

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 15453 of Tyrus D. Barre, pursuant to 11 DCMR 3105.1 and 3200.2, from the decision of Joseph Bottner, Zoning Administrator, made on October 15, 1990 to the effect that the poolhouse structure authorized by Bulding Permit No. 49014971 complies with the Zoning Regulations, for a single-family dwelling in an R-1-A District at premises 4524 Garfield Street, N.W., (Square 1339, Lot 811).

HEARING DATE: February 20, 1991
DECISION DATE: March 6, 1991

FINDINGS OF FACT:

1. The property which is the subject of this appeal is located on the southeast corner of Garfield Street and Foxhall Road. It is known as premises 4524 Garfield Street, N.W. and it is zoned R-1-A.

2. The subject lot contains 31,655 square feet of land area. It has a width of 168.73 feet along Garfield Street and a rear yard of 105 feet. It is improved with a single-family dwelling and contains a swimming pool in the rear yard. When the property was purchased in January of 1990, there was also a poolhouse in the rear yard at the southeastern corner of the lot near the pool.

3. The appellant in the subject appeal lives at 2811 Foxhall Road, N.W. His lot is located to the south of the subject property. The front of the applicant's single-family dwelling faces the rear yard of the subject property. A 7-foot stockade fence located on the property line separates the two adjoining properties.

4. After taking occupancy of the subject property, the owner decided to have extensive renovations done at the site. There included complete interior restoration of the main house, an addition and landscape improvements. Because the then existing poolhouse was in a delapidated and deteriorating condition, plans were also made to demolish it and replace it with a new and larger structure.

5. During the renovation of the main house, construction began on the new poolhouse in late July of 1990. Mr. Davidson, the owner of the property, did not apply for a building permit for the poolhouse. He and his mistakenly believed that a separate permit was not needed since the poolhouse was merely part of the overall renovation project.

6. On August 1, 1990, the architect for the project showed the appellant the plans for the proposed poolhouse. The appellant

the appellant the plans for the proposed poolhouse. The appellant expressed his concerns to the architect, however, construction progressed. The appellant contacted officials at the Permit Branch of the Department of Consumer and Regulatory Affairs (DCRA) to question the construction and to review the plans. After learning that no separate building permit was received for the poolhouse, the appellant caused a stop work order to be issued on August 20, 1990. Plans and a building permit application were subsequently submitted to DCRA.

7. According to these plans the poolhouse was to have two levels. On the first floor there was to be a living room with a large fireplace; a kitchen equipped with an electric range, a microwave oven, a dishwasher and an icemaker. The first floor also had a dining room and a bathroom. On the second level, there were two rooms designated as bedroom/office space. Heating and air conditioning were also provided. The owner planned to use the structure as a poolhouse and possibly as additional guest quarters.

8. The structure contains 780 square feet of floor area. It is set back only 1.3 and 1.7 feet from the rear lot line.

9. On September 4, 1990, the Zoning Division of DCRA approved the building permit application, plats and plans for the poolhouse. The building permit application was later updated to coincide with the issuance of Building Permit No. 49014971, dated September 11, 1990, authorizing construction of a new poolhouse, including plumbing, mechanical and electrical work.

10. The appellant contacted officials at DCRA and voiced his objection to the placement of the poolhouse structure so close to his property. He also believed that the structure was in violation of the Zoning Regulations related to an accessory structure and the rear yard setback requirements.

11. Joseph Bottner, Zoning Administrator (DCRA), personally reviewed the permit application. He had concerns related to the use of the building, its height and the number of stories. He informed the architects for the project that the plans which had been approved were contrary to the Zoning Regulations. These plans identified areas as living quarters, the structure was over 15 feet in height and there was uncertainty about the existence of a second story.

12. Pursuant to 11 DCMR 199, an "accessory building" is defined as a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building. Section 204 provides that accessory buildings and structures are permitted in R-1 Districts where they are customarily incidental to the uses permitted in R-1 Districts. The regulations governing accessory uses and buildings are found at 11 DCMR 2500. The sub-sections relevant to the issues in this appeal provide as follows:

- 2500.4 An accessory building in any district shall not exceed one (1) story or fifteen feet (15') in height, except as provided in 2500.5.
- 2500.5 In an R-1-A or R-1-B District, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building.
- 2500.6 A two (2) story accessory building allowed under 2500.5 shall not exceed twenty feet (20') in height, and shall not be located within the required rear yard. The two (2) story accessory building shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located.
- 2500.7 The height of an accessory building permitted by 2500.4 or 2500.5 shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building.
- 2500.8 An accessory building or structure shall not be erected on any lot prior to the time of construction of the main building to which it is accessory.
- 2500.9 An accessory building shall not obstruct light and ventilation required by other regulations.

13. The Zoning Administrator made his concerns known to the owner and his architect. He also informed them that the structure could not be used as sleeping quarters. On October 1, 1990, revised plans were submitted to the Zoning Administrator for review. The plans were revised in three major areas:

- a. Some of the rooms were changed to "storage" rooms. The stairs to the upper level were eliminated. A ladder was to be used to access this level. On the lower level the "living room" was changed to "pool room". A "changing room" was located on one-side and a "recreation room" on the other.
- b. To address the question about the number of stories, the ceiling on the upper level of the structure was lowered to a height of 6 feet 5 inches, one inch lower than the 6 feet 6 inches required for habitable living space.
- c. Responding to the issue of height, the grade was changed by adding a 2-foot high retaining wall on the northern side of the structure. The new wall effectively raised the finished grade, bringing the height of the building

within the 15-foot maximum height provision of 11 DCMR 2500.4.

14. After reviewing the revised plans, discussing the changes with the architect, and allowing the appellant to see them, the Zoning Administrator approved the plans and issued Building Permit No. 347182, dated October 15, 1990. This permit indicated that approval was for three stories. The permit read:

REVISED MECH. PLAN, REVISED ROOM DESCRIPTIONS AND ADDED RETAINING WALLS + GRADE CHANGE. THE RET. WALL LOCATION IS ENTIRELY ON OWNERS LAND, THE RETAINING WALL WILL NOT OBSTRUCT ANY ACCESSIBLE PARKING REQUIRED BY D.C. ZONING REGULATIONS. SEPARATE ELECT., PLBG., AND MECH. INSTALLATION PERMITS ARE REQUIRED.

15. On October 22, 1990, the Zoning Administrator and a DCRA structural engineer inspected the site, measured the building's height and determined that construction, as proceeding, was sufficient.

16. By letter dated October 25, 1990 to the Zoning Administrator, the appellant's attorney questioned whether the Zoning Regulations could be validly interpreted to allow the height of a structure to be lowered by the addition of a retaining wall. It was noted in the letter that the original plans show, inter alia a 23-foot high building. The Zoning Administrator was asked to check the grade and height of the building and to issue a stop work order if it exceeds 15 feet from the existing grade.

17. By letter dated October 26, 1990, the appellant's attorney informed the Zoning Administrator that the Building Permit dated October 15, 1990 erroneously authorized a three-story building to be constructed. Responding to this letter, on November 1, 1990, Building Permit No. 347312 was issued to change the number of stories to one.

18. On November 15, 1990, the subject appeal was filed. The appellant maintains that the poolhouse is not a valid accessory structure because of its large size and its contents. The features inside of the building, such as the fire place, living room, kitchen, etc., make the structure suitable for guest quarters. The appellant argues that this structure will not be used in a manner customarily incidental to the use of the main house. It is, therefore, not an accessory structure and it should not be placed within the 25-foot required rear yard. The appellant maintains that the Zoning Administrator erred in approving the issuance of a building permit for the structure to be located within two feet of the rear property line. The appellant, therefore, requests that the building permit be revoked and the structure removed.

19. The Zoning Administrator testified that upon examination of the initial plans, the structure appeared to him to be more than a poolhouse. He notified the owner that the structure could not be

used for sleeping quarters. The plan were revised to reflect a more limited use and to eliminate the bedroom areas, changing them to a more appropriate storage use.

20. Other permits issued on the property are as follows:

- a. Electrical Permit No. 362767, dated October 10, 1990, authorizing 20 outlets, 10 lights, a central air conditioning unit and one electric range;
- b. Electrical Permit No. B 363238, dated November 28, 1990, which read "To be installed as per plans";
- c. Permit No. 362767, dated November 28, 1990, eliminating the range, heat pump and ice maker;
- d. Plumbing Permit No. B 359171, dated December 6, 1990, authorizing two water and sewer line cuts, one shower, one water closet, one basin, one sink, one garbage disposal, one dishwasher and one electric water heater.

21. The Zoning Administrator testified that a poolhouse is permitted as an accessory use to a single-family dwelling. It is also considered to be incidental and accessory to the pool.

22. The appellant argues that a poolhouse this large is not customary for the District of Columbia. The appellant made note of a letter dated February 19, 1991, from the previous owner of the subject property wherein the original poolhouse was described. This structure was 17 feet long and 10 feet wide, with a slanted roof of 15 feet high at the peak. There was an 18-inch wide cement walk on the south side of the poolhouse. This walk was about 10 feet long leading to a shower which extended out from the poolhouse. Inside, there were two dressing rooms, one on each end of the structure. There was also a wet bar measuring 5 feet in length and 3 feet in width. A small, 3-foot high refrigerator was located under the sink. Behind the wet bar was a separate closet for lawn and pool equipment. The closet also measured 5 feet long and 3 feet wide. The appellant testified that this poolhouse was set back approximately 8 feet from the rear lot line. Located between the poolhouse and the stockade fence were a group of trees which hid the structure from the appellant's view.

23. In contrast to the original structure, the new structure is very large, and photographs reveal that the trees have been removed making the poolhouse easily visible from the appellant's front and pool areas. The appellant ultimately argues that the structure is designed and equipped for use as a single-family dwelling. It is, therefore, not an accessory building as that term is defined.

24. Responding to the appellant's arguments the Zoning Administrator testified that he has approved other large poolhouses for the District of Columbia. He did not, however, provide any

examples. For the Zoning Administrator, the only inquiry is whether the project complies with the Zoning Regulations.

25. In determining whether the subject building was an appropriate accessory structure, the Zoning Administrator examined the structure in relation to the dwelling and the property as a whole, he examined the use and he inspected for compliance with the Zoning Regulations. First, the Zoning Administrator pointed out that the lot on which the structure exists contains 31,655 square feet of land area. Only 7,500 square feet of lot area is required. The lot has a width of 168.73 feet along Garfield Street where a width of only 75 feet is required. A 25-foot rear yard is required while the rear yard for this property is 105 feet. The Zoning Administrator also noted that the dwelling is 85 feet in width whereas the poolhouse is 32 feet in width.

26. The Zoning Administrator testified that the use of the structure as a poolhouse with a recreation room and storage area is proper for an accessory structure because none of the rooms will be used as sleeping quarters.

27. The Zoning Administrator also testified that he inspected the site on numerous occasions to ensure compliance with the Zoning Regulations. The height was measured and the structure was found to be 14 feet 9 1/2 inches tall, measured from the finished grade at the center of the building which faces the house. This measurement took into account the new retaining wall erected on the side of the building facing the main house. The Zoning Administrator indicated that the grade slopes downward at the rear of the site; therefore, the structure naturally appears higher from the back, where the appellant's house is located.

28. The Zoning Administrator also inspected the inside of the structure to determine how many stories it contained. For an area to constitute a story there must be at least 6 feet 6 inches of space between the floor and the ceiling. The ceiling on the upper level had been lowered to a height of 6 feet 5 inches. However, the Zoning Administrator was concerned that at one point during construction the ceiling over the loft area did not extend to the edge of the floor, thereby creating a higher ceiling. Upon inspection the day before the public hearing, the Zoning Administrator learned that the ceiling had been properly extended. He then concluded that this upper level did not constitute a story and that the structure contained only one story, in compliance with the Zoning Regulations. Moreover, this upper level was now designated as storage space, a use permitted by the Zoning Regulations.

29. The Zoning Administrator testified that he in no way suggested how the plans might be altered to come into compliance with the Zoning Regulations. He merely informed the owner and his architect of the areas of non-compliance and they made changes strictly on their own.

30. The owners of the property appeared in the appeal as an intervenors. They pointed out that changes were made to the plans and they now conform to the requirements of the Zoning Regulations. They testified that the rooms will be used as they were ultimately designated and approved. There is no intention to use any part of the structure for sleeping accommodations. There is every intention to comply with the Zoning Regulations regarding use of the structure.

31. The appellant argues that the poolhouse does not comply with either the intent or the letter of the Zoning Regulations as they relate to what an accessory structure is. The appellant maintains that this is not an accessory structure because the proposed uses are not merely incidental to uses in the main house. He takes exception to the Zoning Administrator's interpretation of the Zoning Regulations that if there are no sleeping accommodations, the use of the structure is a valid accessory use. Living facilities include more than just sleeping quarters and this structure contains rooms that indicate an intent to use it for other activities that are also associated with the main dwelling. This poolhouse has a living room with a fireplace, a dining room, a kitchen, a study, and storage areas. There will be cooking, washing dishes, entertaining, and other normal activities of daily life.

The appellant further argued that by establishing minimum rear yard and side yards for main dwellings, the Zoning Commission manifested its intent to prevent normal daily activities from impinging upon a neighbor's right to the quiet use and enjoyment of his property. These are uses that the Zoning Regulations do not intend to have occur immediately adjacent to the property line and right within the purview of a neighbor's residence. This, however, is what is happening in the subject case.

Some accessory buildings, on the other hand, are permitted in the rear yard and side yard areas. Examples of what are customarily known and recognized as accessory uses and buildings include, among others, sheds, garages, and small storage areas. A poolhouse, when it is similar to what the appellant has is also customary. It would contain storage for poolhouse equipment, a wet bar, perhaps a dressing area and a shower. But when a poolhouse is expanded to include the kinds of rooms and amenities that the subject structure contains, it becomes more of a living facility than an accessory structure.

32. The owner argues that the District of Columbia Government is estopped from revoking the building permit. The elements which give rise to a claim of estoppel are as follows:

- a. A party, acting in good faith;
- b. On the affirmative acts of a municipal corporation;
- c. Makes expensive and permanent improvements in reliance

thereon; and

- d. The equities strongly favor the party seeking to invoke the doctrine.

Saah v. D.C. Board of Zoning Adjustment, 433 A.2d 1114 (D.C. 1981).

The intervenors maintain that the four elements of estoppel are met in this case. They stated that they acted in good faith by obtaining building permits, revising plans and resubmitting permit applications as directed by the Zoning Administrator's Office and stopping work as directed.

The affirmative acts of the District of Columbia government are the issuance of the building permits on September 11, October 15 and November 1, 1990, and the provision of assurances by the Zoning Administrator's Office that as revised, the project was and is in full compliance with the Zoning Regulations.

The owners' reliance is demonstrated by their incurring the expense of preparing plans, filing for and obtaining permits, retention of counsel and improvements of the poolhouse. They have spent approximately \$40,000 in architectural fees for the plans, revisions, permit processing and meetings. In addition, land use counsel was retained to gain the necessary approvals and argue this appeal. Hard costs associated with the demolition of the old structure and construction of the poolhouse are approximately \$80,000.

The owners maintain that the equities are strongly in their favor. In their view, the poolhouse is in full compliance with the definition of accessory buildings and accessory uses. The appeal is simply based on the neighbor's dissatisfaction with being unable to thwart the project. The owners argue that fairness would dictate dismissing this appeal and permitting them to begin quiet enjoyment of their home and this accessory structure which has been under construction for the past seven months.

33. The owners attempted to resolve the matter with the appellant by offering to place trees at the fence to block the appellant's view of the structure. The owners did not, however, offer to move the poolhouse or remove the top level because on September 22, 1990, when the meeting with the appellant was held, the structure was 75 percent complete. The Board notes that this was the state of construction only eleven days after issuance of the initial building permit.

34. The Board finds that the owners did not demonstrate good faith by beginning construction of the poolhouse prior to filing for the initial building permit.

35. The Board finds that there were a number of affirmative acts by the government to be considered by the owners. These include issuing and revising building permits, issuing stop work

orders, inspecting the property and holding meetings to discuss the issues involved. Therefore, there was no singular act, nor a consistent set of acts upon which the intervenors could have relied to justify a decision to continue constructing the poolhouse.

36. The Board further finds that some of the expenses mentioned by the owners were not incurred in reliance upon the acts of the Zoning Administrator. The cost of preparing the initial plans was obviously incurred before a permit was issued, and the subsequent revisions were not extensive. They merely involved adding a retaining wall, dropping the ceiling on the second level and changing the names of the rooms. The cost of retaining counsel cannot be said to derive from the issuance of a building permit by the Zoning Administrator. Nor can the owners support their position that the expense of demolishing the old poolhouse was incurred in reliance upon the issuance of the building permit when construction of the new poolhouse began prior to applying for a building permit.

37. The owners would have reduced some of their expenses had they not moved forward with construction upon receiving notice of this appeal challenging the validity of the building permit. The letter of notification was dated November 29, 1990, only two and one half months after the issuance of the initial permit.

38. The Board finds that the equities do not strongly favor the intervenors. They began the construction process on their property without a proper license. The plans used contained violations of the Zoning Regulations. They knew from a very early stage in construction that the validity and legality of the structure was in question. In spite of this, they continued to build the structure rather than await final resolution of the matter. It would be unfair to the appellant to allow the structure to remain, as constructed - less than two feet from his property line - if it violates the Zoning Regulations which are intended to protect adjacent property owners from such encroachments.

39. By letter dated December 28, 1990, and through testimony at the hearing, Advisory Neighborhood Commission (ANC) 3D expressed its support for the appeal. ANC 3D pointed out that from the inception of the project the permit process has been highly irregular. It was noted that the construction permit originally marked "miscellaneous" and then changed to "new construction" was issued on September 11, 1990 although the height of the structure exceeded what would be allowed for consideration as an accessory structure and the uses planned were not in keeping with those of a poolhouse.

ANC 3D stated that the owner of the property and his legal counsel made statements at the ANC meeting indicating that the function of the building was to be an integral part of the family structure, not incidental to it. This is evidenced by the fact that the structure includes cathedral ceilings, lofts, a fireplace, kitchen facilities, and heating and air conditioning.

ANC 3D stated that the height, size and purpose of this building are such that the Zoning Regulations would ordinarily preclude its erection virtually on the rear and side property lines. The current location of the structure results in a gross invasion of the abutting neighbor's privacy and quiet enjoyment of his property. The revised plans do nothing to reduce the actual height, size and bulk of the structure.

Because the owner began construction without a permit and continued construction amidst controversy as to the legality of the structure, ANC 3D finds no merit in the owner's suggestion that the building should be allowed simply because six to eight weeks of construction were complete when the errors in height and use were found.

40. By written statement dated February 20, 1991, the Wesley Heights Historical Society (WHHS) stated that they recently made a study of the residential zoning in the neighborhood, with the help of planning, architectural and legal advisors, for the purpose of formulating a new overlay zone to preserve the character of the neighborhood. At no time were they advised of the possibility that a structure of the size, type and obvious primary living function of the poolhouse would be permitted under the current zoning. WHHS stated that they visited the subject property on September 2, 1990 and at that time the poolhouse was framed out, but that the roof and siding had not yet been added.

WHHS is of the view that a structure of this height, size and type should not be placed within the 25-foot rear yard. The structure constitutes an invasion of the appellant's privacy and could cause his property value to diminish. In the society's view, allowing the structure to remain will undermine all that the organization is attempting to accomplish.

41. A neighbor residing at 2909 Foxhall Road, N.W. testified in support of the appeal. He expressed an interest in having construction comply with the spirit and intent, as well as the letter, of the Zoning Regulations. He testified that he saw the structure at issue and he was struck by its size. In his view, those who build on their property should consider the effect of the project on their neighbors. When a neighbor can see a structure being erected very close to his property, visually it belong to him. Where affected neighbors strongly object, property owners should care enough to view the proposal from the neighbors' perspective and attempt to reach an accord on the plans.

42. A petition containing 58 signatures was submitted in support of the appeal. The petition expressed the view that the use and features of the structure are more consistent with guest quarters than a poolhouse and that the "poolhouse" is not consistent with either the intent or the letter of the Zoning Regulations. It pointed out that such a structure is not customary in the area.

43. Twelve letters of support were also submitted into the record. In these letters, neighbors expressed concern over the improper handling of the matter by the Zoning Administrator, lack of good faith of the owner in adjusting the plans, the precedent-setting effect of allowing a structure to remain where construction began without a permit, and the lack of protection afforded by the Zoning Regulations.

44. No letters opposing the appeal were submitted by neighbors.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the appellant is challenging the decision of the Zoning Administrator to issue a building permit for construction of a poolhouse structure at 4524 Garfield Street, N.W.

The defense of estoppel has been raised by the intervenors, owners of the property. The Board is of the opinion that the elements of estoppel have not been met. In the Board's view, the owners did not demonstrate good faith reliance on the Zoning Administrator's decision when they began construction without a building permit. Once the initial permit was issued, there were a number of affirmative acts by the Zoning Administrator which were inconsistent with a good faith decision to continue construction. Numerous stop work orders were issued, many inspections were conducted, and meetings were held with the appellant about the legality of the structure. The actions of the Zoning Administrator and the action of other officials at DCRA, combined to create enough of a discrepancy about the project to make it reasonable for the owners to suspend construction rather than proceed.

Finally, the equities do not strongly favor the owners. While they claim to have a stronger interest in retaining the structure because of the substantial amount of money expended and the degree of completion, they could have mitigated their damages by halting construction until this matter was resolved. They chose, however, to continue erecting the building throughout the instant appeal process. The Board is of the opinion that while the owners have a strong interest in their property, the appellant and the District of Columbia government have as strong an interest in ensuring compliance with the Zoning Regulations. The Board concludes, therefore, that the defense of estoppel is inapplicable in this appeal and that the case shall be decided on the merits.

The Board concludes that the Zoning Administrator erred in deciding to issue a building permit, under the accessory building provisions of the Zoning Regulations, for construction of the structure at the subject premises. The Zoning Regulations define an accessory building as "a subordinate building located on the same lot as the main building, the use of which is incidental to the use of the main building". The subject structure is very large

and contains some of the kinds of rooms and amenities that are customarily located in a main dwelling. The Board recognizes that the plans were revised to eliminate the bedrooms and bring the structure into compliance with the Zoning Regulations in relation to height, number of stories and intended use. However, no adjustments were made to the design and size of the structure to make them consistent with the more limited use. This structure remains large enough and fully equipped to accommodate activities such as cooking, dining, studying, entertaining and other activities associated with daily life. Many of these activities exceed what is customary for a poolhouse in the District of Columbia. They are not incidental to uses of the main building and should only occur in a structure that has been set back 25 feet from the the rear property line. The Board, therefore, concludes that the poolhouse, as designed, is not an accessory building within the meaning of that term.

The Board concludes that the design of the structure shall be altered and the scale reduced to bring the structure into compliance with the intended meaning of "accessory building" as that term is customarily used in the District of Columbia.

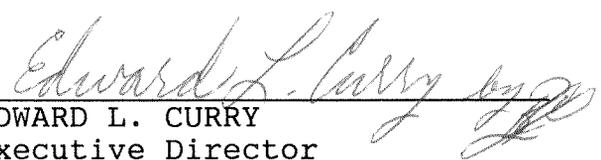
The Board concludes that it has considered the views and concerns expressed by ANC 3D under the "great weight" criteria.

In light of the foregoing, it is hereby ORDERED that the appeal is GRANTED.

VOTE: 3-0 (John G. Parsons, Paula L. Jewell and Charles R. Norris to grant; Sheri M. Pruitt and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

JUN 28 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED,

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CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15453Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15453

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 28 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: JUN 28 1991

15453Att/bhs