

Form 125 - Exhibit 1
(Revised 05/01/08)

Case No.

17915

G.O.C.

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APPEAL

Notice: [Click Here for Appeal Form Instructions](#)

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of:*		Linda Argo	
made on*	March 25, 2008	, to the effect that*	

A nonconforming structure was added onto, increasing its nonconformity to the detriment of my family and myself. The director of DCRA wrote a letter approving the addition, though no variance application was ever submitted to the BZA, and none of the required reviews and public comment were allowed to take place.

Address(es)* of Affected Premises	Square(s)*	Lot(s)*	Zoning Districts*
1433 Parkwood Place, NW	2688	64	R-5-B
1435 Parkwood Place, NW	2688	65	R-5-B

Present Use of Property:*	Single Family Residence		
Proposed Use of Property:*	Two Family Residence		
Owner of Property:*	Gailya Wright	Telephone No.:	

Name, address and telephone number of lessee:

Name, address and telephone number of appellant, if other than owner:

Jonathon Bolduc, 1435 Parkwood Place, NW 20010 202-545-8295

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation).

Please use a separate piece of 8 1/2" x 11" to respond and attach it to the Form 125 Appeal.

Date:*

November 3, 2008

Signature:

BOARD OF ZONING ADJUSTMENT

District of Columbia

Board of Zoning Adjustment

District of Columbia

CASE NO 17915

EXHIBIT NO 27

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director



March 25, 2008

Don Hawkins
c/o Jon Bolduc
1435 Parkwood Place NW
Washington, DC 20010

Re: 1433 Parkwood Place NW (the "Property")

Dear Mr. Hawkins:

This letter responds to your most recent communications about the Property on behalf of the neighboring property owners residing at 1433 Parkwood Place NW.

As you know, at your request DCRA has undertaken numerous inspections of the Property relating to construction at the Property. These inspections have confirmed that the owner of the Property has built in conformance with Building Permit #B466306.

At your request, DCRA has also undertaken further research regarding the dimensions of the front porch constructed at the Property. After a GIS search was inconclusive, the Zoning Administrator was able to locate a document from the D.C. Archives dated 7/19/65 showing the depth of the front porch at the Property in 1965 as seven (7) feet two (2) inches. This documentation, however, does not establish the dimensions of the porch that was in existence forty years later, in 2004, when the building permit was obtained. In September 2004, when the owner of the Property applied for the subject building permit, the building permit plans showed a porch depth of nine (9) foot zero (0) inches. Not only was our research on porch dimensions inconclusive, but there is no evidence of intentional misrepresentation or bad faith by the owner when the permit was obtained in 2004. Moreover, there is no evidence that any negative impact is created by the reconstruction of the porch.

Based upon DCRA's extensive review and consideration of all available documentation, and the agency's multiple inspections of the Property, we do not see any basis for enforcement action or further investigation in this matter. We regard this matter as closed.

Sincerely,

A handwritten signature in black ink that reads "Linda K. Argo".

Linda K. Argo
Director

cc: Councilmember Jim Graham
Matthew LeGrant, Zoning Administrator
Lennox Douglas, Deputy Director for License and Permitting
Gailya Wright, Property owner, 1433 Parkwood PI NW

Appeal to Administrative Decision relative to Building Permit #466306

The light and air available to me and my family in our home at 1435 Parkwood Place, NW, is being interfered with and diminished by an oversized addition now under construction on the front of the masonry row house adjacent to ours, contrary to Sections 403.2, 405.3, 405.6, and 405.9 of the DC Zoning Regulations.

1433 Parkwood Place was originally constructed in 1928. Its 828 sf footprint occupied 66% of its 1260 sf lot. This made it a nonconforming structure when the Zoning Regulations limiting Lot Occupancy to 60% in an R-5-B district became effective. A building permit was issued in 1965 for the enclosure of the screen porch on the front of the house. In 2004 another permit was issued for enclosing the same porch. The existing enclosed porch was then entirely demolished and removed from the site. Subsequently an addition which was larger than the porch in every dimension was constructed, resulting in a total footprint of 867 sf and a Lot Occupancy of 69%.

The sideyards created by the Addition are less than 6" wide on its West side and less than 12" on its East side, contrary to the requirements of Sections 405.3 and 405.6, and the table in 405.9 for a minimum of 8 feet, each.

No Variance has been applied for, or issued by, the BZA for the nonconformance approved by the Director of DCRA in her letter. In this instance, the legitimate process for judging the desirability of variances from the requirements of the Zoning Regulations, is undermined by the letter from Linda Argo which attempts to circumvent the legitimate review process.

This appeal has been delayed by the loss of our FOIA request for email and other documents from DCRA which will demonstrate the arbitrariness and incompetence of DCRA in this matter. After delaying action on the request for several months, DCRA's FOIA officer gave us a portion of the emails she had found, but withheld others which she described to us in general terms. She was subsequently transferred to a different position in DCRA. After a further period of time, during which there was no FOIA officer for DCRA, we were informed that our request had been lost, and that we must start all over again. We have done that, but construction has continued on the nonconforming structure at 1433 Parkwood Place.

Name: Don Hawkins							
Name:*	Don Hawkins						
Address:*	1435 Parkwood Place, N	City:*	Washington	State:*	District of Columbia	Zip:*	20010
Phone No.:	202-321-0111	Fax No.:	202 332 5156		E-Mail:	donhawkins@comcast.net	

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