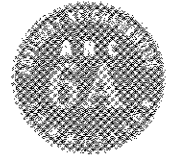


District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



May 1, 2008

Ms. Linda Argo, Director
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 9500
Washington, DC 20002

RE: Request for additional inspection of 1367 Florida Avenue, NE

Ms. Argo

At our regularly scheduled and properly noticed meeting on April 10, 2008, our Commission voted unanimously to request that DCRA provide additional and adequate inspection of building construction violations at the property of 1367 Florida Avenue, NE. Commissioner Schultheiss and his neighbors have contacted DCRA to notify them of illegal construction and activity at this site.

To date DCRA has performed the following (from Fowler Email March 18th):

“On Friday March 7, 2008, a Stop Work Order (SWO) was placed on the property located at 1367 Florida Ave NE for working without excavation permit and failure to post excavation permit.”

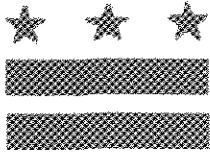
The commission appreciates the prompt follow up that resulted in the stop work order. However, the commission is concerned that DCRA officials failed to cite the owner of this property for the following serious violations:

1. Illegal removal of a party line property fence (1369 Florida Avenue) in violation of building code provision 3307.1 Protection required.
2. Lack of notification to adjoining neighbors of demolition (1365 and 1369 Florida Avenue) in violation of building code provision 3307.2 Notification required.
3. Illegal removal of three trees in excess of 20 inches diameter without permits on a Sunday.
4. Failure to protect adjoining neighbors from damage (water damage and cracks in basement walls due to excavation) in violation of building code provision 3307.1 Protection required.
5. Failure to secure the property during construction.

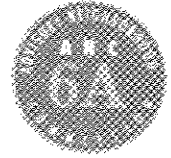
Our commission is concerned that DCRA officials responding to the stop work order acted leniently on a contractor who had many serious and flagrant violations. It is our wish that the contractor be fined for each and every violation that occurred to send a clear message that illegal construction will not be tolerated or condoned by DCRA. I am attaching the relevant sections of the code as well as an electronic mail history on this property.

On behalf of the Commission,

Joseph Fengler, Chair



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DCMR Section 3307A discusses the protection of neighboring properties.

<http://app.dca.dc.gov/newsroom/2003/september/dcmr.shtm> - starts on

3307.1 Protection required.

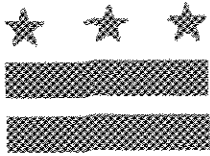
Adjoining public and private property shall be protected from damage during construction, remodeling or demolition work. **Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water run-off and erosion during construction or demolition activities.**

3307.2 Notification required.

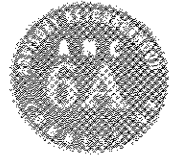
The person causing work to be made that will affect an adjoining property shall provide **written notice to the owners of adjoining buildings** advising them of the intended work and that the adjoining buildings should be protected. If afforded the necessary written permission to enter the adjoining lot, building or structure, the person causing the construction, excavation, remodeling or demolition to be made shall at all times and at his or her own expense preserve and protect the adjoining lot, building or structure from damage or injury.

1. If the work is non-structural, notification shall be delivered to the adjoining property owner, with a copy to the code official, not less than 10 days prior to the scheduled starting date of the work.

2. **If the work involves excavation requiring underpinning or other structural support of the adjoining building, the person causing the work shall notify the adjoining property owner by registered mail, with a copy to the code official, not less than thirty (30) days prior** to District of Columbia Building Code Supplement of 2003 the proposed starting date. **This notification shall include a copy of all documents filed for necessary permits. The adjoining property owner shall have thirty (30) days to respond in writing.** If the necessary written permission is not afforded, the adjoining owner and the code official shall be notified by registered mail. It shall then be the duty of the owner of the adjoining lot, building or structure to make safe his or her own property, for the prosecution of which said owner shall be granted the necessary written permission to enter the premises of the construction, excavation, remodeling or demolition.



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----- Original Message -----

From: " DCRA, Ward6 " <Ward6.DCRA@dc.gov>

To: " fengler6a02@yahoo.com " < fengler6a02@yahoo.com >

Cc: "Vargas, Heather (DCRA)" <Heather.Vargas@dc.gov>; " schlthss@yahoo.com " < schlthss@yahoo.com >

Sent: Tuesday, March 18, 2008 10:30:51 AM

Subject: RE: 1367 Florida Ave NE Apartment/condo conversion

Good Morning Mr. Fengler:

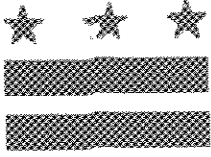
On Friday March 7, 2008, a Stop Work Order (SWO) was placed on the property located at 1367 Florida Ave NE for working without excavation permit and failure to post excavation permit. The owner does not have the necessary permits to complete the construction that is taking place at this location. A Building Permit was applied for and was not approved; the plans are being held for corrections in several disciplines. The plans were picked up on Wednesday March 12, 2008 to make the necessary corrections to be resubmitted.

This correspondence concludes the investigation for the above address. If further action is required, please feel free to contact me. If any further infraction or violation develops I will be happy to reopen this case. Thank you for your assistance in developing an ongoing partnership to improve communication between DCRA and the residents of the District of Columbia .

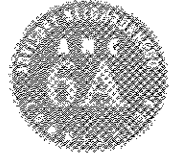
ERICKA R. FOWLER

PROGRAM SUPPORT SPECIALIST

OFFICE OF THE DIRECTOR CONSUMER AND REGULATORY AFFAIRS



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



March 18, 2008

To: Bill Schultheiss
ANC Commissioner 6A06
schlthss@yahoo.com
Phone: 202-543-5003

From: JOSEPH E. MYERS SR
1369 FLORIDA AVE NE
WASHINGTON, DC 20002

Subject: 1367 Florida Ave Work and Damages to Adjacent Property

Dear Mr. Schultheiss

Thank for your letter dated March 17, 2008 concerning the construction problems next door at 1367 Florida Ave. Please note that I am in favor of renovation and beautification of our neighborhood **however I am vehemently opposed to the planned conversion of 1367 Florida Ave into an apartment building.** I believe that using this property as an apartment building will significantly degrade the quality of life in this neighborhood. Statistics show that crime is higher, illegal drug use more prevalent and that multi-unit neighborhoods are generally less desirable than those neighborhoods with single family, townhouses and other owner occupied units.

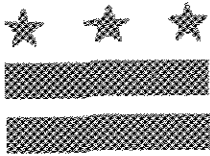
Also, I want to report the damages done to my unit by the "work" that was done on 1367 Florida Ave and take steps to be compensated for the repairs of the following items.

1. New privacy fence was removed without permission. This was done without my knowledge or approval. I am seeking the costs to repair any damaged sections and re-install the fence (\$450).
2. Brick wall damage including cracks and openings visible from the interior of my home. During the removal of the subject property's wall, damage was done to my wall requiring new bricks and mortar to repair gapping holes and cracks in my unit. (Approximate cost \$400).
3. Water problem underneath house caused by digging footer. The space underneath my home is flooded with water now each time it rains. I had to have a sump pump installed to prevent additional damage (\$ 389) and the entire lower side of my home now needs water proofing to prevent long term problems (approximate cost - \$1200)

The total cost of these repairs to my unit due to damages caused by the previous work at the subject property is \$2439.

I also have digital pictures showing the items indicated above which can be provided if required. Please contact me if you have any questions.

Sincerely, Joseph E. Myers Sr



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Email sent on March 17th and forwarded as a response on March 18th to Ericka Fowler requesting a follow up on additional violations.

Date: Mon, 17 Mar 2008 05:08:27 -0700 (PDT)
From: "William Schultheiss" <schlthss@yahoo.com> [View Contact Details](#) [Add Mobile Alert](#)
Subject: 1367 Florida Aveue Unsecured Construction Site
To: "David Kamperin (Commander 1D)" <david.kamperin@dc.gov>, "Linda Argo, Director DCRA" <linda.argo@dc.gov>, "Matthew LeGrant (DCRA)" <Matthew.LeGrant@dc.gov>, "Eric (DCRA ANC) Rogers" <eric.rogers@dc.gov>
CC: lahowell@gmail.com, liamlgt@yahoo.com, collinbharris@aol.com, brentwood212@hotmail.com, jemyers92@msn.com, "Drew Ronneberg" <ronneberg6a02@gmail.com>, "Joseph Fengler" <fengler6a02@yahoo.com>, "ANC6A06 Listserv" <anc-6a06@yahoogroups.com>

Good morning everyone,

I am writing to express my concerns with the construction project at 1367 Florida Avenue, NE. The contractor is exhibiting a careless and thoughtless approach to the project.

The contractor received a stop work order last week for working without an excavation permit and failure to post an excavation permit. He had begun to excavate a new footing (exposing his neighbors in the process) without the permits. The neighbors called 442-STOP and got a prompt response. There are a number of other issues the inspector did not address:

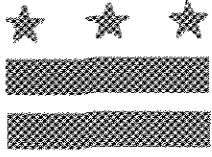
There is no evidence (paint on the ground) that the contractor called Miss Utility to locate underground gas lines, electric lines, etc before he excavation started.

The contractor currently has a site that is open to the public. I and a the adjoining neighbors have seen numerous young adults enter the property during the evening. As the photos show, this building in its present state is unsafe. This property needs to be secured.

The contractor removed the party line fence between 1369 and his property without informing or asking the property owner of 1369 for permission. His property is now open to trespassers.

The contractor removed three trees in excess of 20 inches in diameter without a permit, while working on a Sunday to avoid scrutiny.

The early pattern of this contractor is that he is irresponsible and a potential danger to the public and his neighbors. It bothers me that during the inspection of the foundation work, these other violations were not "noticed". This is another example of the continuing challenge the neighbors face when relying on DCRA paid staff to protect the neighborhood and uphold the regulations.



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I ask that this site be inspected in a thorough manner by all parties with responsibility with the appropriate fines levied. We need to take a strong stance against this illegal and inconsiderate behavior.

Thank you very much. If you have any questions, I have cc'ed the relevant neighbors on this email and they would be happy to describe what has transpired.

I would appreciate a follow up on the enforcement activities.

Bill Schultheiss
ANC Commissioner 6A06
schlthss@yahoo.com
(h) 202 543-5003