINAL DESIGNS FOR:

ECONOMIDES RESIDENCE



REVIEWED BY:



DISTRICT OF COLUMBIA
PERMIT PROCESSING DIVISION
STRUCTURAL WORK IN GENERAL
APPROVED SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION

Robert Chan
Structural Engr. Section
Date 7/3/05

BLOCK PRODUCER: York Building Products
PREPARED BY: Doug Statler of Ryan & Associates
RA PROJECT #: PA231304

Consulting & Design Engineers

.....

AFFIDAVIT OF WILLIAM K. RYAN

Affiant, being first duly sworn under oath, deposes and says as follows:

1. My name is William K. Ryan. I am an adult citizen of the United States of America of sound mind and body.

2. I am a civil, geotechnical and structural engineer with the following academic degrees:

Masters of Civil Engineering (M.S.) from Villanova in 1993.

Bachelors of Civil (Geotechnical & Structural) Engineering from University of Colorado in 1986.

3. I am certified as a professional engineer in 17 jurisdictions including the District of Columbia (#10946) and I am the principal of the firm of Ryan & Associates.

4. I have been a professional engineer since 1994 and I have reviewed and approved approximately 50 to 60 final design plans for Mesa block retaining walls similar to that designed by my company for the Economides residence in the District of Columbia.

5. The retaining wall is indeed a true retaining wall, contrary to the allegations by Patrick Carome in BZA Appeal No. 17285 that it is a fence or fence wall or part of a warehouse, platform or terrace.

6. All Mesa block retaining walls rely on a geogrid system (grids, properly compacted soil and gravel) for support.

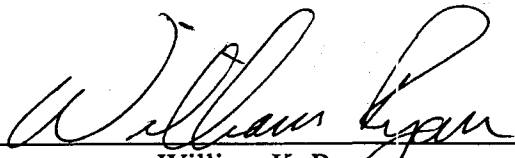
7. All properly constructed retaining walls whether or not Mesa blocks, rely on some in ground reinforcing system for support, such as geosynthetic grid, steel straps, steel reinforced concrete or wood "deadmen".

8. I reviewed and approved the final design for a Mesa site retaining wall as consistent with the D.C. Building Code for the Economides residence at 4825 Dexter Terrace, N.W., Washington, D.C. compiled by Doug Statler of my Pennsylvania office.

9. Zoning Counsel for the Economides, Richard Aguglia, has brought to my attention that Patrick Carome, a neighbor of the Economides, in BZA Appeal No. 17285, has questioned the authenticity of my seal of approval in those final design plans.

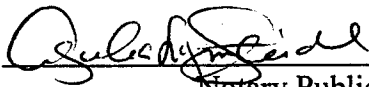
10. I hereby confirm that my seal of approval on those plans – 4 in all – (See Exhibit A attached hereto) is indeed authentic and valid and has not been forged.

Further affiant sayeth not.


William K. Ryan

Subscribed to and sworn before me this 29 day of March, 2005.

ANGELA LYNN STEIDL
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES MAY 7, 2008


Notary Public

My commission expires: May 7, 2008

Westlaw.

599 N.W.2d 666 (Table)
 229 Wis.2d 251, 599 N.W.2d 666 (Table), 1999 WL 395645 (Wis.App.)
 Unpublished Disposition
 (Cite as: 229 Wis.2d 251, 599 N.W.2d 666, 1999 WL 395645 (Wis.App.))

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NOTICE: UNPUBLISHED OPINION. RULE 809.23(3), RULES OF CIVIL PROCEDURE, PROVIDE THAT UNPUBLISHED OPINIONS ARE OF NO PRECEDENTIAL VALUE AND MAY NOT BE CITED EXCEPT IN LIMITED INSTANCES.

(The decision of the Court is referenced in the North Western Reporter in a table captioned "Wisconsin Court of Appeals Table of Unpublished Opinions".)

Court of Appeals of Wisconsin.
 Ambrose H. WILGER, and Geraldine Wilger,
 Plaintiffs-Respondents,

v.

DODGE COUNTY PLANNING AND
 DEVELOPMENT DEPARTMENT, and Dodge
 County Board of
 Adjustment, Defendants-Appellants.
 No. 98-1674.

June 17, 1999.

APPEAL from an order of the circuit court for Dodge County: DANIEL W. KLOSSNER, Judge.
Affirmed and cause remanded with directions..

Before Dykman, P.J., Roggensack and Deininger, JJ.

ROGGENSACK, J.

***1 The Dodge County Board of Adjustment (the board) appeals an order of the circuit court granting summary judgment in favor of Ambrose and Geraldine Wilger and reversing the board's decision denying the Wilgers' request for a "variance" [FN1] to DODGE COUNTY ZONING ORDINANCE § 6.2 (1994). The circuit court reversed the board's decision because it concluded that the board had proceeded on an incorrect theory of law and because its decision represented its will and not its judgment. We conclude that the board did not

proceed on a correct theory of law because it limited its review to whether the Wilgers' retaining wall constituted a detached accessory structure without deciding whether the retaining wall also constituted landscaping, which is excluded from the set-back provisions of § 6.2. Because we conclude that under the undisputed facts of this case, this retaining wall is landscaping, we affirm and remand to the circuit court so that it can order the board to direct the Administrator to issue the land use permit the Wilgers requested.

FN1. The Wilgers, who proceeded *pro se* prior to filing an appeal in circuit court, were told by the Administrator that they needed a land use permit in order to lawfully construct their retaining wall, so they applied for a land use permit. When the Administrator denied their request, they used the standard form for appeals to the board and filled in the first section of the form, which was labeled "VARIANCE." However, their application to the board was not from the denial of a request for a variance, but rather from the denial of the request for a land use permit. On appeal before this court, the imprecise use of the form was noted by their counsel, and we were asked to determine whether the board should have overturned the Administrator's denial of the land use permit the Wilgers requested. The board does not object to this potential procedural irregularity.

BACKGROUND

The Wilgers applied for a land use permit to reconstruct a retaining wall on their property. The retaining wall they proposed was located four inches inside of the Wilgers' north property line and was twenty-eight feet long varying in height from four feet above grade at its tallest, to grade level at its shortest. The Deputy Land Use Administrator denied the land use permit because he determined that the wall was an accessory structure which failed to comply with DODGE COUNTY ZONING

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ORDINANCE § 6.2 (1994), which he concluded required accessory structures to be set-back at least three feet from the lot line.

The Wilgers appealed the denial of the land use permit to the board. The board affirmed the Administrator's conclusion that the proposed retaining wall constituted an accessory structure which was subject to the set-back provisions of the ordinance. The board did not explain why the paragraph of the ordinance which exempts landscaping from the set-back provisions should not be applied to the retaining wall.

***2 The Wilgers then commenced an action in the circuit court seeking § 59.694(10), Stats., *certiorari* review of the board's decision. Thereafter, the Wilgers moved for summary judgment. Following a hearing, the circuit court granted summary judgment to the Wilgers and reversed the board's decision on the grounds that the board proceeded on an incorrect theory of law and that its decision represented its will and not its judgment. This appeal followed.

DISCUSSION

Standard of Review.

On *certiorari*, we review the decision of the board, not the circuit court. *Bettendorf v. St. Croix County Bd. of Adjustment*, 224 Wis.2d 735, 738, 591 N.W.2d 916, 918 (Ct.App.1999). Our review in this case is limited to the record [FN2] before the board and includes, among other things, whether the board proceeded under a correct theory of law. *Id.* at 739, 591 N.W.2d at 918.

FN2. Section 59.694(10), Stats., permits the circuit court to take additional evidence, but that was not done here.

The interpretation of a zoning ordinance under a set of uncontested facts is a question of law. *Hansman v. Oneida County*, 123 Wis.2d 511, 514, 366 N.W.2d 901, 903 (Ct.App.1985). Although the board's interpretation is generally entitled to some weight, we are not bound by its interpretation if a more reasonable alternative exists. *Id.*; *Marris v. City of Cedarburg*, 176 Wis.2d 14, 32-33, 498 N.W.2d 842, 850 (1993).

Zoning Ordinance.

The zoning ordinance in question is DODGE COUNTY ZONING ORDINANCE § 6.2 (1994). That section provides:

Accessory Uses and Detached Accessory Structures in aggregate, shall not exceed 960 square feet in platted residential subdivisions or on individual residential lots of one (1) acre or less. On residential lots over one (1) acre in size which are *not* in residential subdivisions, accessory uses and detached accessory structures in aggregate may exceed 960 square feet in area, but in no case shall exceed 1,400 square feet in area.

....

Detached accessory structures shall not be closer than ten (10) feet to the principal structure; shall not exceed fifteen (15) feet in height and shall not be closer than three (3) feet to any lot line or five (5) feet to any alley line.

....

Landscaping and Vegetation are exempt from the yard requirements of this Ordinance.

The board's record includes definitions of the relevant terms. For example, the DODGE COUNTY ZONING ORDINANCE § 12 (1994) defines "accessory structure" as a "detached structure subordinate to the principal use of a structure, land or water, and located on the same lot or parcel serving a purpose customarily incidental to the principal structure," and defines "structure" as "[a]ny erection or construction...." The board also adopted a development book definition of a "retaining wall" as "[a] structure constructed to hold back or support an earthen bank." Based on these definitions, the board concluded that the Wilgers' retaining wall was a detached accessory structure subject to the set-back provisions of DODGE COUNTY ZONING ORDINANCE § 6.2 (1994). While the ordinance did not define "landscaping," the record contains a photocopy of a page from a dictionary, defining [FN3] the term "landscaping," as "adorn [ing] or improv[ing] (a section of ground) by contouring the land and planting flowers, shrubs, or trees." However, the record does not reflect whether the board concluded that landscaping, which also fits the definition of an accessory structure, is nevertheless subject to the ordinance

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set-back requirements, or whether it did not come to any conclusion in regard to whether the Wilgers' retaining wall was landscaping, in the first instance.

FN3. The rules for the construction of statutes and ordinances are the same. *Bettendorf v. St. Croix County Bd. of Adjustment*, 224 Wis.2d 735, 739, 591 N.W.2d 916, 918 (Ct.App.1999). As such, non-technical terms not defined in the ordinances must be given their ordinary and accepted meaning and that meaning may be ascertained from a recognized dictionary. See *State v. Williquette*, 129 Wis.2d 239, 248, 385 N.W.2d 145, 149 (1986).

***3 Public policy favors the free and unrestricted use of property. *Crowley v. Knapp*, 94 Wis.2d 421, 434, 288 N.W.2d 815, 822 (1980). Accordingly, restrictions contained in a zoning ordinance must be strictly constructed. *Id.* A provision in a zoning ordinance, which restricts the use of property, must be in clear, unambiguous, and peremptory terms. *Hansman*, 123 Wis.2d at 514, 366 N.W.2d at 903. In the interpretation of an ordinance, we apply the same rules of construction as we apply with statutory interpretation. *Marris*, 176 Wis.2d at 32, 498 N.W.2d at 850. An ordinance is to be interpreted so none of its provisions are superfluous and to do otherwise is not a reasonable construction of the ordinance. *Id.* at 34, 498 N.W.2d at 851.

The board concluded that the retaining wall was an accessory structure and that decision is not challenged on appeal. However, we must also determine whether it is landscaping, because if it is, the conclusion that it is an accessory structure is not dispositive of whether it must comply with the yard set-back requirements. This is so because DODGE COUNTY ZONING ORDINANCE § 6.2 (1994) unambiguously provides an exclusion from the set-back requirements for accessory structures which also are determined to be landscaping: "Landscaping and Vegetation are exempt from the yard requirements of this Ordinance."

We have been presented with an undisputed description of the particular retaining wall at issue here. We also note that on appeal the board does

not argue that this retaining wall is not landscaping, even though that was the basis on which the circuit court concluded that the board had operated under an incorrect theory of law and the respondent's brief also asserted that the retaining wall is landscaping and therefore excluded from compliance with the set-back requirements of DODGE COUNTY ZONING ORDINANCE § 6.2 (1994). Instead, the board contends only that the terms "landscaping" and "retaining wall" are not defined terms in the ordinance. However, the lack of a definition within the ordinance itself is not conclusive of the issue we must decide.

The dictionary [FN4] definition of "landscaping," which the board had before it, included "contouring the land." The definition of "retaining wall," from the board's development book was "support[ing] an earthen bank." These two definitions are similar. Because the board does not contend that this retaining wall is not landscaping, and because we must give effect to all provisions of an ordinance, it is reasonable to conclude that this retaining wall is landscaping. Furthermore, under the cannons of construction, this conclusion is more reasonable than failing to address the landscaping exclusion in the ordinance, as the board did. *Marris*, 176 Wis.2d at 32-33, 498 N.W.2d at 850. Accordingly, we conclude that the board erroneously interpreted DODGE COUNTY ZONING ORDINANCE § 6.2 (1994), which interpretation must be overturned. Because we have concluded that the Wilgers' retaining wall is landscaping; and therefore exempt from the set-back provisions of § 6.2, we remand to the circuit court with directions that it issue an order requiring the board to direct the Administrator to issue the land use permit the Wilgers requested.

FN4. The dissent contends that the majority opinion has overlooked the dictionary definition of landscaping. However, we have applied the dictionary definition the board had before it.

CONCLUSION

***4 The board did not proceed on a correct theory of law because it limited its inquiry to whether this retaining wall constituted a detached accessory structure without considering whether it also constituted landscaping which is exempt from the

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set-back provisions of DODGE COUNTY ZONING ORDINANCE § 6.2 (1994)))))))))).

By the Court.-- Order affirmed and cause remanded with directions.

Not recommended for publication in the official reports.

DYKMAN, P.J. (*dissenting*).

There are two problems with this case, one procedural and one substantive. The procedural problem began when Wilger presented an application for a variance to the Dodge County Board of Adjustment. The board heard Wilger's evidence and denied the variance. It probably was not until the circuit court heard the case on review that the issue arose as to whether Wilger's wall fell within the "landscaping" exception to the side-yard setback requirements of DODGE COUNTY ZONING ORDINANCE § 6.2 (1994). It is therefore not surprising that the "landscaping" exception played a small part in the board's findings of fact and conclusions of law. Even Wilger concedes that if we conclude that the real issue is whether the board improperly denied his petition for a variance, he cannot prevail.

The majority unfairly criticizes the board and reverses the board's decision because it failed to address the landscaping exclusion to the side-yard setback requirements. I recognize that Wilger was pro se, but in my view, that is no reason to unfairly treat the board as if it had failed to address the issue the majority now concludes is dispositive. The board addressed the issue Wilger raised. Nonetheless, I conclude that the real issue is whether Wilger's wall is subject to Dodge County's side-yard setback requirements. Fairness requires a remand to permit the board to decide the real issue. However, the majority has decided that even were the board to conclude that Wilger's wall was not "landscaping," the majority would decide otherwise. I will therefore explain why, given the choice of affirmance or reversal, I would reverse.

This is a certiorari review. As we noted in *State ex rel. Ortega v. McCaughtry*, 221 Wis.2d 376, 386, 585 N.W.2d 640, 646 (Ct.App.1998), the test on

certiorari review is "whether reasonable minds could arrive at the same conclusion the committee reached." A municipal body's adverse decision in a zoning case may be set aside on certiorari review if the action is arbitrary, oppressive, or unreasonable, representing an act of will instead of judgment. See *Eternalist Found., Inc. v. City of Platteville*, No. 98-1944, slip op. at 8 (Wis. Ct.App. Mar. 18, 1999, order published Apr. 21, 1999). On certiorari review, we determine whether: (1) the board kept within its jurisdiction; (2) the board proceeded on a correct theory of law; (3) the board acted in an arbitrary, oppressive or unreasonable manner, representing its will and not its judgment; and (4) the evidence was sufficient for the board to reasonably make the order or determination in question. See *Schroeder v. Dane County Bd. of Adjustment*, No. 98-3615, slip op. at 6 (Wis.Ct.App. May 13, 1999).

***5 In reviewing decisions of an adjustment board, we are to keep in mind that courts should be hesitant to interfere with administrative decisions. See *Snyder v. Waukesha County Zoning Bd.*, 74 Wis.2d 468, 476, 247 N.W.2d 98, 103 (1976). We are to accord the decision of the board of adjustment a presumption of correctness and validity. See *Miswald v. Waukesha County Bd. of Adjustment*, 202 Wis.2d 401, 408, 550 N.W.2d 434, 436 (Ct.App.1996). Wilger carries the burden of overcoming this presumption of validity and correctness. See *Miswald*, 202 Wis.2d at 411, 550 N.W.2d at 437. We may not substitute our discretion for that committed to the board by the legislature. See *Snyder*, 74 Wis.2d at 476, 247 N.W.2d at 103.

The majority concludes that the board founders on the second of the four appellate rocks, which requires that the board proceed on a correct theory of law. That makes this case really not that difficult. It is undisputed that the wall in question is a "detached accessory structure," as that term is defined in the DODGE COUNTY ZONING ORDINANCE § 6.2. Therefore, the only question is whether the wall is "landscaping," which is exempt from the ordinance's side-yard setback requirements.

While the interpretation of an ordinance is a

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question of law, *see Marris v. City of Cedarburg*, 176 Wis.2d 14, 32, 498 Wis.2d 842, 850 (1993), we give various degrees of deference to a board of adjustment's interpretation of a county zoning ordinance. *See id* at 33, 498 N.W.2d at 850. We are to give due weight to the board's experience, technical competence and specialized knowledge. When a legal question is intertwined with factual determinations or with value or policy determinations, a court should defer to the board. *See Marris*, 176 Wis.2d at 33, 498 N.W.2d at 850 (citing *West Bend Educ. Ass'n. v. WERC*, 121 Wis.2d 1, 12, 357 N.W.2d 534, 539 (1984)).

The board impliedly concluded that Wilger's wall was not "landscaping," and therefore was not exempt from the ordinance's side-yard setback requirements. [FN1] While the board's decision could be clearer, the question is not whether the board repeated some magic language, but whether the evidence was such that the board "might reasonably make the order in question." *Marris*, 176 Wis.2d at 24, 498 N.W.2d at 846 (footnote omitted). If the majority's real disagreement with the board is that it failed to explain itself well enough, the remedy is not to affirm, but to remand so that the board can provide the necessary explanation. *See Thorp v. Town of Lebanon*, No. 98-2358, slip op. at 23 (Wis. Ct.App. Mar. 11, 1999, ordered published, Apr. 21, 1999); *see also State ex rel. Lomax v. Leik*, 154 Wis.2d 735, 741, 454 N.W.2d 18, 21 (Ct.App.1990).

FN1. It is not possible to know whether the board considered the "landscaping" exception, and rejected the majority's conclusion that the wall was "landscaping" or whether, since Wilger requested a variance, it did not consider the question. Certiorari review assumes the former, and therefore, so will I.

***6 The evidence is more than sufficient. The wall in question is twenty-eight feet long and four feet high (at its highest point), and is made of concrete block. A fence is constructed atop the wall. The only question is whether this wall fits the definition of "landscaping." The ordinance does not define "landscaping." We therefore look to standard dictionaries to ascertain its meaning. *See State v.*

Shea, 221 Wis.2d 418, 427, 585 N.W.2d 662, 665 (Ct.App.1998). A dictionary definition of "landscaping" found in the record is: "To adorn or improve (a section of ground) by contouring the land and planting flowers, shrubs or trees." Another dictionary defines "landscaping" as "to modify or ornament (a natural landscape) by altering the plant cover." MERRIAM WEBSTER'S COLLEGIATE DICTIONARY 654 (10th ed.1993). Neither description can reasonably be stretched enough to include a twenty-eight foot long, four foot high concrete block wall, though that is not the test we use on certiorari review.

The majority rejects these definitions, reviewing de novo the board's implied decision accepting them. This ignores the very definition of a certiorari review, as being an inquiry into whether a board *could have* reasonably made the decision that it did. *See Miswald*, 202 Wis.2d at 410-11, 550 N.W.2d at 437. I conclude that it could have. "The necessity of looking to a standard dictionary to ascertain the usual meaning of a word does not render the word ambiguous as used in a statute." *Shea*, 221 Wis.2d at 427, 585 N.W.2d at 665. The board could have used either or both of the dictionary definitions of "landscaping" found earlier in this opinion to conclude that the wall was not landscaping.

Whether we would sustain the board had it used the majority's assumption that there is an identity of meaning between "retaining wall" and "landscaping" is not before us. But whether that assumption is more reasonable than using a dictionary definition implicates the judicial standard of review of board decisions that the supreme court set out in *Marris*. I conclude that a standard dictionary definition of a word, in this case, "landscaping" is a reasonable interpretation of a word. I conclude that an unsupported assertion that "retaining wall" and "landscaping" have the same meaning is not, or at least is not more reasonable than the standard dictionary meaning.

Under the majority's definition of "landscaping," which uses the concept of "supporting an earthen bank," bridge and railroad abutments would qualify as landscaping, as would basements and mine shafts. But piling dirt against a wall does not make the wall "landscaping." I cannot accept that the

599 N.W.2d 666 (Table)
 229 Wis.2d 251, 599 N.W.2d 666 (Table), 1999 WL 395645 (Wis.App.)
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majority's definition, essentially an *ipse dixit*, is more reasonable than the one found in the dictionary. [FN2] And that is the test the majority's decision must pass. Under the standard of review set out in *Marris*, we are to defer to an adjustment board's conclusion as to the meaning of its county ordinance. The majority's review of the board's decision does not do so, and it is not a certiorari review.

FN2. The majority notes "Because the board does not contend that this retaining wall is not landscaping ... it is reasonable to conclude that this retaining wall is landscaping." This is not my understanding of the board's brief. Although the board argues extensively that it properly denied Wilger's request for a variance, it also asserts: "The Court of Appeals must review the board's October 2, 1997 Decision in which the board determined that the ... wall that the Wilgers constructed ... is an 'accessory structure' and not 'landscaping' under the relevant provisions of the Zoning Ordinance." Though perhaps myopic, this assertion cannot be interpreted as a failure to contend that the wall is not landscaping.

***7 Were I writing for the majority, I would remand this case to the trial court to remand to the board with instructions to consider whether Wilger's wall is "landscaping," thereby exempting it from the ordinance's side-yard setback requirements. Failing in that, I would reverse because under the limited review provided by certiorari, the four requirements of certiorari have been met. Because the majority does neither, I respectfully dissent.

229 Wis.2d 251, 599 N.W.2d 666 (Table), 1999 WL 395645 (Wis.App.) Unpublished Disposition

END OF DOCUMENT

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(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A. PERMIT CONTROL**

Arts by: _____ Date: _____
 oric by: _____ Date: _____
 IC by: _____ Date: _____
 Gateway by: _____ Date: _____
 / Obs. Precinct by: _____ Date: _____
 d Control by: _____ Date: _____
 ATA by: _____ Date: _____
 dem. by: _____ Date: _____
 by: _____ Date: _____
 tal Account. by: _____ Date: _____
 atown Distr. by: _____ Date: _____
 ty Clearance by: _____ Date: _____
 eral Liability Ins. Policy
 rance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

ing by: _____ Date: _____
 — Permit and Records Division
 ess to Parking Street ☐ Street ☐ Alley
 ared by: _____ Date: _____
 - Consumer Engineer
 ared by: _____ Date: _____
 - Erosion Control
 ared by: _____ Date: _____

of the Permit:

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 2/23/04
☐ 2. Information Center by: _____ Date: _____
 ☐ (a) ABC Board by: _____ Date: _____
 ☐ (b) Noise Control by: _____ Date: _____
 ☐ (c) Industrial Safety by: _____ Date: _____
 ☐ (d) Vector Control by: _____ Date: _____
 ☐ (e) D.C. Animal by: _____ Date: _____
 ☐ (f) Police Dept. by: _____ Date: _____
☒ 3. Zoning by: Jim Date: 4/22/04
 Zoning Update by: _____ Date: _____
☐ 4. DPW - Permit and Records Division/Deposit #
 Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
 by: _____ Date: _____
☐ 5. Water/Sewer Design Branch
 Consumer Eng. by: _____ Date: _____
☐ 6. Environmental Regulation Administration
 ☐ Environmental Policy Review
 Control No.: _____
 by: _____ Date: _____
☒ Erosion Control by: Re/AB Date: 4-20-04
☐ Storm Water Mgmt. by: AB Date: 4-5-04
 Plan No. _____
☐ 7. Mechanical Eng. Review by: _____ Date: _____
☐ 8. Plumbing Eng. Review by: _____ Date: _____
☐ 9. Electrical Eng. Review by: _____ Date: _____
☐ 10. Health Plan Review
 ☐ (a) Food Plan Review by: _____ Date: _____
 ☐ (b) Medical X-ray Plan Rev.
 by: _____ Date: _____
☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section)
 by: _____ Date: _____
☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
☐ 14. Construction Insp. Branch (Field Check)
 by: _____ Date: _____
☐ 15. Historic Pres. Div. by: _____ Date: _____
☒ 16. Structural Eng. by: WAL Date: 4/23/04
☐ 17. Permit and Certificate Issuance Counter
 By: _____ Date: _____
☐ 18. Q.C. By: WAL Date: 4/23/04

DPW — PUBLIC SPACE

Street Name: _____
 Street Width: _____
 Road Width: _____
 Sidewalk Width: _____
 Parking: _____
 Restrictions: _____

BZA Case No.: _____

PUD Order No.: _____

Main Office
157 W. Fairview St., P.O. Box 1834
Portland, OR 97202-1834
Phone: (503) 260-9514
Fax: (503) 260-9514

Office
12257 60th Ave. S.
Burien, OR 97147-4700
Phone: (503) 477-4700
Fax: (503) 477-4710

Ryan & Associates, Inc. a division of Ryan Consulting Inc.

MESA SITE RETAINING WALL

West Way 1

FINAL DESIGNS FOR:

ECONOMIDES RESIDENCE

NW, Washington DC



WPF
01/27/04

371-370-4665

BY: R. P. Ryan, P.E.

York Building Products

PREPARED BY:

Doug Sargent of Ryan & Associates

DATE: 01/27/04

PA231310

[Handwritten signature]

1997 - 4811 (North)

4811 (North)

4811

1609.6.4.1 Overhang loads. The pressures to be used for the effects of roof overhangs on MWFRS shall be taken from Table 1609.6.2.1(1) and includes the effect of the wind on both the bottom and top surfaces.

1609.6.5 Components and cladding. Pressure for wind-loading actions on components and cladding shall be determined from Table 1609.6.2.1(2) for enclosed portions of the building and Table 1609.6.2.1(3) for overhangs, based on the effective area for the element under consideration. The pressures in Table 1609.6.2.1(3) include internal pressure. The pressure shall be applied in accordance with the loading diagrams in Figure 1609.6(2).

1609.7 Roof systems.

1609.7.1 Roof deck. The roof deck shall be designed to withstand the wind pressures determined under either the provisions of Section 1609.6 for buildings with a mean roof height not exceeding 60 feet (18 288 mm) or Section 1609.1.1 for buildings of any height.

1609.7.2 Roof coverings. Roof coverings shall comply with Section 1609.7.1.

Exception: Rigid tile roof coverings that are air-permeable and installed over a roof deck complying with Section 1609.7.1 are permitted to be designed in accordance with Section 1609.7.3.

1609.7.3 Rigid tile. Wind loads on rigid tile roof coverings shall be determined in accordance with the following equation:

$$M_a = q_h C_L b L L_a [1.0 - G_{c_p}] \quad (\text{Equation 16-14})$$

$$\text{For SI: } M_a = \frac{q_h C_L b L L_a [1.0 - G_{c_p}]}{1000}$$

where:

b = Exposed width feet (mm) of the roof tile.

C_L = Lift coefficient. The lift coefficient for concrete and clay tile shall be 0.2 or shall be determined by test in accordance with Section 1715.2.

G_{c_p} = Roof pressure coefficient for each applicable roof zone determined from Section 6 of ASCE 7. Roof coefficients shall not be adjusted for internal pressure.

L = Length feet (mm) of the roof tile.

L_a = Moment arm feet (mm) from the axis of rotation to the point of uplift on the roof tile. The point of uplift shall be taken at $0.76L$ from the head of the tile and the middle of the exposed width. For roof tiles with nails or screws (with or without a tail clip), the axis of rotation shall be taken as the head of the tile for direct deck application or as the top edge of the batten for battened applications. For roof tiles fastened only by a nail or screw along the side of the tile, the axis of rotation shall be determined by testing. For roof tiles installed with battens and fastened only by a clip near the tail of the tile, the moment arm shall

be determined about the top edge of the batten consideration given for the point of rotation of tiles based on straight bond or broken bond and tile profile.

M_a = Aerodynamic uplift moment feet-pounds (N-m) acting to raise the tail of the tile.

q_h = Wind velocity pressure psf (kN/m²) determined from Section 6.5.10 of ASCE 7.

Concrete and clay roof tiles complying with the following limitations shall be designed to withstand the aerodynamic uplift moment as determined by this section.

1. The roof tiles shall be either loose laid on battens, mechanically fastened, mortar set or adhesive set.
2. The roof tiles shall be installed on solid sheathing which has been designed as components and cladding.
3. An underlayment shall be installed in accordance with Chapter 15.
4. The tile shall be single lapped interlocking with a minimum head lap of not less than 2 inches (51 mm).
5. The length of the tile shall be between 1.0 and 1.5 feet (305 mm and 533 mm).
6. The exposed width of the tile shall be between 0.9 and 1.25 feet (204 mm and 381 mm).
7. The maximum thickness of the tail of the tile shall not exceed 1.3 inches (33 mm).
8. Roof tiles using mortar set or adhesive set system shall have at least two-thirds of the tile's area free of mortar or adhesive contact.

SECTION 1610 SOIL LATERAL LOAD

1610.1 General. Basement and retaining walls shall be designed to resist lateral soil loads. Soil loads specified in Table 1610.1 shall be used as the minimum design lateral soil load unless specified otherwise in a soil investigation report approved by the building official. Design lateral pressure from surcharge loads shall be added to the lateral earth pressure load. Design lateral pressure shall be increased if soils with expansion potential are present at the site.

1610.2 Retaining walls. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

SECTION 1611 RAIN LOADS

1611.1 Design rain loads. Each portion of a roof shall be designed to sustain the load of rainwater that will accumulate on it if the primary drainage system for that portion is blocked plus

TABLE 1610.1
SOIL LATERAL LOAD

DESCRIPTION OF BACKFILL MATERIAL ^a	UNIFIED SOIL CLASSIFICATION	DESIGN LATERAL SOIL LOAD ^b (pound per square foot per foot of depth)
Well-graded, clean gravels; gravel-sand mixes	GW	30 ^c
Poorly graded clean gravels; gravel-sand mixes	GP	30 ^c
Silty gravels, poorly graded gravel-sand mixes	GM	40 ^c
Clayey gravels, poorly graded gravel-and-clay mixes	GC	45 ^c
Well-graded, clean sands; gravelly sand mixes	SW	30 ^c
Poorly graded clean sands; sand-gravel mixes	SP	30 ^c
Silty sands, poorly graded sand-silt mixes	SM	45 ^c
Sand-silt clay mix with plastic fines	SM-SC	45 ^d
Clayey sands, poorly graded sand-clay mixes	SC	50 ^d
Inorganic silts and clayey silts	ML	45 ^d
Mixture of inorganic silt and clay	ML-CL	60 ^d
Inorganic clays of low to medium plasticity	CL	60 ^d
Organic silts and silt clays, low plasticity	OL	Note b
Inorganic clayey silts, elastic silts	MH	Note b
Inorganic clays of high plasticity	CH	Note b
Organic clays and silty clays	OH	Note b

For SI: 1 pound per square foot per foot of depth = 0.157 kPa/m, 1 foot = 304.8 mm.

^a Design lateral soil loads are given for moist conditions for the specified soils at their optimum densities. Actual field conditions shall govern. Submerged or saturated soil pressures shall include the weight of the buoyant soil plus the hydrostatic loads.

^b Unsuitable as backfill material.

^c For relatively rigid walls, as when braced by floors, the design lateral soil load shall be increased for sand and gravel type soils to 60 pounds per square foot per foot of depth. Basement walls extending not more than 8 feet below grade and supporting flexible floor systems are not considered as being relatively rigid walls.

^d For relatively rigid walls, as when braced by floors, the design lateral load shall be increased for silt and clay type soils to 100 pounds per square foot per foot of depth. Basement walls extending not more than 8 feet below grade and supporting flexible floor systems are not considered as being relatively rigid walls.

The definition and classification of soil materials shall be in accordance with ASTM D 2487.

be uniform load caused by water that rises above the inlet of the secondary drainage system at its design flow.

$$= 5.2 (d_s + d_h) \quad (\text{Equation 16-15})$$

$$\text{For SI: } R = 0.0098 (d_s + d_h)$$

where:

- = Additional depth of water on the undeflected roof above the inlet of secondary drainage system at its design flow (i.e., the hydraulic head), in inches (mm).
- = Depth of water on the undeflected roof up to the inlet of secondary drainage system when the primary drainage system is blocked (i.e., the static head), in inches (mm).
- = Rain load on the undeflected roof, in pounds per square foot (kN/m²). When the phrase "undeflected roof" is used, deflections from loads (including dead loads) shall not be considered when determining the amount of rain on the roof.

1611.2 Ponding instability. Ponding refers to the retention of water due solely to the deflection of relatively flat roofs. Roofs with a slope less than one-fourth unit vertical in 12 units horizontal (2-percent slope) shall be investigated by structural analysis to ensure that they possess adequate stiffness to preclude progressive deflection (i.e., instability) as rain falls on them or meltwater is created from snow on them. The larger of snow load or rain load shall be used in this analysis. The primary drainage system within an area subjected to ponding shall be considered to be blocked in this analysis.

ysis to ensure that they possess adequate stiffness to preclude progressive deflection (i.e., instability) as rain falls on them or meltwater is created from snow on them. The larger of snow load or rain load shall be used in this analysis. The primary drainage system within an area subjected to ponding shall be considered to be blocked in this analysis.

1611.3 Controlled drainage. Roofs equipped with hardware to control the rate of drainage shall be equipped with a secondary drainage system at a higher elevation that limits accumulation of water on the roof above that elevation. Such roofs shall be designed to sustain the load of rainwater that will accumulate on them to the elevation of the secondary drainage system plus the uniform load caused by water that rises above the inlet of the secondary drainage system at its design flow determined from Section 1611.1. Such roofs shall also be checked for ponding instability in accordance with Section 1611.2.

SECTION 1612 FLOOD LOADS

1612.1 General. Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements and restoration of substantial damage to build-

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Dec 16 04 08:35 Charles Mitchell

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SPECIALIZED ENGR

PAGE 02

SPECIALIZED ENGINEERING

Engineers • Geologists • Inspectors
December 15, 2004

Principal
David J. Wiegand, P.E.
Charles R. Mitchell, P.E.
Gregory Z. Saldon
David G. Schultz, P.E.
Patrick S. Norton, P.E.

4824 Dexter Terrace, NW
Washington, DC 20007

Attn: Frank Economides

Re: Final Verification - Segmental Retaining Wall
4825 Dexter Terrace, NW
Washington, DC
Specialized Engineering Project No. 021625

Dear Mr. Economides:

This correspondence serves to document that Specialized Engineering has performed construction observation and materials testing for the above referenced project. The items observed and tests performed include:

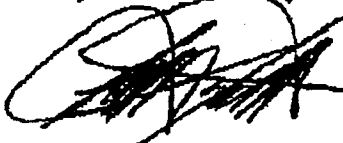
Observation of structural fill placement and compaction;
Verification of foundation design bearing capacity; and
Verification of geogrid lengths.

Our observations were performed in general accordance with ASTM procedures and standard engineering practices. The results of our observations indicate that the items observed by Specialized Engineering were in substantial compliance with the plans and specifications, as interpreted by Specialized Engineering. We have documented our inspections in reports previously submitted to your office, and attached to this report.

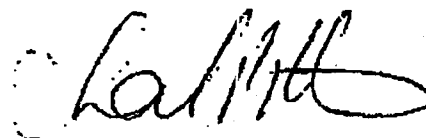
We have appreciated being of service in this matter. Should you have any questions concerning this letter, or if we can be of further assistance, please contact us at your convenience.

Respectfully,

Specialized Engineering



Patrick S. Norton, P.E.
Principal

Charles R. Mitchell, P.E.
Principal

**AFFIDAVIT
OF
ROBERT T. TALASTAS**

Affiant, first being duly sworn under oath, deposes and says as follows:

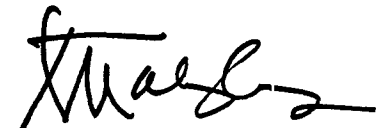
1. My name is Robert T. Talastas and I am an adult citizen of the United States of sound mind and body.

2. I am currently a paralegal at the law firm of Hunton & Williams LLP and have occupied that position for five years.

3. At the direction of Richard Aguglia of the firm, I personally inspected those homes in the Wesley Heights Overlay District to ascertain the existence of a retaining wall, if any, and the approximate height of those walls, which report is attached hereto as Exhibit A.

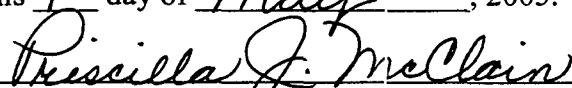
By way of summary, there were 367 homes, of which 109 had retaining walls. Of the 109 homes that had retaining walls, 27 had retaining walls, to the best of my knowledge and belief, in excess of 4' in height.

Further affiant sayeth not.



Robert T. Talastas

Subscribed to and sworn before me this 9th day of May, 2005.



Notary Public, DC

Priscilla J. McClain
Notary Public, District of Columbia
My Commission Expires 10-14-2008

My commission expires: _____

STREET NAME

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4520 Hawthorne Street	N	
4514 Hawthorne Street	N	
4534 Hawthorne Street	N	
4526 Hawthorne Street	N	
4630 Hawthorne Street	N	
4646 Hawthorne Street	N	
4636 Hawthorne Street	Y	3'
4640 Hawthorne Street	N	
4661 Hawthorne Street	N	
4655 Hawthorne Street	N	
4645 Hawthorne Street	N	
4611 Hawthorne Street	Y	4'
4601 Hawthorne Street	N	
4447 Hawthorne Street	Y	4'
4421 Hawthorne Street	N	
4441 Hawthorne Street	N	
4503 Hawthorne Street	N	
4517 Hawthorne Street	N	
4523 Hawthorne Street	N	
4535 Hawthorne Street	N	
4426 Hawthorne Street	N	
4420 Hawthorne Street	N	
4400 Hawthorne Street	N	
4448 Hawthorne Street	N	
4442 Hawthorne Street	N	
4434 Hawthorne Street	N	
4332 Hawthorne Street	N	
4301 Hawthorne Street	N	
4315 Hawthorne Street	N	
4345 Hawthorne Street	Y	3'
4331 Hawthorne Street	Y	10'
4323 Hawthorne Street	N	
4327 Hawthorne Street	Y	2'
4329 Hawthorne Street	N	
4241 Hawthorne Street	N	

[illegible]

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4824 Dexter Terrace	N	
4816 Dexter Terrace	Y	4'
4819 Dexter Terrace	Y	
4811 Dexter Terrace	N	
4825 Dexter Terrace	Subject Property	
4833 Dexter Terrace	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
2901 43 rd Street	Y	6'
2919 43 rd Street	Y	4'
2925 43 rd Street	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
2636 44 th Street	N	
2534 44 th Street	N	
2420 44 th Street	N	
2524 44 th Street	N	
3036 44 th Street	N	
3000 44 th Street	Y	5'
3024 44 th Street	N	
2930 44 th Street	N	
2900 44 th Street	N	
2831 44 th Street	Y	4'
2909 44 th Street	Y	4'
2927 44 th Street	Y	4'
2915 44 th Street	Y	3'
2903 44 th Street	Y	4'
3019 44 th Street	N	
3023 44 th Street	N	
3015 44 th Street	N	
3109 44 th Street	N	
3107 44 th Street	N	
3111 44 th Street	N	
3113 44 th Street	N	
3201 44 th Street	N	
3211 44 th Street	N	
3215 44 th Street	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
3001 44 th Place	Y	5'
3009 44 th Place	Y	2'
3013 44 th Place	N	
3017 44 th Place	N	
3022 44 th Place	N	
3018 44 th Place	N	
3010 44 th Place	Y	4'
3026 44 th Place	N	
3018 44 th Place	N	
2928 44 th Place	N	
2920 44 th Place	N	
2921 44 th Place	Y	3'

Address	Retaining Wall (Yes/No)	App. Height Over 4'
2900 45 th Street	Y	5'
2908 45 th Street	N	
2930 45 th Street	N	
2922 45 th Street	N	
2914 45 th Street	N	
3301 45 th Street	N	
3322 45 th Street	N	
3318 45 th Street	N	
3314 45 th Street	Y	2'
3210 45 th Street	Y	3'
3230 45 th Street	N	
3224 45 th Street	N	
3221 45 th Street	N	
3227 45 th Street	N	
3215 45 th Street	N	
3117 45 th Street	N	
3113 45 th Street	Y	3'
3121 45 th Street	Y	3'
3100 45 th Street	Y	4'
3118 45 th Street	N	
3114 45 th Street	N	
3110 45 th Street	N	
3028 45 th Street	N	
3024 45 th Street	N	
3020 45 th Street	N	
3014 45 th Street	N	
3015 45 th Street	N	
3021 45 th Street	Y	8'
3019 45 th Street	N	
3011 45 th Street	N	
3009 45 th Street	N	
3008 45 th Street	N	
3010 45 th Street	N	
2917 45 th Street	N	
2923 45 th Street	N	
2911 45 th Street	N	
2819 45 th Street	Y	10'
3005 45 th Street	Y	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4527 Macomb St.	N	
4501 Macomb St.	N	
4505 Macomb St.	N	
4525 Macomb St.	N	
4528 Macomb St.	N	
4532 Macomb St.	N	
4536 Macomb St.	N	
4508 Macomb St.	N	
4512 Macomb St.	N	
4504 Macomb St.	N	
4426 Macomb St.	N	
4438 Macomb St.	N	
4418 Macomb St.	N	
4414 Macomb St.	N	
4422 Macomb St.	N	
4434 Macomb St.	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4500 Edmunds St.	N	
4436 Edmunds St.	Y	4'
4506 Edmunds St.	N	
4408 Edmunds St.	Y	2'
4428 Edmunds St.	N	
4424 Edmunds St.	Y	3'
4512 Edmunds St.	Y	6'
4416 Edmunds St.	N	
4424 Edmunds St.	N	
4412 Edmunds St.	Y	3'
4420 Edmunds St.	N	
4432 Edmunds St.	N	
4400 Edmunds St.	Y	4'

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4541 Lowell St.	Y	3'
4547 Lowell St.	N	
4501 Lowell St.	N	
4505 Lowell St.	N	
4529 Lowell St.	Y	6'
4521 Lowell St.	N	
4533 Lowell St.	N	
4537 Lowell St.	N	
4509 Lowell St.	N	
4531 Lowell St.	Y	3'
4521 Lowell St.	Y	4'
4519 Lowell St.	Y	4'
4437 Lowell St.	N	
4441 Lowell St.	N	
4445 Lowell St.	N	
4433 Lowell St.	N	
4421 Lowell St.	N	
4413 Lowell St.	N	
4409 Lowell St.	N	
4429 Lowell St.	N	
4417 Lowell St.	N	
4425 Lowell St.	N	
4414 Lowell St.	N	
4412 Lowell St.	N	
4400 Lowell St.	N	
4438 Lowell St.	N	
4426 Lowell St.	N	
4418 Lowell St.	Y	2'
4434 Lowell St.	Y	3'
4430 Lowell St.	N	
4554 Lowell St.	N	
4546 Lowell St.	N	
4512 Lowell St.	N	
4500 Lowell St.	N	
4530 Lowell St.	N	
4536 Lowell St.	N	
4530 Lowell St.	N	
4522 Lowell St.	N	
4526 Lowell St.	Y	7'
4540 Lowell St.	Y	3'

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4403 Klinge St.	N	
4405 Klinge St.	N	
4433 Klinge St.	Y	3'
4409 Klinge St.	N	
4407 Klinge St.	N	
4413 Klinge St.	Y	2'
4441 Klinge St.	N	
4437 Klinge St.	N	
4431 Klinge St.	N	
4409 Klinge St.	Y	3'
4441 Klinge St.	Y	3'
4545 Klinge St.	Y	3'
4525 Klinge St.	N	
4505 Klinge St.	N	
4507 Klinge St.	N	
4515 Klinge St.	N	
4519 Klinge St.	Y	4'
4535 Klinge St.	Y	3'
4523 Klinge St.	Y	4'
4540 Klinge St.	N	
4534 Klinge St.	N	
4500 Klinge St.	N	
4518 Klinge St.	N	
4550 Klinge St.	N	
4530 Klinge St.	N	
4416 Klinge St.	N	
4432 Klinge St.	N	
4426 Klinge St.	N	
4436 Klinge St.	N	
4414 Klinge St.	N	
4404 Klinge St.	N	
4408 Klinge St.	N	
4400 Klinge St.	N	
4314 Klinge St.	N	
4330 Klinge St.	N	
4334 Klinge St.	Y	4'
4320 Klinge St.	Y	2'
4349 Klinge St.	Y	2'
4351 Klinge St.	N	
4355 Klinge St.	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4615 Cathedral Ave.	N	
4620 Cathedral Ave.	Y	2'
4610 Cathedral Ave.	N	
4600 Cathedral Ave.	N	
4501 Cathedral Ave.	N	
4561 Cathedral Ave.	Y	4'
4555 Cathedral Ave.	N	
4515 Cathedral Ave.	N	
4519 Cathedral Ave.	N	
4511 Cathedral Ave.	N	
4525 Cathedral Ave.	Y	4'
4519 Cathedral Ave.	N	
4511 Cathedral Ave.	N	
4525 Cathedral Ave.	N	
4519 Cathedral Ave.	N	
4435 Cathedral Ave.	N	
4439 Cathedral Ave.	Y	4'
4437 Cathedral Ave.	N	
4433 Cathedral Ave.	Y	10'
4401 Cathedral Ave.	N	
4411 Cathedral Ave.	N	
4401 Cathedral Ave.	N	
4512 Cathedral Ave.	N	
4500 Cathedral Ave.	N	
4546 Cathedral Ave.	N	
4524 Cathedral Ave.	N	
4538 Cathedral Ave.	N	
4530 Cathedral Ave.	N	
4311 Cathedral Ave.	N	
4343 Cathedral Ave.	N	
4331 Cathedral Ave.	Y	4'
4335 Cathedral Ave.	N	
4319 Cathedral Ave.	N	
4323 Cathedral Ave.	Y	6'
4314 Cathedral Ave.	Y	4'

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4525 Garfield St.	N	
4517 Garfield St.	N	
4521 Garfield St.	N	
4516 Garfield St.	Y	3'
4500 Garfield St.	N	
4524 Garfield St.	Y	4'
4649 Garfield St.	N	
4655 Garfield St.	N	
4661 Garfield St.	Y	5'
4633 Garfield St.	N	
4645 Garfield St.	Y	4'
4625 Garfield St.	N	
4641 Garfield St.	N	
4664 Garfield St.	Y	6'
4674 Garfield St.	Y	5'
4656 Garfield St.	Y	6'
4626 Garfield St.	N	
4650 Garfield St.	N	
4636 Garfield St.	N	
4668 Garfield St.	N	
4616 Garfield St.	N	
4411 Garfield St.	N	
4417 Garfield St.	N	
4434 Garfield St.	N	
4400 Garfield St.	N	
4426 Garfield St.	N	
4440 Garfield St.	N	
4422 Garfield St.	N	
4348 Garfield St.	N	
4340 Garfield St.	N	
4332 Garfield St.	N	
4320 Garfield St.	Y	3'
4323 Garfield St.	N	
4331 Garfield St.	Y	3'
4339 Garfield St.	Y	3'
4343 Garfield St.	Y	4'
4237 Garfield St.	N	
4241 Garfield St.	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4317 Forest Lane	N	
4301 Forest Lane	N	
4331 Forest Lane	Y	2'
4341 Forest Lane	N	
4347 Forest Lane	Y	2'
4355 Forest Lane	Y	3'
4304 Forest Lane	N	
4326 Forest Lane	N	
4320 Forest Lane	Y	4'
4308 Forest Lane	N	
4344 Forest Lane	N	
4352 Forest Lane	N	
4330 Forest Lane	N	
4338 Forest Lane	Y	2'

Address	Retaining Wall (Yes/No)	App. Height Over 4'
2934 Glover Dr.	N	
2922 Glover Dr.	N	
2918 Glover Dr.	N	
2914 Glover Dr.	N	
2910 Glover Dr.	Y	3'
2900 Glover Dr.	N	
2913 Glover Dr.	N	
2917 Glover Dr.	N	
2925 Glover Dr.	N	

Address	Retaining Wall (Yes/No)	App. Height Over 4'
4707 Fulton St.	Y	4'
4731 Fulton St.	Y	9'
4733 Fulton St.	Y	9'
4737 Fulton St.	Y	9'
4717 Fulton St.	Y	4'
4715 Fulton St.	Y	9'
4711 Fulton St.	Y	9'
4701 Fulton St.	Y	2'
4747 Fulton St.	Y	7'
4721 Fulton St.	Y	3.5'
4741 Fulton St.	Y	4'
4615 Fulton St.	N	
4727 Fulton St.	Y	9'