

Before the
DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:

Patrick J. Carome

From the Administrative Decision of DCRA
to issue Building Permit No. B460927

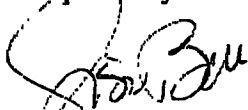
BZA Appeal No. 17285

AMENDMENT TO DCRA'S OBJECTIONS

On May 27, 2005, the Department of Consumer and Regulatory Affairs (DCRA) submitted its Objections to the National Park Service Witness Robert Pinciotti. As support for its submission,¹ DCRA included a statement from a Structural Engineer in its Building and Land Administration, Mr. Abdullahi Barrow. The statement was submitted unsigned.

Attached is a copy of the executed Affidavit with minor corrections.

Respectfully submitted,



Lisa A. Bell
Senior Counsel
D.C. Department of Consumer
and Regulatory Affairs
941 North Capitol Ave. N.E.
Suite 9400
Washington, D.C. 20012

RECEIVED
D.C. OFFICE OF ZONING
2005 JUN -2 AM 8:06

¹ / In its submission, DCRA cited the 2004 District of Columbia Building Code. The 2004 District of Columbia Building Code incorporates the 2000 IBC Code and its supplements. It does not incorporate the 1993 or 1996 BOCA Code. The BOCA Codes were repealed by the 2003 District of Columbia Construction Code Supplement.

BZA

Case No. 17285

Exhibit No. 91

Board of Zoning Adjustment
District of Columbia
CASE NO. 17285
EXHIBIT NO. 91

Certificate of Service

I hereby certify the Amended to DCRA's Objections, was sent by facsimile and mailed, first class, postage prepaid, this day of June 1, 2005, to:

Patrick Carome, Esquire
Wilmer Cutler Pickering Hale & Dorr
2445 M Street, N.W.
Washington, D. C. 20037

Alma Gates, ANC 3-D
Post Office Box 40846
Palisades Station
Washington, D.C. 20016

Richard Aguglia, Esquire
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006

Jeff Bernstein, Esquire
United States Department of Interior
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

A handwritten signature, likely "J. Bill", written in black ink over a horizontal line.

Before the
DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:	)	
	)	
<i>Patrick J. Carome</i>	)	
From the Administrative Decision of DCRA	)	BZA Appeal No. 17285
to issue Building Permit No. B460927	)	

AFFIDAVIT OF ABDULLAHI BARROW

I, Abdullahi Barrow do depose and state to the best of my knowledge, information and belief as follows:

1. I am over the age of 18 years and competent to testify to the matters herein.

2. I am currently employed by the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA"). I am a structural engineer in the Building and Land Administration. I hold a Bachelor's Degree and a Master's Degree in Civil Engineering. I am also member of the American Society of Civil Engineers.

3. I have been asked to review the statement provided by Mr. Robert Pinciotti in this appeal. My review included the statements prepared by Mr. Pinciotti, his markings on the appellant's exhibit as well as the site plan and design specifications submitted to DCRA in the application package for the retaining wall on the 4825 Dexter Terrace property.

4. It is my opinion that the wall at issue here is a retaining wall that

can be classified as an mechanically stabilized earth structure. The wall does not lose its character to retain the earth if it is included in a geogrid system in its design. The structure meets the definitions for retaining wall set out in the BOCA code, referred to in the IBC Code and adopted in the D.C. Building Code.

5. In my experience as an engineer, a wall that is erected to retain soil, such as this one, does not change its function if imported soil is used to backfill the project. Moreover, a MESA wall as designed does not include a footer. The portion of the wall which serves as a grounding for the wall is a leveling pad. According to the design specifications in this project, the leveling pad is comprised of loose gravel.¹ The level pad beings before the wall and extends a few inches beyond the wall. In effect, it creates a pad for the wall to rest in the middle. On the outside wall, the leveling pad extends a few inches beyond the wall toward the lot line.

6. My review of the design plan also indicates the backfill soil is a silty sand consistency.² Given the content of the soil, the removal of the retaining wall would result in the cave in or erosion of the site. Mr. Pinciotti has indicated that the compacted soil used to backfill the wall, between the geogrid, would create enough pressure to stop any erosion once the 'façade' was removed. In my view, the silty sand consistency would not be compacted to produce that result without some type of re-tension material. Moreover, any backfill should be placed in 8 to 12 inch lifts and compacted. The system of filling in a site in lifts is not unique to the MESA wall or a geogrid system.

¹ / In my view, the design plans suggest the soil is similar to gravel, crushed recycled concrete or 57 stone, with little or no fine in it.

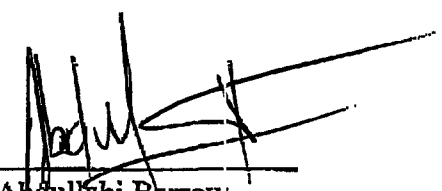
² / Based upon a friction angle, the soil consistency is 28 degrees.

7. There is nothing in the D.C. Building Code which prohibits a property owner from backfilling a site, with on-site soil material or imported soil. Moreover, since a retaining wall is erected to retain earth, the D.C. Building Code does not limit its height.

I hereby attest that the information I have provided is true to the best of my knowledge.

DATE:

6/1/05


Abdullahi Barrow

941 North Capitol Street, N.E., Suite 9406,
Washington, D.C. 20002

**DEPARTMENT OF
CONSUMER AND
REGULATORY
AFFAIRS - Office of
the General Counsel**

Fax

To: Mr. Geoffrey Griffis
c/o Ms. Jerrily Kress

From: Lisa A. Bell
Senior Counsel

Fax: 727-6072

Page(s): 5, INCLUSIVE

Phone:

Date: June 1, 2005

Re: BZA Appeal No. 17285

CC:

RECEIVED
D.C. OFFICE OF THE
2005 JUN -2 AM 8:05