Before
The Board of Zoning Adjustment of
The District of Columbia

Appeal of Diana de Brito and Jonathan Gottlieb of Building Permit No. B451175 Building Permit No. B452577 Building Permit No. B452735 Building Permit No. B455009 Building Permit No. B472018 2620 Foxhall Road, N.W.	:	Appeal Number 17391

Exhibits for The Hearing

January 10, 2006

Diana de Brito
Jonathan Gottlieb
Appellants

DZA
Case No. 17391
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO. 17391
EXHIBIT NO. 32

Exhibits

Exhibit 1 – Letter, Dated January 8, 2006, From Kathie L. Dematatis To The Board of Zoning Adjustment

Exhibit 2 – 2000 Building Permit and Application For The Ludwig Estate

Exhibit 3 – Chart, The Five Building Permits For The Ludwig Estate

Exhibit 4 – Chart, Zoning Approval Of The Five Building Permits

Exhibit 5 – Environmental Intake Form, Dated March 5, 2003.

Exhibit 6 – Environmental Intake Form, Dated June 30, 2003.

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Exhibit 8 – Email message, Dated June 8, 2003, from Robert Gage to Diana de Brito

Exhibit 9 – Statement of Alan Bergstein, D.C. Office of Corporation Counsel, before the Zoning Commission of the District of Columbia, May13, 2002

Exhibit 1

Letter, Dated January 8, 2006, From Kathie L. Dematatis To The Board of Zoning Adjustment

4750 Dexter Street, N.W.
Washington, D.C. 20007

January 8, 2006

Board of Zoning Adjustment
441 Fourth Street, N.W.
Washington, D.C. 20001

Re: Appeal 17391

Dear Members of the Board:

I live at 4750 Dexter Street, N.W. I have owned this property since 1994. I live in the Wesley Heights Overlay District. My property is perpendicular to the Ludwigs' property. The backyard of my property is next to the backyard of the Ludwigs' property.

I am writing to support the appeal of my neighbors Jonathan Gottlieb and Diana de Brito of the decisions of the DC government to issue five building permits to Gene Ludwig to allow him to build his huge house and other buildings and structures on his property at 2620 Foxhall Road, N.W.

Please do not dismiss the appeal of any of the five permits issued to the Ludwigs. In developing his property, Mr. Ludwig has caused me many problems.

Early in 2003, before construction began, I went to speak with Mr. And Mrs. Ludwig because I was worried about how their development might affect me. In my conversations with them and in my subsequent conversation with Garth Norris of Sandy Spring, they assured me that almost all of the development would be in the front of the property near Foxhall Road, not at the back of the property, near my house. The only exception they said was a tennis court. They assured me that I had nothing to worry about. They said I really would not be affected by their development

I trusted them. They seemed like nice people, and I had heard that he was a lawyer and had served as an important official in the Clinton administration. Only later did I learn that they did not tell me the reality of their plans. Had I known the truth about their plans in 2003, I would have objected.

They did not tell me that they would raise up the tennis court high above the natural grade of their property and mine.

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They did not tell me that they would be trucking in tons of fill, from who knows where, to raise their property by more than fifteen feet.

They did not tell me that they would use tremendous concrete walls as high as twelve feet to hold the fill.

They did not tell me they would build two walls within ten feet of their rear property line.

They did not tell me they would build seven foot high fences on top of all these concrete walls.

They did not tell me they would build (right near my property line) a large two story edifice with Greek columns and a pool.

They did not tell me they would build the second house on more fill so that it is higher than the natural grade.

The construction of this giant project took years and is still continuing. In 2003, one of the first things they did was to cut down almost all the trees and truck in tons of fill to raise the height of the property. They put a high black fabric fence around the property, blocking my view and making it impossible for me to see what they were doing. I did not know what was going on until 2005, when most of the construction was done, and they removed the cloth fences. it was only then that I was able to see the reality of what the Ludwigs had planned and see how dramatically I would be affected by the Ludwigs' development.

In the winter of 2005, a group of neighbors met in my house with the Ludwigs' lawyer, Robert Gage and with Phil Leibovitz and Garth Norris of Sandy Springs to object to various aspects of the development. Among the issues we complained about were the many high walls in the back and side of the property, the height, size and location of the tennis court and the pool house on the property and especially the serious flooding problems that we were experiencing since the Ludwigs began the development of their property. We also complained about the construction being done on Sundays and early in the morning and late at night.

During the meeting, Mr. Gage and his colleague seemed responsive. They made many promises but afterwords did nothing to fix the problems. For instance, in response to our complaints about serious runoff problems, they left two bales of hay in my neighbor's yard.

I was shocked when months after the winter 2005 meeting, the Ludwigs erected many seven foot high fences on top of the tall walls that we had found so objectionable. I can't believe that they never told us about them at the meeting. Had I known they were going to build on top of the walls, I would have objected.

Given my past experience with the Ludwigs, my great concern for the future is that the Ludwigs will file more permit applications to construct even more things on their property.

I have more runoff of water and silt from the property than ever before. I even had raw sewage leak from the Ludwigs property onto mine. I repeatedly contacted Bob Gage. They took months to respond, and I still have a leak.

I look out my windows and see a tennis court where there used to be nothing but trees. From my master bedroom, I will have to hear the noise of the Ludwigs playing tennis. I am concerned that they will hit tennis balls into my backyard and may cause damage. I am extremely concerned that they will put lights on to the tennis court.

As a result of all of the buildup of the ground, the overwhelmingly high walls, and the fences on top of the walls, the estate towers over all of the neighbors' houses. The Ludwig development has forever altered the beauty of our Wesley Heights street.

Please do not dismiss this case. We need your help.

Thank you.

Sincerely,

Kathie L. Dematatis

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Exhibit 2

2000 Building Permit and Application
For The Ludwig Estate

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B433940

Date 12/21/00 (Type) NEW CONST./ret. wall

Address of work 2620 FOXHALL RD. N.W.

Lot 1032,1031 Square 1397

TOTAL PERMIT FEE $5464.06

FILING FEE $2000.00

Permission is hereby granted to
MR & MRS EUGENE LUDWIG (Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

NO.

DATE

FEE PAYABLE $ 3464.06

FOR INSPECTIONS CALL 727-7562

Authorized work and conditions of performance thereof:

NEW RESIDENTIAL DWELLING, ATTACHED GARAGE, TENNIS COURT, TERRACE, FUTURE SWIMMING POOL. RET. WALL MAT. CONCRETE BLOCK, LOCATION ENTIRELY ON OWNER'S LAND. PRIVATE PROPERTY ONLY. SEPARATE ELECTRICAL, PLBG AND MECH. INSTALLATIONPERMITS ARE REQUIRED. THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SIDEWALK WITH TRUCKS. SEPARATE PERMIT NEEDED FOR ANY WORK IN PUBLIC SPACE.

Builder

No. of Rooms

No. of Stories 2

Zone R-1-A

Height of terrace above grade

To be occupied as SFD

Projections:

Address of owner SAME AS ABOVE

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

C FULLER
DIRECTOR

Chief, Permit Issuance Branch

By D. MINOR
Permit Clerk

EB22 [illegible] 12:47 Clk# 11
Rec'd [illegible] Amount $**3,464.06
Reg# [illegible]
Store# [illegible] CASHIER OFFICE
[illegible] GOVERNMENT
[illegible] D.C.
[illegible] STRUCTURE & EQUI

391.

00-0024

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
D.C. No.:	O.G. No.:				By:
A. No.:	S.I. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

ABANCE TO FILE Date

ERASING, CROSSING OUT, WRITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
620 FOXHALL ROAD, NW		1032, 1031	1397	5/31/00

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
R+MRS EUGENE LUDWIG	2620 FOXHALL RD, NW 20006	Work: Home:
8. Agent for Owner: (if applicable)	**9. Address: (include Zip)**	**10. Phone:**
RICK GANGLOFF	13312 ORIENTAL ST ROCKVILLE, MD 20853	Work: 301- Home: 949-6089

Type of Proposed Work (check all applicable boxes):

- [X] New Building
- [ ] Addition
- [ ] Alteration and Repair
- [ ] Raze Building
- [X] Retaining Wall
- [ ] Fence
- [ ] Shed
- [ ] Awning
- [X] Garage ATTACHED
- [ ] Sign
- [X] Other (Specify) TENNIS COURT

Description of Proposed Work:

NEW RESIDENTIAL DWELLING, ATTACHED GARAGE, TENNIS COURT, TERRACE, FUTURE SWIMMING POOL.

Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only: Miscellaneous FEE $ By: Date:
VACANT LOT	0		
Proposed Use(s) of Building or Property:	**17. Prop. No. of Stories of Bldg.:**	**18. Prop. No. of Dwelling Units:**	
SINGLE FAMILY DWELLING	2	1	

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work— involve **disturbing the earth** or razing a building?
ASAP	ASAP	[ ] Pick-up Truck [X] Dumpster [ ] Other (specify):	[X] Yes, answer q. 23 [ ] No, SKIP q. 23-27

Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
[X] Yes, answer q. 24-25 [ ] No, SKIP q. 24-25	SEE CIVIL PLANS	sq. ft.	CONTINUOUS	sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

mplete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
mplete Section C if the proposed work is **razing a building.** (Page 2)
mplete Section D if the proposed work is a **retaining wall.** (Page 2)
mplete Section E if the proposed work is a **fence.** (Page 3)
mplete Section F if the proposed work is a **shed/garage.** (Page 3)
mplete Section G if the proposed work is an **awning.** (Page 3)
mplete Section H if the proposed work is a **sign.** (Page 3)

OFFICIAL USE ONLY

	R	C	H	A
M				
P				
E				W.M. Yes [ ] No
F				[ ] PLANS
S				[ ] No

478-A

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(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

Architect's Name:	29. Lic. No.:	30. Architect's Address: (include Zip)	31. Phone:
UGH NEWELL JACOBSON AIA		2529 P STREET, NW DC 20007	202 337-5200
Engineer's Name:	33. Lic. No.:	34. Engineer's Address: (include Zip)	35. Phone:
Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:

Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☒ Masonry ☒ Steel ☐ Wood ☐ Other: ☐ Concrete	☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other:	☐ New ☐ Existing ☐ None	124,980 sq. ft.	a. Building: 6,229 10 % b. Paved Area: 5 % c. Greenery: 85 %

Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. Projection beyond building line?
— sq. ft.	6,229 sq. ft.	☒ All ☐ Floors _____	☐ Yes, answer q. 48-52 ☒ No, SKIP q. 48-52

Number and type of projection:	49. Distance of projection:	50. Width of projection:	51. Width of building frontage: ft. 52. Signature of Owner (projection only):
—	—	—	—

Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No	☐ Yes, answer q. 57 ☐ No, SKIP q. 57		☐ Yes, cert. is attached ☒ No

59. Estimated Cost of Work:
New/Add.: $ 3,000,000
Alt/Rep.: $ _____
Total: $

60. Volume of New Bldg. or Addition:
220,703 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$ —	$ 4414.06	$ 2000.00	$ 2414.06
By: — Date: —	By: [illegible] Date: 12/12/00	By: — Date: —	By: [illegible] Date: 12/14/00

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

Raze Contractor's Name:	62. Contractor's Address: (include Zip)	63. Phone:
Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?
☐ No ☐ Yes, Location _____

82. Raze Contractor Signature:

83. Owner's Signature:

OFFICIAL USE ONLY

FEE	By:	Date:
$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$ 30,000	CONCRETE BLOCK	ft.		☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work / Home	91. Address of Adjoining Owner:	92. Lot:	93. Square:

OFFICIAL USE ONLY

FEE	By:	Date:
$ 1050.00	[illegible]	12/14/00

30K.

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY: FEE $	By	Date
100. Address of Adjoining Owner:	101. Lot:	102. Square:		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $	OFFICIAL USE ONLY: FEE $ By Date
110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches				113. Color:	

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line ____ in. Beyond pt. of attachm. ____ in.	118. Height of lowest part of awning: (a) ____ ft above sidewalk (b) ____ ft above parking (c) ____ ft above grade	OFFICIAL USE ONLY: FEE $ By Date

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☒ No	123. Over sidewalk cafe? ☐ Yes ☐ No

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power ____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: a) ____ ft ____ in above sidewalk b) ____ ft ____ in above roof c) ____ ft ____ in is bldg height d) ____ ft ____ in above projection or window e) ____ ft ____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:

137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.	140. Width of Business Frontage: ft.

141. C of O Number for Building:	142. Sign Contractor Lic. No.:	OFFICIAL USE ONLY: Sign FEE $ By Date	Elect. FEE $ By Date	Total FEE $ BY Date
143. Sign Contractor's Address:	144. Phone:			

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner:_____ Address:_____ Date:_____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

399.

Signature of Agent: Richard Laughlin Address: 13312 ORIENTAL ST Date: 5/31/00

ROCKVILLE MD 20853

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☑ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: JCh Date: 12-6-00
- ☐ 3. DPW - Consumer Engineer
  Cleared by: RCC Date: 6/1/00
- ☐ 4. ERA - Erosion Control
  Cleared by: RC Date: 5-B-00

Restrictions of the Permit:

Private property only

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED

This permit does not authorize crossing public sidewalk with trucks.

Seperate permit needed for any work in public space.

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 6/1/00
- ☐ 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: 12/14/00
- ☑ 3. Zoning by: _____ Date: _____
  Zoning Update by: _____ Date: _____
- ☑ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $_____ Driveway Deposit $_____
  by: JCh Date: 12-14-00
- ☑ 5. Water/Sewer Design Plan
  Consumer Eng. by: RCC Date: 12/13/00
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☑ Erosion Control by: RC/AM Date: 12-8-00
  - ☐ Storm Water Mgmt. by: AM Date: 11-13-00
    Plan No. S-00-166 (11-13-00)
- ☐ 7. Mechanical Eng. Review by: _____ Date: 10/5/00
- ☑ 8. Plumbing Eng. Review by: _____ Date: 10/5/00
- ☑ 9. Electrical Eng. Review by: _____ Date: 10/10/00
- ☐ 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: _____ Date: 12/14/00
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: _____ Date: 2-21-00

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

COPY

ZONING

C of O Number _____ Date _____

Existing Use(s) _____

☐ New bldg.
☐ P.O.D.
☐ File in room 329

DPW — PUBLIC SPACE

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

400.

Job No.: | BZA Case No.: | PUD Order No.:

Exhibit 3

Chart
The Five Building Permits For The Ludwig Estate

The Five Building Permits For

The Ludwig Estate

Permit Number	Ludwig Description	Date Application Filed	Date Permit Issued
B451175	Sitework/Grading Wall/Tennis Court	March 6, 2003	May 9, 2003
B455009	House, Driveway, Retaining Walls terraces	March 12, 2003	Sept. 15, 2003
B452577	Footings/Foundation For new single family home	May 27, 2003	June 26, 2003
B452735	Tennis Court	July 1, 2003	July 1, 2003
B472018	Fences	April 21, 2005	April 27, 2005

Exhibit 4

Chart
Zoning Approval Of The Five Building Permits

Zoning Approval Of The

Five Building Permits

Permit Number	Description Of Work	Zoning Staff Member Approving	Number Biz Days Reviewed
B451175	Sitework/Grading Wall/Tennis Court	gr	41 days
B452577	Footings/Foundation	X... Mac	5 days
B452735	Tennis Court	X ...Mac	1 day
B455009	House/driveway Walls/ terraces	Faye O.	95 days
B472018	Fences	X...Mac	1 day

Exhibit 5

Environmental Intake Form
Dated March 5, 2003.

DEPART. NT OF CONSUMER & REGULATORY FAIRS
Building and Land Regulation Administration
941 North Capitol Street NE, Suite 2000
Washington DC 20002

ENVIRONMENTAL INTAKE FORM

Project Name:	Project Address:	Lot:	Square
LUDWIG RESIDENCE	2620 FOXHALL RD, NW 1031		13
Filed Job Application # (if applicable):	**Project Description:**		
	SITE GRADING FOR SFD		

Owner: MR & MRS EUGENE LUDWIG **Date:** 7/04/03

Owner's address and phone #:

Authorized agent: PERMITS LIMITED INC

Address and Phone # of authorized agent: 17617 PRINCESS ANNE DR OLNEY MD 20832

Scope of the Project	Yes	No	Instructions
1. Does the owner of this site own adjacent or abutting property?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coorc DCRA.
2. Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coord DCRA.
3. Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coord DCRA.
4. Is this a residential project within the R-1 through R-5-A zoning districts?	✓		If yes, skip to signature line.
5. Is this project a single-family residence that is not in conjunction with the building of two or more units?			If yes, skip to signature line.
6. Is this project an accessory structure such as a garage, patio, swimming pool or fence?			If yes, skip to signature line.
7. Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?			If yes, skip to signature line.
8. Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?			If yes, skip to signature line.
9. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)			If yes, skip to signature line.
10. Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?			If yes, skip to signature line.
11. Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?			If yes, submit documentation to EIS Coordinator, DCRA.

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Scope of the Project	Yes	No	Instructions
12. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment.			If yes, describe on an attachment and submit to EIS Coordinator, DCRA.
13. Does the total cost of the project exceed $1.42 million, including site preparation and construction?			If yes, and no exemption claimed, Environmental Impact Screening Form (EISF) required. If no, indicate actual project cost _____.
14. Is the cost of this project $1.42 million or less? If yes, please answer all of the following questions:			If yes, complete A through G.
A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?			If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?			If yes, EISF required.
C. Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?			If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?			If yes, EISF required.
E. Will construction be on land where the depth to the water table is less than 3 feet?			If yes, EISF required.
F. Will blasting occur as part of the project?			If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?			If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent _____ Date 3/05/03

OFFICIAL USE ONLY

Environmental Impact Screening Form required: Yes _____ No X Referred to EIS Coordinator _____

DCRA Reviewer _____ Date 5/7/03

If yes, submit to EIS Coordinator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

Comments _____

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1-800-521-1639

Exhibit 6

Environmental Intake Form
Dated June 30, 2003.

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Buildi ınd Land Regulation Administration
941 ..orth Capitol Street NE, Suite 2000
Washington DC 20002

ENVIRONMENTAL INTAKE FORM

Project Name:	Project Address: 2620 FOXHALL RD, NW 1031 Lot: Square: 139
Filed Job Application # (if applicable):	Project Description:

Owner: LUDWIG RESIDENCE Date: 6/30/03

Owner's address and phone #: PERMITS LIMITED INC

Authorized agent: 17617 PRINCESS ANNE DR

Address and Phone # of authorized agent: OLNEY MD 20832

Scope of the Project	Yes	No	Instructions
1 Does the owner of this site own adjacent or abutting property?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinatc DCRA.
2 Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinatc DCRA.
3 Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinatc DCRA.
4 Is this a residential project within the R-1 through R-5-A zoning districts?	✓		If yes, skip to signature line.
5 Is this project a single-family residence that is not in conjunction with the building of two or more units?			If yes, skip to signature line.
6 Is this project an accessory structure such as a garage, patio, swimming pool or fence?			If yes, skip to signature line.
7 Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?			If yes, skip to signature line.
8 Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?			If yes, skip to signature line.
9 Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)			If yes, skip to signature line.
10 Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?			If yes, skip to signature line.
11 Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?			If yes, submit documentation to EIS Coordinator, DCRA.

409.

OVER

Scope of the Project	Yes	No	Instructions
12 Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment			If yes, describe on an a. ...ment and submit to EIS Coordinato DCRA.
13. Does the total cost of the project exceed $1 42 million, including site preparation and construction?			If yes, and no exemption claimed, Environmental Impact Screer Form (EISF) required. If no, indicate actual project cost _____
14 Is the cost of this project $1.42 million or less? If yes, please answer all of the following questions			If yes, complete A through G.
A Does the project site contain any species of plant or animal that is identified as threatened or endangered?			If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?			If yes, EISF required.
C Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?			If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?			If yes, EISF required.
E Will construction be on land where the depth to the water table is less than 3 feet?			If yes, EISF required.
F Will blasting occur as part of the project?			If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?			If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent _____ Date 6/30/03

OFFICIAL USE ONLY

Environmental Impact Screening Form required: Yes _____ No _____ Referred to EIS Coordinator _____

DCRA Reviewer _____ Date _____

If yes, submit to EIS Coordinator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

Comments _____

_____

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1- 800- 521-1639

Exhibit 7

Email message, Dated June 8, 2003,
from Eugene A. Ludwig to Diana de Brito

411



"Ludwig, Eugene A." <ludwieu@promontoryfg.com>

To: "Diana de Brito" <Diana.deBrito@cwt.com>
cc:
Subject: RE: Foxhall Rd/Dexter St

Office:

06/08/2003 07:45 AM

Diana,

Hi! Sorry for the disruption to you folks!!!! I have already contacted Sandy Springs. They re terrific people and will start first thing on Monday to make sure this or anything else that is disruptive to you folks does not happen again.

Please, if any problems arise, contact me or maybe better Bob Gage immediately. The problem is that I travel a great deal and am hard to reach, though e-mail is a good medium. Bob is an old friend and has been kind enough to act as coordinator for this build since I am not typically available. He also by happy coincidence has his office in the same building as our firm.

Hopefully by the late fall life will quiet down a bit for us and we will have a chance to have you and Jonathan over for drinks.

Best regards,

Gene

Eugene A. Ludwig
Promontory Financial Group
1201 Pa. Ave., N.W.
Washington, D.C. 20004
202-662-6980

Robert Gage
Covington & Burling
1201 Pa. Ave., N.W.
Washington, D.C. 20004
202-662-5636

-----Original Message-----
From: Diana de Brito [mailto:Diana.deBrito@cwt.com]
Sent: Saturday, June 07, 2003 5:57 PM
To: Ludwig, Eugene A.
Subject: Foxhall Rd/Dexter St

Hi - thanks for calling. As discussed, please send us the relevant contact information. Regards, Diana.

Diana de Brito
Cadwalader, Wickersham & Taft LLP
1201 F Street, N.W.
Washington, D.C. 20004

412.

Exhibit 8

Email message, Dated June 8, 2003, from
Robert Gage to Diana de Brito

"Gage, Robert"
<rgage@cov.com>

Office:

06/08/2003 12:28 PM

To: "Diana deBrito@Dexter (E-mail)" <Diana.deBrito@cwt.com>
cc: "Ludwig@Promontory Ludwig@Promontory (E-mail)" <eludwig@promontoryfg.com>, "Garth Norris@SSBuilders (E-mail)" <znorris@erols.com>, "Phil Leibovitz@SandySpring (E-mail)" <buildfast@aol.com>
Subject: Foxhall: Ludwig/Gottlieb

Diana: I understand from Gene Ludwig that construction on his new home may have resulted in some spillover of water or sediment to your home. As I am sure that Gene has assured you, Sandy Spring Builders will review the situation no later than tomorrow morning and take whatever steps are necessary to correct the situation and remedy any damage. Both Phil Leibovitz, the principal of SSB, and his Project Sup't, Garth Norris, are extremely responsive. I am copying them both on this EMail. After you have spoken with them, please confirm to me their commitments to you and whether that appears to you to be sufficient to deal with the immediate problem.

Please advise all of us should any future problems arise and I assure you that SSB will jump on them also. Gene and Carol have stressed to their entire design/construction team from Day #1 that not disrupting their neighbors is VERY IMPORTANT to them. They want to be good neighbors and to have their home and family be an asset to the neighborhood.

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

<<Robert J. Gage.vcf>>



Robert J. Gage.vcf

Exhibit 9

Statement of Alan Bergstein,
D.C. Office of Corporation Counsel, before
The Zoning Commission of the District of Columbia,
May 13, 2002

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING
1132nd MEETING SESSION (7th OF 2002)

+ + + + +

MONDAY
MAY 13, 2002

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 1:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner (Architect of the Capital)
JOHN G. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC
Sharon Sanchez, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Andrew Altman, Director, Office of Planning
Steven Cochran, Office of Planning
Ellen McCarthy, Deputy Director,
Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

I-N-D-E-X

Preliminary Matters. 4

Action on Minutes. 6

Status Report, Office of Planning. 6

Hearing Action

Letter from Holland & Knight LLP re: Z.C. Case No. 00-27M and Companion Case No. 01-33TA. 11

Proposed Action

Z.C. Case No. 01-17M/93-5F/91-18P (1957 E Street/GWU). 34

Z.C. Case No. 02-01 (BZA Appeals from ZA Decision). 56

Final Action

Z.C. Case No. 02-03 (GWU 616 23rd St.). . 69

Z.C. Case No. 00-23P (Connecticut Avenue Between Jocelyn Street and Nebraska Avenue. 78

Z.C. Case No. 01-05-TE/00-08TE/90-20F/87-4P (Capitol Point - Time Extension). 80

Z.C. Case No. 01-31TE/98-17F (Florida Rock - Time Extension). 115

Z.C. Case No. 00-14/97-15 - CBRFs. . . . 22

Correspondence

Memorandum from Susan O. Gilbert, Associate Director of OES, re: First Source Employment Agreements. 139

question, and I haven't had a chance to really try to start thinking about this. Where it says in the language in 3112.2, further down like on the second line where it says -- actually, let's go back to the first line, "The date the person appealing the administrative decision had notice or knowledge of the decision complained of." How are we going to be able to determine when that happens, because I may get it on the 61st day. I may find out about it the 61st day. I just see that as being open-ended and leaving a legality of a loop where people can come in and just argue that right off the page. Maybe Mr. Bergstein can clarify that a little more for me.

MR. BERGSTEIN: That's sort of the -- you have two different types of appeals before the BZA. You have an appeal where someone denies a permit or a C of O, and then that creates an absolute knowledge. The person who wants their permit or C of O knows they have 60 days. The harder thing is when you have these situations where a permit is authorized and things start happening on the property, and there's no way of knowing just the way the property is developing that there may be an illegality. You don't know that the thing may be outsized and still they start building the third story.

So it's very difficult for these types of appeals to know when a person knew or should have known, which I think is the right standard, and it really is a matter of a case-by-case determination. Because if you try to pin down a time certain,

for example, when the permit is issued, the adjacent property owner may not know when the permit is issued. So do you start when construction begins? Well, the property owner may not know something really bad is going on unless you're saying to every property owner, "As soon as you see a shovel go into the land, you better race down to DCRA with your architect consultants and see whether or not you want to file an appeal, because you've got 60 days from this date to do that."

So if you try to build in hard and fast times here, you may create a circumstance where you're going to get a lot more appeals than you want to because people have got to do something quick. Whereas if you keep it this way, it is a matter of a case-by-case analysis before the BZA -- what did you know and when did you know that, and did that give you a reasonable notice that something bad may be happening, and what did you do to investigate that? And if that was reasonable and you did it within 60 days and that's when you filed the appeal, then the appeal is timely. But it's very difficult to establish real milestones in cases where someone has just started building something and you don't necessarily know whether or not it's bad until you start seeing what it looks like.

VICE CHAIRPERSON HOOD: Okay. Thank you.

CHAIRPERSON MITTEN: All right. I'm not going to propose any changes to the language. I'm sorry I took us through all that, but I was struggling with it because of this case that

we just had, and I'm satisfied that this will give some guidance where there's been none. And I would move approval of the text amendment, as proposed, in Case Number 02-01.

COMMISSIONER MAY: Second.

CHAIRPERSON MITTEN: Any further discussion. All those in favor please say aye. Those opposed please say no. Mr. Bastida?

SECRETARY BASTIDA: The staff would record the vote four to zero to one. Ms. Mitten moving and Mr. May seconded. Mr. Hannaham and Mr. Hood voting on the affirmative; Mr. Parsons abstaining, having not heard the case. Thank you.

CHAIRPERSON MITTEN: Thank you. So, Mr. Bastida, Zoning Commission Case Number 02-03.

SECRETARY BASTIDA: Madam Chairman, the staff has provided you with all the information filed right after -- subsequent to the hearing and request that the Commission makes -- takes an action on this matter.

CHAIRPERSON MITTEN: Thank you.

SECRETARY BASTIDA: For clarification --

CHAIRPERSON MITTEN: And I believe --

SECRETARY BASTIDA: Sorry.

CHAIRPERSON MITTEN: Go ahead.

SECRETARY BASTIDA: For clarification points, remember that this is a university case. Accordingly, we are working under the BZA rules.

Before
The Board of Zoning Adjustment of
The District of Columbia

Appeal of Diana de Brito and Jonathan Gottlieb of Building Permit No. B451175 Building Permit No. B452577 Building Permit No. B452735 Building Permit No. B455009 Building Permit No. B472018 2620 Foxhall Road, N.W.	Appeal Number 17391

Photographs for The Hearing

January 10, 2006

Diana de Brito
Jonathan Gottlieb
Appellants

BZA
Case No. 17391
Exhibit No. 32

Photographs

Exhibit A – Plan for Ludwig Estate from the Ludwigs' Fifth Application for a Building Permit

Exhibit B – Plat showing the Ludwig Estate at 2620 Foxhall Road, N.W. and the Appellants Property at 4610 Dexter Street, N.W.

Exhibit C – January 2006 View of the Front of the Ludwig Mansion, the Entrance Gates, and the Outhouse for Construction Workers

Exhibit D – Construction, in January 2006, of the Driveway on Top of the Platform Structure in the Required Side Yard

Exhibit E – Construction, in January 2006, of the Terrace around the Pool

Exhibit F – Construction, in January 2006, of the Terrace in the Backyard

Exhibit G – The Facade of the Lower Portion of the Platform Structure in the Required Side Yard (view from the Appellants' backyard)

Exhibit H – The Facade of the Lower Portion of the Platform Structure in the Required Side Yard (view from the Appellants' backyard)

Exhibit I – The Facade of the Lower Portion of the Platform Structure in the Required Side Yard (view from the Appellants' backyard)

All Photographs Were Taken in January 2006

Exhibit J – The Façade of the Entire Platform Structure in the Required Side Yard consisting of:

(1) The Solid Wood "Privacy Fence" (Seven and A Half Feet High) and

(2) The Concrete, Metal Mesh, and Steel Rod Facade of the Lower Portion of the Platform Structure (Up to Six Feet High)

Exhibit K – The Façade of the Entire Platform Structure in the Required Side Yard consisting of:

(1) The Solid Wood "Privacy Fence" (Seven and A Half Feet High) and

(2) The Concrete, Metal Mesh, and Steel Rod Facade of the Lower Portion of the Platform Structure (Up to Six Feet High)

Exhibit L – The Façade of the Entire Platform Structure in the Required Side Yard consisting of:

(1) The Solid Wood "Privacy Fence" (Seven and A Half Feet High) and

(2) The Concrete, Metal Mesh, and Steel Rod Facade of the Lower Portion of the Platform Structure (Up to Six Feet High)

Exhibit M – The Solid Wood "Privacy Fence" (Seven and A Half Feet High) within Two Feet of the Chain Link Fence (Seven Feet High) Both Fences Within Ten Feet of the Property Line

Exhibit N – The Two Platform Structures in the Required Rear Yard Both Within Ten Feet of the Property Line Consisting of:

(1) The Upper Platform Structure Consisting of a Cement Wall Over Twelve Feet High on Top of Which is a Chain Link Fence Seven Feet High; and

(2) The Lower Platform Structure Consisting of a Brick Wall Five Feet High on Top of Which is a Chain Link Fence Seven Feet High.

All Photographs Were Taken in January 2006

Exhibit O – The Two Platform Structures in the Required Rear Yard Both Within Ten Feet of the Property Line Consisting of:

(1) The Upper Platform Structure Consisting of a Cement Wall Over Twelve Feet High on Top of Which is a Chain Link Fence Seven Feet High; and

(2) The Lower Platform Structure Consisting of a Brick Wall Five Feet High on Top of Which is a Chain Link Fence Seven Feet High.

Exhibit P – The Two Platform Structures in the Required Rear Yard Both Within Ten Feet of the Property Line Consisting of:

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(2) The Lower Platform Structure Consisting of a Brick Wall Five Feet High on Top of Which is a Chain Link Fence Seven Feet High.

Exhibit Q – The Upper Platform Structure Consisting of a Cement Wall Over Twelve Feet High on the Top of Which is a Chain Link Fence Seven Feet High and a Tennis Court

Exhibit R – The Second House on the Ludwig Estate

All Photographs Were Taken in January 2006

Exhibit A

Plan for Ludwig Estate from

the Ludwigs' Fifth Application for a Building Permit

FOXHALL ROAD, N.W.

Exhibit B

Plat showing

the Ludwig Estate at 2620 Foxhall Road, N.W. and

the Appellants Property at 4610 Dexter Street, N.W.

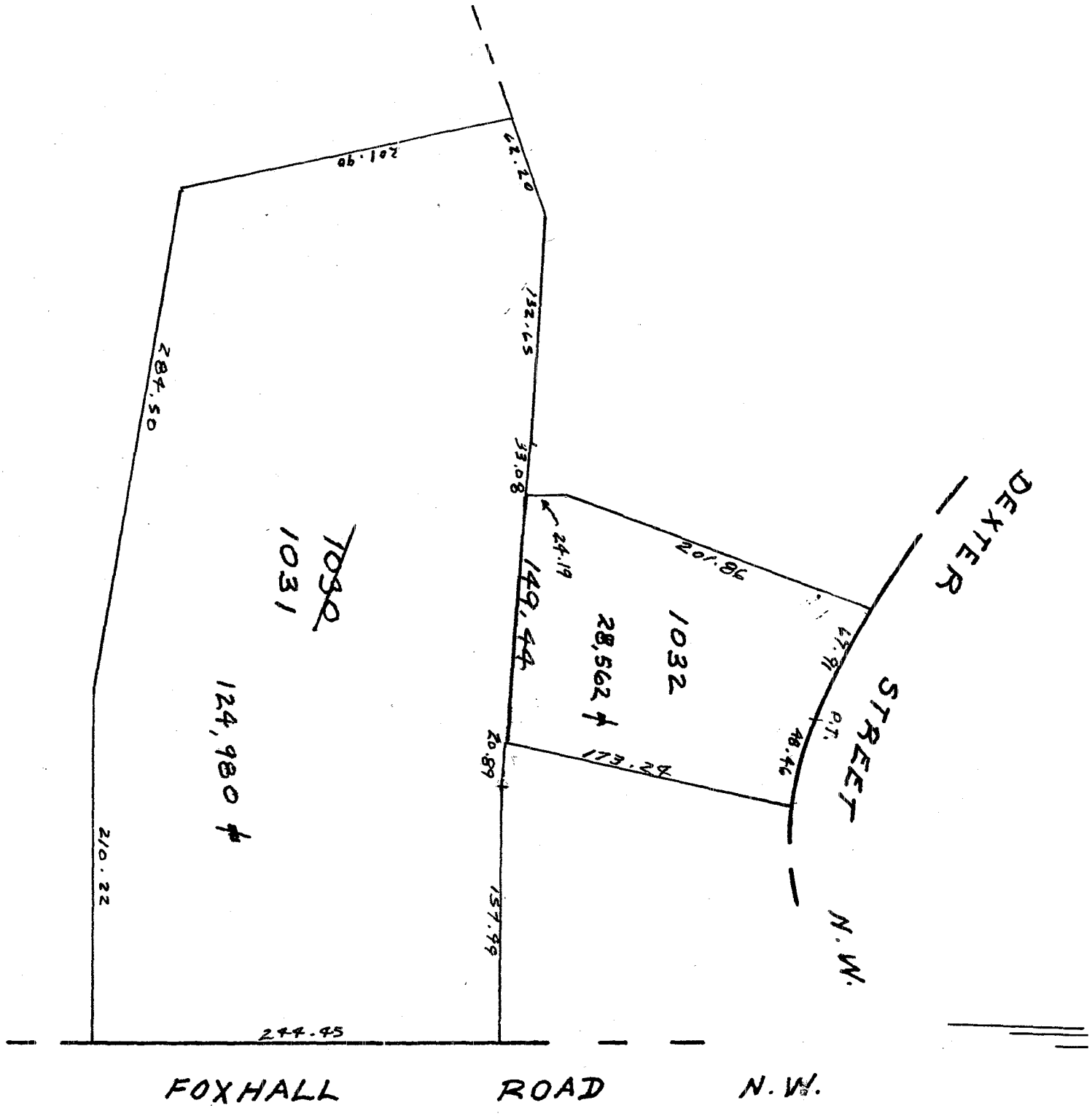

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152.45
284.50
330.38
24.19
149.44
20.89
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201.86
18.47
48.46
173.24
DEXTER
STREET
N.W.
210.22
157.89
244.45
FOXHALL
ROAD
N.W.

Exhibit C

January 2006 View of

The Front of the Ludwig Mansion,

the Entrance Gates, and

the Outhouse for the Construction Workers



Exhibit D

Construction, in January 2006, of the Driveway on

Top of the Platform Structure

in the Required Side Yard



Exhibit E

Construction, in January 2006, of

the Terrace around the Pool



Exhibit F

Construction, in January 2006, of

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Exhibit G

The Facade of the Lower Portion of

the Platform Structure in the Required Side Yard

(view from the Appellants' backyard)



Exhibit H

The Facade of the Lower Portion of

the Platform Structure in the Required Side Yard

(view from the Appellants' backyard)

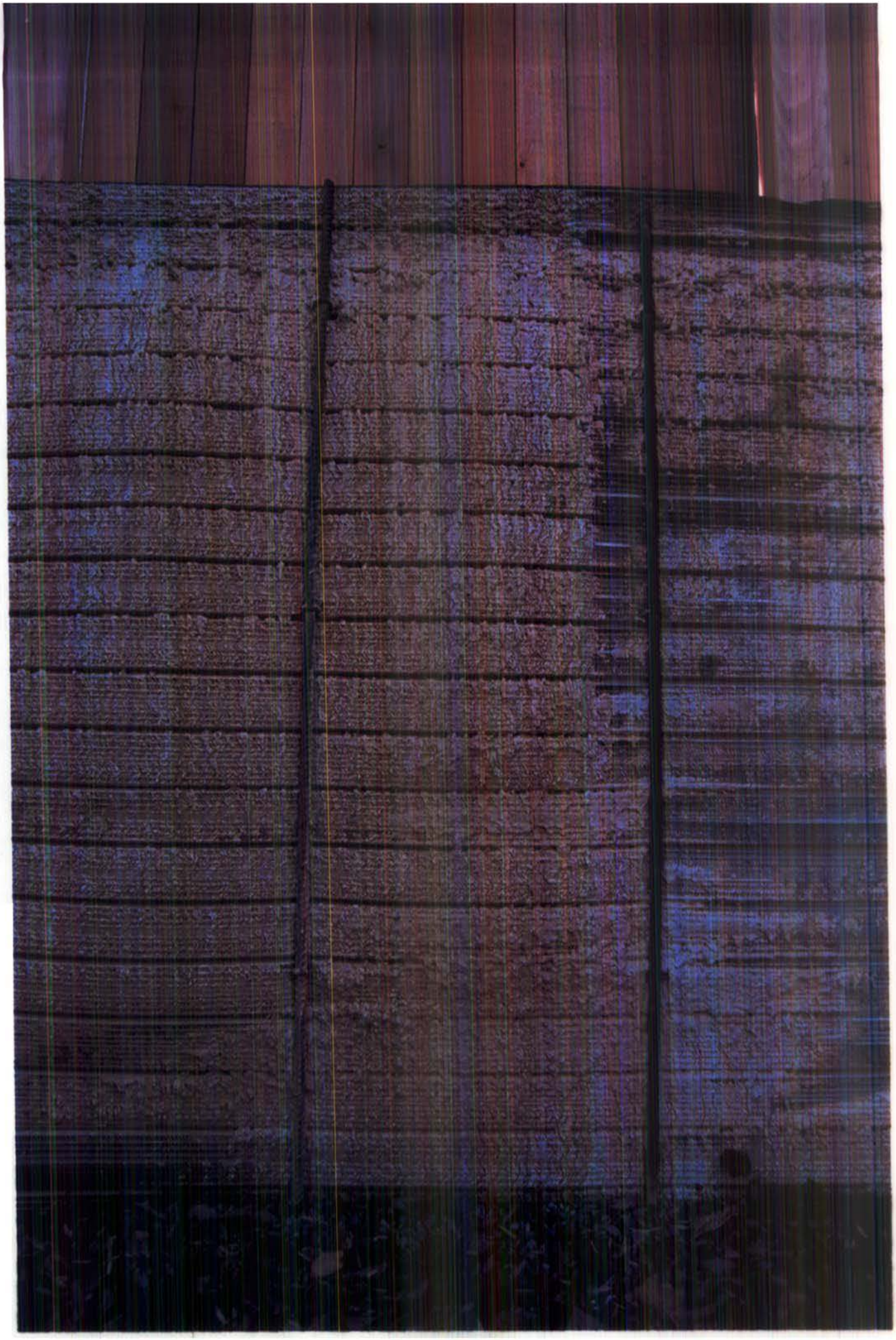


Exhibit I

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the Platform Structure in the Required Side Yard

(view from the Appellants' backyard)

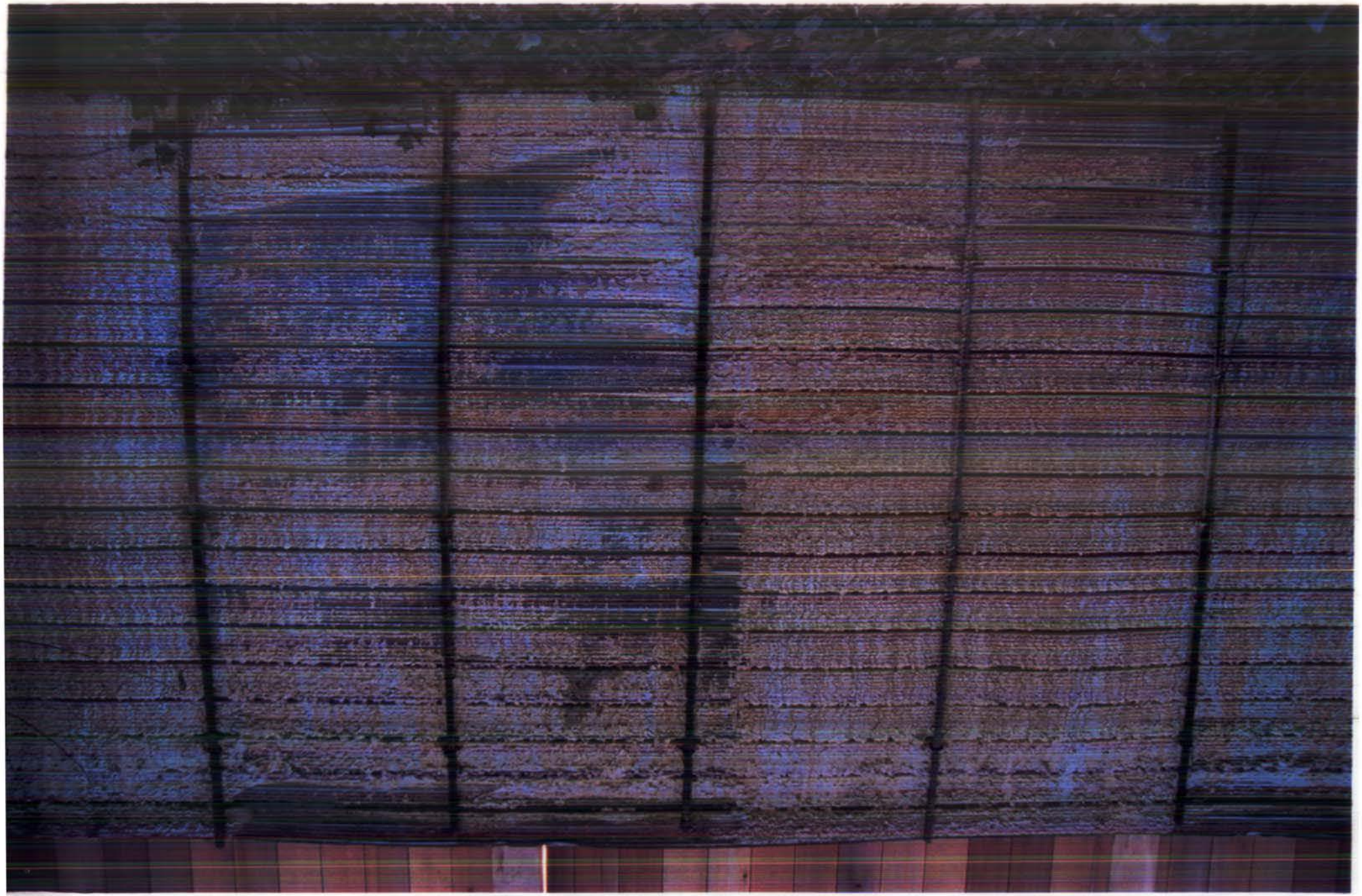


Exhibit J

The Façade of the Entire Platform Structure in the

Required Side Yard consisting of:

(1) The Solid Wood "Privacy Fence"
(Seven and A Half Feet High) and

(2) The Concrete, Metal Mesh, and Steel Rod Facade
of the Lower Portion of the Platform Structure
(Up to Six Feet High)

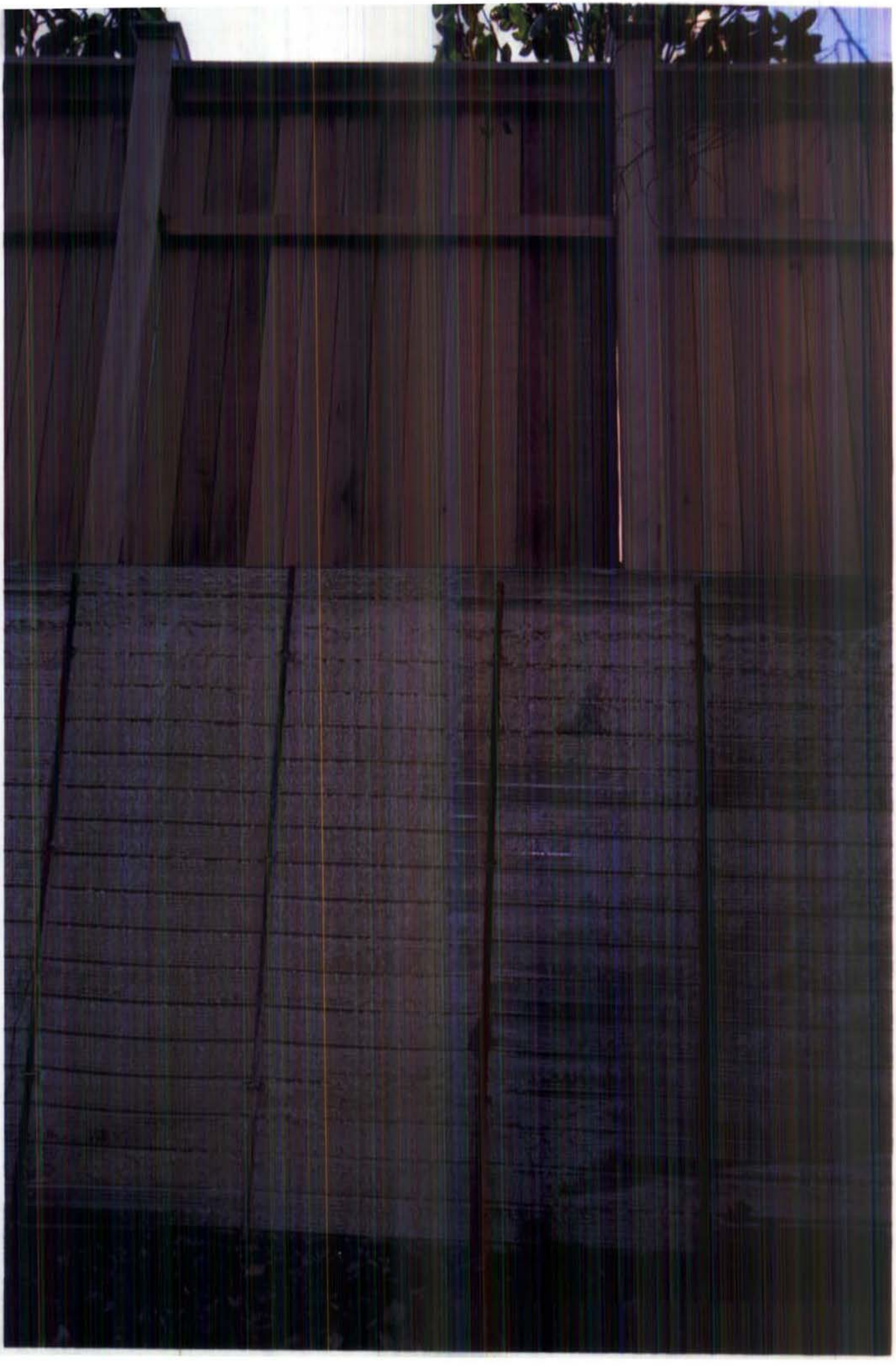


Exhibit K

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of the Lower Portion of the Platform Structure
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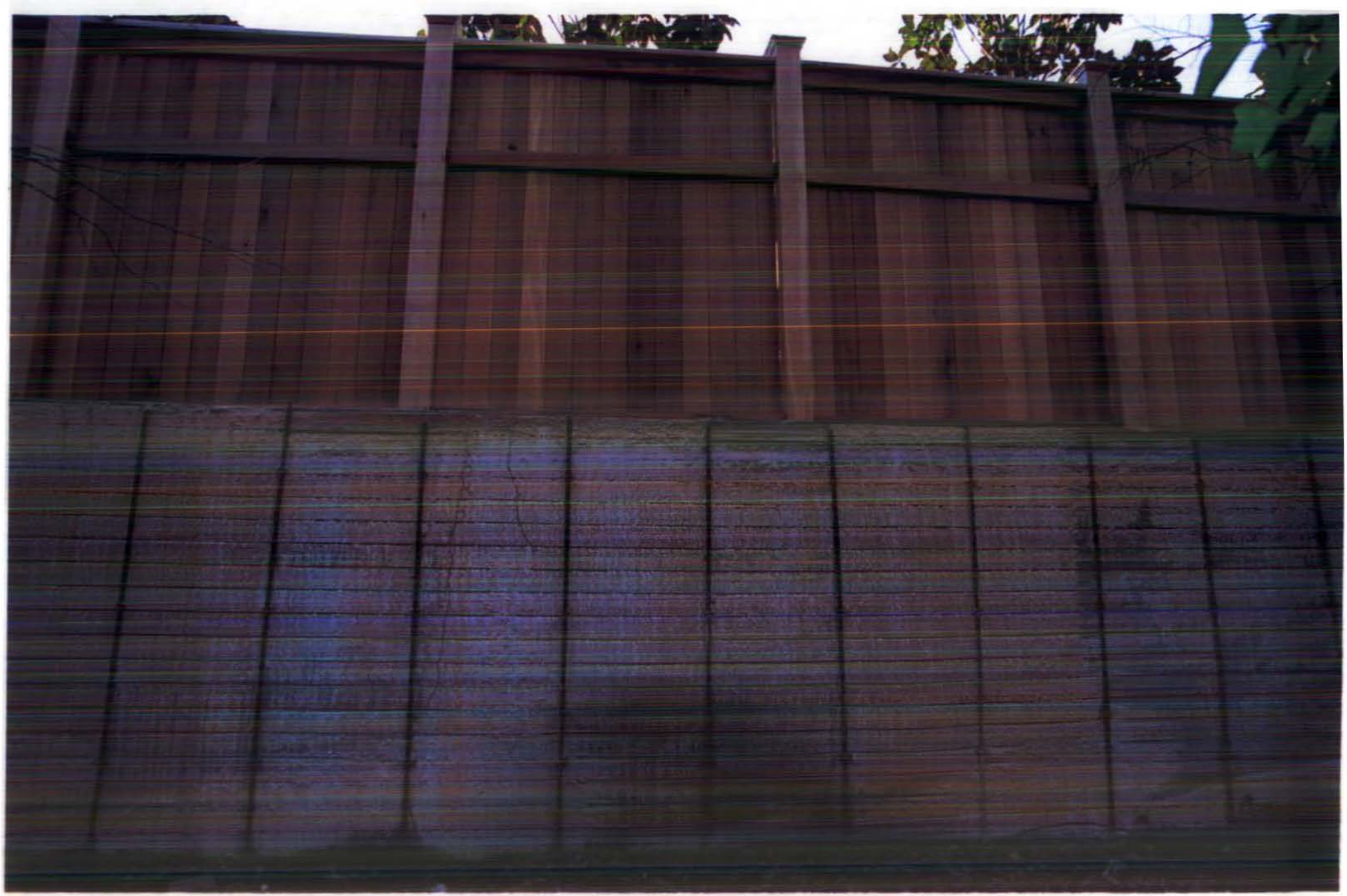


Exhibit L

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Required Side Yard consisting of:

(1) The Solid Wood "Privacy Fence"
(Seven and A Half Feet High) and

(2) The Concrete, Metal Mesh, and Steel Rod Facade
of the Lower Portion of the Platform Structure
(Up to Six Feet High)



Exhibit M

The Solid Wood "Privacy Fence"

(Seven and A Half Feet High)

within Two Feet of the Chain Link Fence

(Seven Feet High)

Both Fences Within Ten Feet of the Property Line

Exhibit N

Two Platform Structures in the Required Rear Yard

Both Within Ten Feet of the Property Line

Consisting of:

(1) The Upper Platform Structure Consisting of a Cement Wall Over Twelve Feet High on Top of Which is a Chain Link Fence Seven Feet High; and

(2) The Lower Platform Structure Consisting of a Brick Wall Five Feet High on Top of Which is a Chain Link Fence Seven Feet High.



Exhibit O

Two Platform Structures in the Required Rear Yard

Both Within Ten Feet of the Property Line

Consisting of:

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Exhibit P

Two Platform Structures in the Required Rear Yard

Both Within Ten Feet of the Property Line

Consisting of:

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(2) The Lower Platform Structure Consisting of a Brick Wall Five Feet High on Top of Which is a Chain Link Fence Seven Feet High.



Exhibit Q

The Upper Platform Structure Consisting of a

Cement Wall Over Twelve Feet High on

the Top of Which is a

Chain Link Fence Seven Feet High and a

Tennis Court



Exhibit R

The Second House on the Ludwig Estate

