

AFFIDAVIT

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared **MATTHEW S. BUEHLER**, (the “Affiant”), who being over the age of 18, first duly sworn upon oath, deposes and says under the penalties of perjury of the laws of District of Columbia and the United States:

1. I am a licensed architect in the District of Columbia and was the architect of record for the project located at 6117 32nd Place, NW (the “Property”).
2. I have been practicing architecture for approximately 27 years and have designed and overseen the permitting and construction of numerous residential additions and renovations in the District of Columbia.
3. In connection with this project, I was responsible for preparing the architectural plans and coordinating the permit application submitted to the Department of Buildings (“DOB”).
4. On or about 3 April 2025 I submitted a building permit application for the project.
5. The project was submitted as an addition to an existing single-family dwelling, which is the accurate and appropriate classification under the District of Columbia Building Code.
6. The Building Code defines an “addition” as an extension or increase to an existing building. The project clearly met that definition, as it involved expansion of the existing structure rather than complete removal.
7. The permit application materials, including the architectural plans and plat, clearly and accurately depicted the full scope of proposed demolition and construction.
8. Specifically, the plans showed which exterior walls were to be removed and which were to remain, including retention of the north wall.
9. At no point did the plans omit or obscure the extent of demolition. All work was fully disclosed to DOB as part of the permitting process.

10. I am familiar with the Zoning Regulations applicable to residential additions in the R-1B zone and routinely review those regulations in preparing plans.
11. In preparing the plans for this project, I reviewed the applicable zoning provisions, including those related to side yards and additions.
12. No provision of the Zoning Regulations identifies or regulates a specific percentage of demolition or otherwise establishes a threshold at which an addition becomes a “raze.”
13. Following submission, the permit application underwent DOB review, including zoning review, for approximately 30 days.
14. On September 23, 2025, DOB issued Building Permit No. B2504679 approving the project as submitted.
15. The issued permit expressly approved the project as an “addition/alteration/repair” to an existing single-family dwelling, consistent with the application and plans.
16. Following permit issuance, construction commenced in reliance on the approved plans.
17. All demolition and construction work was performed in accordance with the plans approved by DOB.
18. In order to confirm that construction was proceeding in compliance with the approved plans, the contractor requested a wall check on or about 1 December 2025.
19. The wall check confirmed that the construction and demolition in the field matched the approved plans.
20. The wall check was denied (held for correction) by Ernesto Warren, the zoning reviewer at DOB.
21. Mr. Warren’s wall check review remarks stated that the building had been demolished without lawful permits.

22. On 8 December 2025 I discussed the wall check by phone with Mr. Warren
23. During that communication, Mr. Warren did not question the clarity of the documents or plans submitted but instead clearly indicated that DOB approved the permit in error.
24. Mr. Warren indicated that, based on a zoning interpretation regarding demolition, DOB would now treat the project as a “raze” for zoning purposes.
25. This interpretation is reflected in Zoning Administrator Interpretation 10, which establishes demolition thresholds on a case-by-case basis and is not codified in the Zoning Regulations.
26. This interpretation was not raised during the permit review process and was not identified as an issue prior to issuance of the permit.
27. At the time the permit was issued, all information necessary to evaluate the project—including the extent of demolition—was before DOB.
28. Had this issue been raised during the review process, the plans could have been modified prior to construction.
29. By the time the issue was raised, substantial demolition and construction had already occurred in reliance on the issued permit.
30. The extent of demolition performed was consistent with the approved plans and could not be reversed without substantial additional cost and reconstruction.
31. At all times, I acted in good faith, fully disclosed the scope of the project, and relied on DOB’s review and approval of the permit.

AFFIANT:

Matthew Shawn Buehler
Signed with **Stavvy**

Matthew S. Buehler

Maryland

~~XXXXXXXXXX~~
District of Columbia)
Montgomery

Matthew Shawn Buehler appeared subscribed and swore out the testimony in this Affidavit to
me on April 10, 2026


Signed with **Stavvy**

Notary Public

(SEAL)

My Commission expires: 1/26/2029

TODD EWING
Notary Public
State of Maryland
County of Montgomery
My Commission Expires January 26, 2029

Notarized remotely via audio/video communication using Stavvy