

**STATEMENT OF EXCEPTIONS TO ADMINISTRATIVE DECISION AND HOW
APPELLANT INTENDS TO PROVE THEIR CASE**

1. Building Code Violation

Code Section Cited on Notice of Violation/ Violation Cited

DCMR 12 105.1/ "Striping parking garage w/o approved plans/ building permits"

Allegations of Error

The activities for which the Building Code requires a building permit, as expressly stated in DCMR 12 105.1.4, do not include the striping of a parking garage. Striping of a parking garage does not fit the definition of "Altering or repairing an existing building or structure" listed as 105.1.4(2).

Proof of Allegation

Appellant offers the District of Columbia Building Code and its statement that the building or structure is not being altered or repaired.

2. Zoning Code Violation

Code Section Cited on Notice of Violation/ Violation Cited

DCMR 11 2117/ "Access, Maintenance, and Operations"

Allegations of Error

The section of the Zoning Code cited in the violation applies only to spaces "required" by Chapter 21. Required spaces in the various zones are specified by the schedule in Section 2101.1. The Property is in the W-3 Zone, and the Schedule requires 1 parking space for each 3 dwelling units. The Property has 35 dwelling units, meaning there are 12 spaces required and subject to the provisions of the section cited for violation. The required spaces do not violate the cited section.

Proof of Allegation

Appellant offers the District of Columbia Zoning Code, and Washington Harbour Condominium's Parking Facility Plan, with current measurements of all parking dimensions, to show which spaces are required and how those spaces, and all other spaces, meet code requirements.

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Case No. 17317

Exhibit No. 3

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Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 3