

Appellant's Additional Submission for Board of Zoning Adjustment Appeal no. 17915

DCRA's counsel fails to understand this case to such an extent that not a single sentence in his submission regarding our Appeal actually addresses the issue I am bringing to the attention of this Board.

DCRA has confused two of my complaints. A complaint I am *not* bringing to the BZA, because it does not contravene the Zoning Regulations, is that the new bay window installed in 1433's front wall was not on the approved set of permit drawings, and that its installation damaged and destabilized walls in the houses flanking it. We intend to bring daylight to DCRA's behavior in this case, so that an open review of it will lead to correction at the root of the problem in 1433, where an unsecured steel beam has allowed the masonry walls to shift on their chopped-away foundations.

The complaint I *am* bringing to this Board is that the fraudulent existing porch dimensions, which the Owner supplied to the Architect, should not have been approved by DCRA's plan review process in the first place. After their mistaken approval, the dimensions should have been corrected when the error was pointed out to them, before construction had obscured some of the evidence of the original size of the Porch. In January, 2005, DCRA's Absalom Barrow told me that they could not investigate my complaint because the job was covered by a Stop Work Order that didn't mention that particular problem. He also told me that the dimensions would be checked during construction, after the SWO was lifted. He assured me that, having been made aware of it, they were now going to be alert to every such problem. I was disappointed to learn how nonsensical this assurance was.

Please refer to the accompanying drawings of the Site Plan and the Basement Plans. The figures given for Lot Occupancy show that the entire row of houses on Parkwood Place was non-conforming when the Zoning Regulations came into effect. The question is through what process was a determination made, that 1433's footprint should be allowed to expand from a nonconforming 66.0%, to the greater nonconformity of 68.6% of Lot Occupancy? Argo claims that, though it was drawn oversized and built oversized, the neighbors should accept her personal judgment that there are no negative effects from it.

I have had only one personal conversation with the Owner's partner, in December, 2004. It began with his using racial epithets and taunts, and ended when he picked up a pipe and threatened me with it. He was between imprisonments at the time. He had served time for wholesale cocaine distribution out of his accounting office in Takoma Park in the 90's. When I met him he was awaiting sentencing on wholesale tax fraud charges. He is now serving about four years in federal prison. His son lives in the basement of 1433. Marijuana fumes seep through the cracks in the party wall caused by the chopping away of part of the wall's footings. The young man has always been surly, muttering racial slurs when he sees us. On Thursday, April 29, he was in the front yard of 1433 carrying a

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toddler, when he suddenly he started screaming taunts and reaching over the fence to throw punches at a workman in our front yard. When he failed to connect with his fists, he put the child down and displayed a gun! The police were called, but he had hidden the gun by the time they arrived. He is well known to them.

This isn't a Zoning story, but it illustrates part of the reason our appeal was slow in being brought forward. Though we were frustrated by the injustice and angered by the incompetence of DCRA's process, we were also concerned that our pursuit of fairness might further antagonize our neighbors. Some family members advised against any kind of attempt to set things right, for fear of provoking them into some sort of awful retaliation. Now this!

My family has abandoned the home they loved for nine years, in spite of the strains induced by this mess. Last Thursday evening they left their home, afraid for their safety. They will now try to sell their damaged house. Shame on DCRA for allowing this to happen!

At the time Argo's letter was written, my mother, who lived with me and for whom I was the principal caregiver, was in her last illness. The rewarding duty of seeing to her contentment and well-being in her final months took a great deal of my time, in the first half of last year. She died in July, and I became the executor of her estate at the very moment of the collapse of the international credit market, a condition that greatly complicated and intensified my responsibilities to my family at large. This contributed, along with the difficulties thrown in our way by DCRA's noncompliance with our FOIA request, to slowing our progress in bringing our Appeal.

This is an unusual enough case to cause DCRA's Counsel to question whether it is the right process or venue for our complaint. Is it reasonable to say to us that this isn't the right process, but we must conform to one of its criteria or have our case thrown out? We are ready and willing to go elsewhere, if that is this Board's recommendation, as long as equity in prosecution of the law is the end result.

The second Stop Work Order called for the Owners to work out an agreement with us for permanent repairs to our house. We stipulated from the very start that 1433 must be stabilized before any work was done on our house. The Owners never acknowledged that aspect of the agreement in writing. Nevertheless, we considered ourselves bound by the agreement not to be lodging complaints against inept bureaucrats while it was theoretically in effect. That is why we didn't really have a bite at that apple.

Timeliness, as understood by DCRA, may be illustrated by two examples:

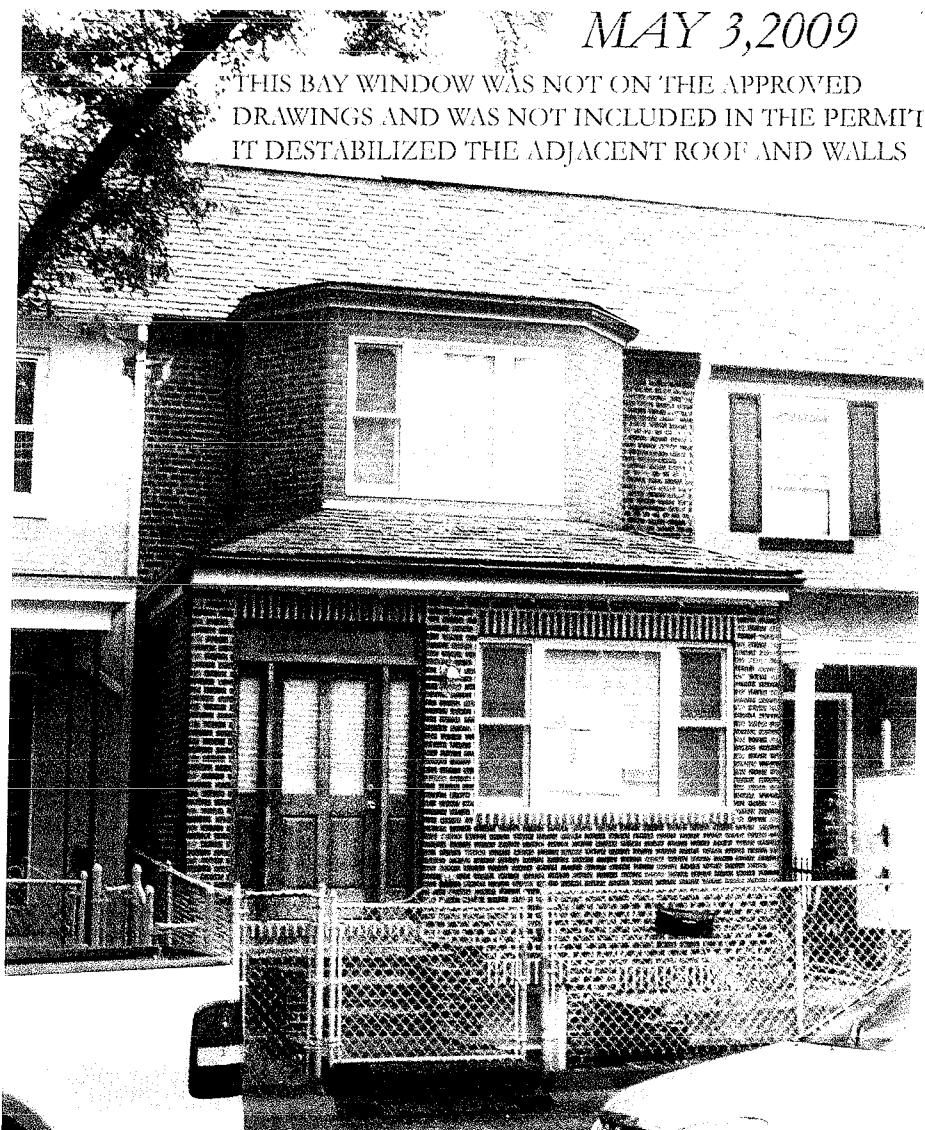
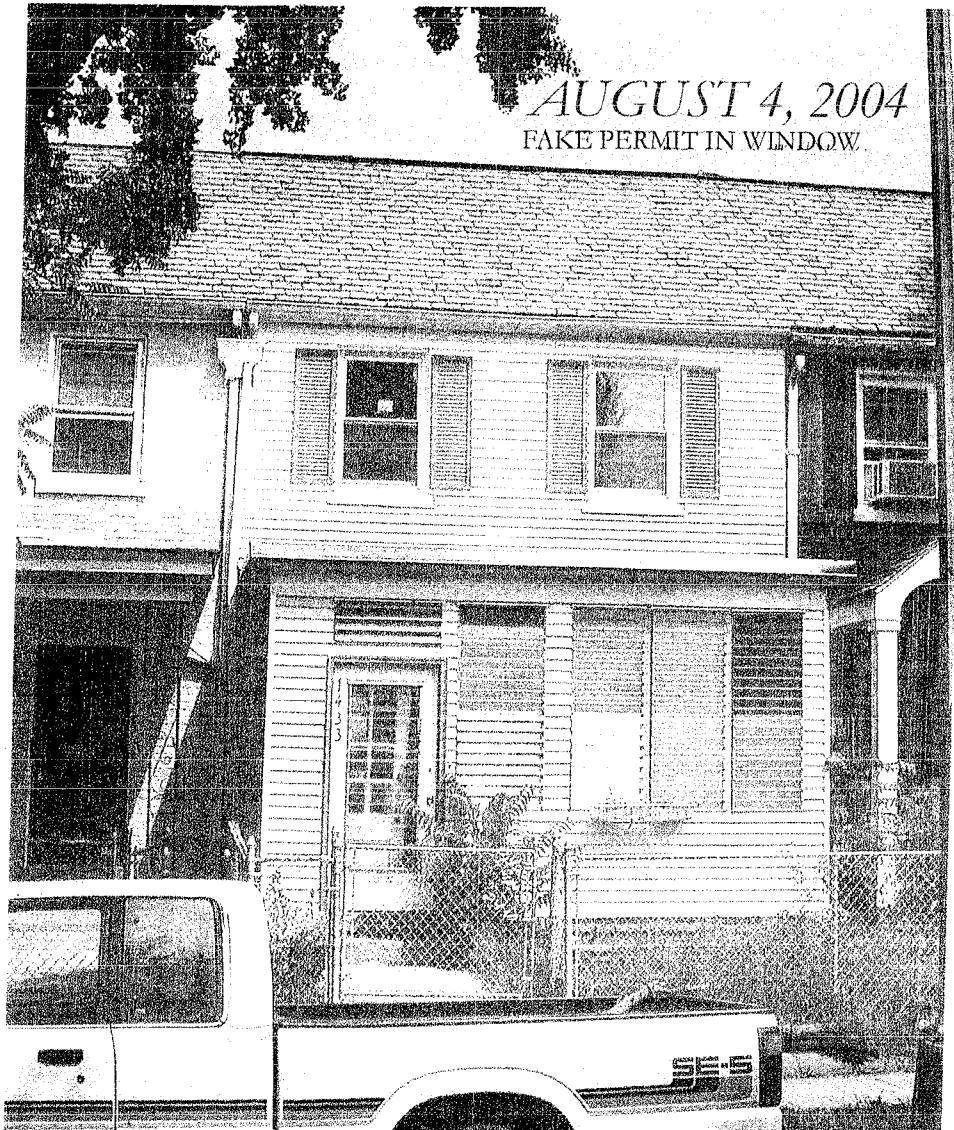
1. In December, 2004, DCRA informed us that they would contract with an independent Structural Engineer to calculate the forces resulting from our footings being chopped off, and that they could not require the Owner to underpin the cracked wall until the Engineer had proven the necessity of it. In spite of our frequent appeals to DCRA for those calculations, they were not sent to us until fourteen months later, in February, 2006. DCRA had not hired an independent engineer. Instead, the Owner gave them calculations

that he bought from his own engineer in October, 2005. DCRA's Lenny Douglas held onto the calculations for four and a half months before passing them on to us.

2. Argo began the process of getting a Wall Check in July, 2007. This was a useless exercise, since nobody was questioning the existence of the wall's location, only it's legitimacy. Argo refused to deal with me until the Wall Check was completed, at which time she promised us a Report. It was completed in early September. On December 3, Matthew Legrant, the Zoning Administrator reported to me that he had found the porch to have been smaller than the addition that replaced it. In March, 2008 Argo falsely claimed the reverse, in her letter to us – after an eight month delay. Delay was part of DCRA's regular technique for trying to avoid dealing with me.

An extension of time to hear my Appeal will not prejudice any of the parties to the appeal, since the desired outcome will be nothing other than the normal processing of a Building Permit application for alterations and an addition. I am confident that, if DCRA were to handle such an application competently, the results would be acceptable to us.

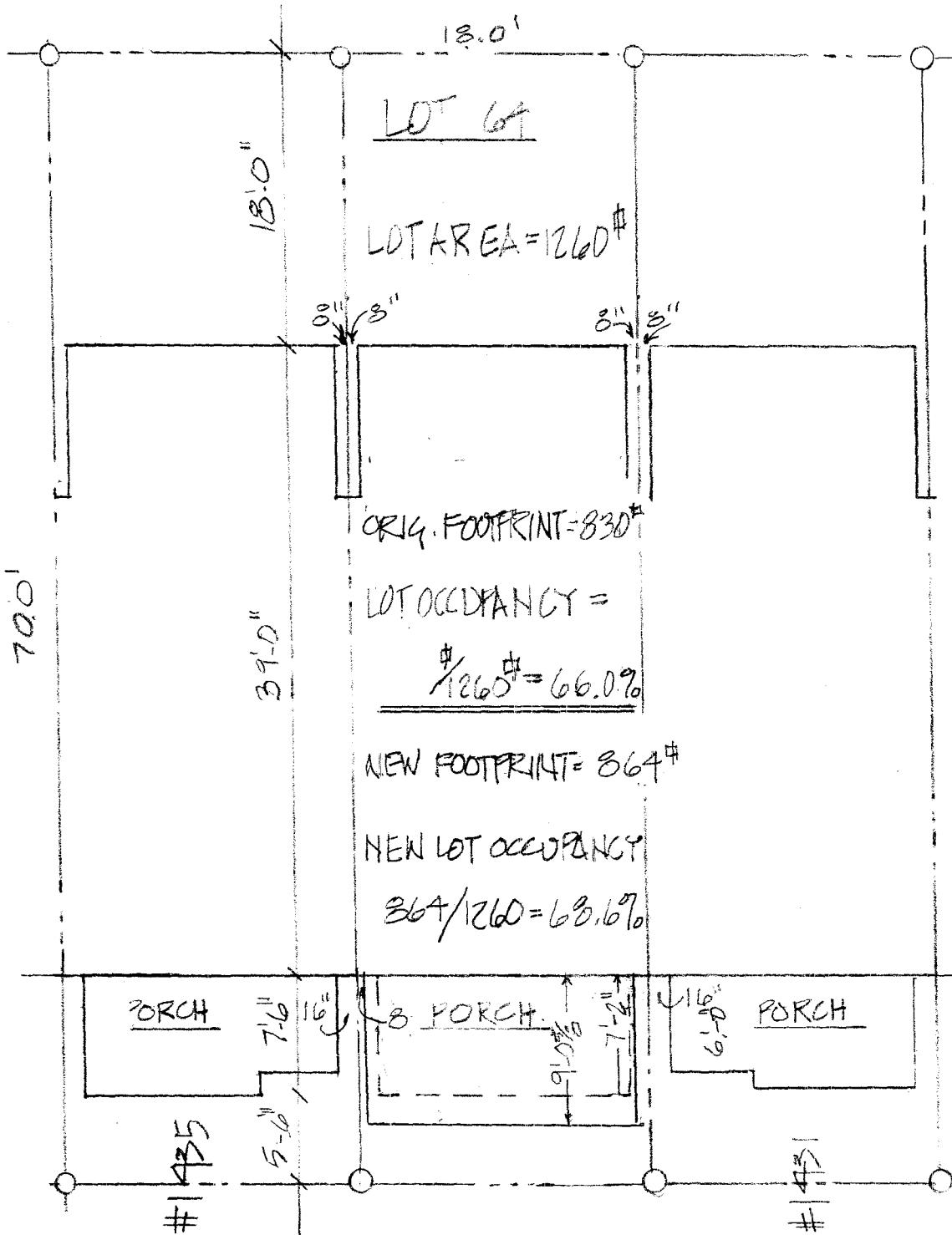
Don A. Hawkins



1433 PARKWOOD PLACE, NW.

SQUARE 2688

10' ALLEY



PARKWOOD PLACE, N.W.

PUBLIC WALK

PORCH LINES

FOOTING UNDERMINED BY COLLAPSE OF EXCAVATION

FACE ON LINE

AREA OF CONCRETE FILL

3-4th

STOOP

$$\left(\frac{1}{2} - \frac{1}{2}\right)^{\pm}$$

EXTENT OF
DEMOLISHED PORCH

71-21
9-05/8

NEW
2 STORY

ADDITION

AREA

EXTENT OF
APPROVED
STAIRWAYS.

EXTENT OF
DEMOLISHED
PORCH

#1433

PARKWOOD PL, NW

BINION/WRIGHT

FOOTING CUT OFF →

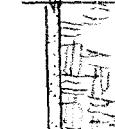
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FOUNDATIONS 1/4"=1'-0" PORCH

#1431

A hand-drawn floor plan of a porch area. The plan shows a rectangular porch structure with a total width of 7'-6" and a depth of 6'-0". The porch is labeled "PORCH" in large, bold, capital letters. To the left of the porch, there is a vertical dimension line indicating a height of 6'-0" from the ground level to the top of the porch. Below the porch, a vertical line extends downwards, labeled "MINED BY EXCAVATION", indicating the foundation or excavation level. The entire drawing is done in black ink on a white background.

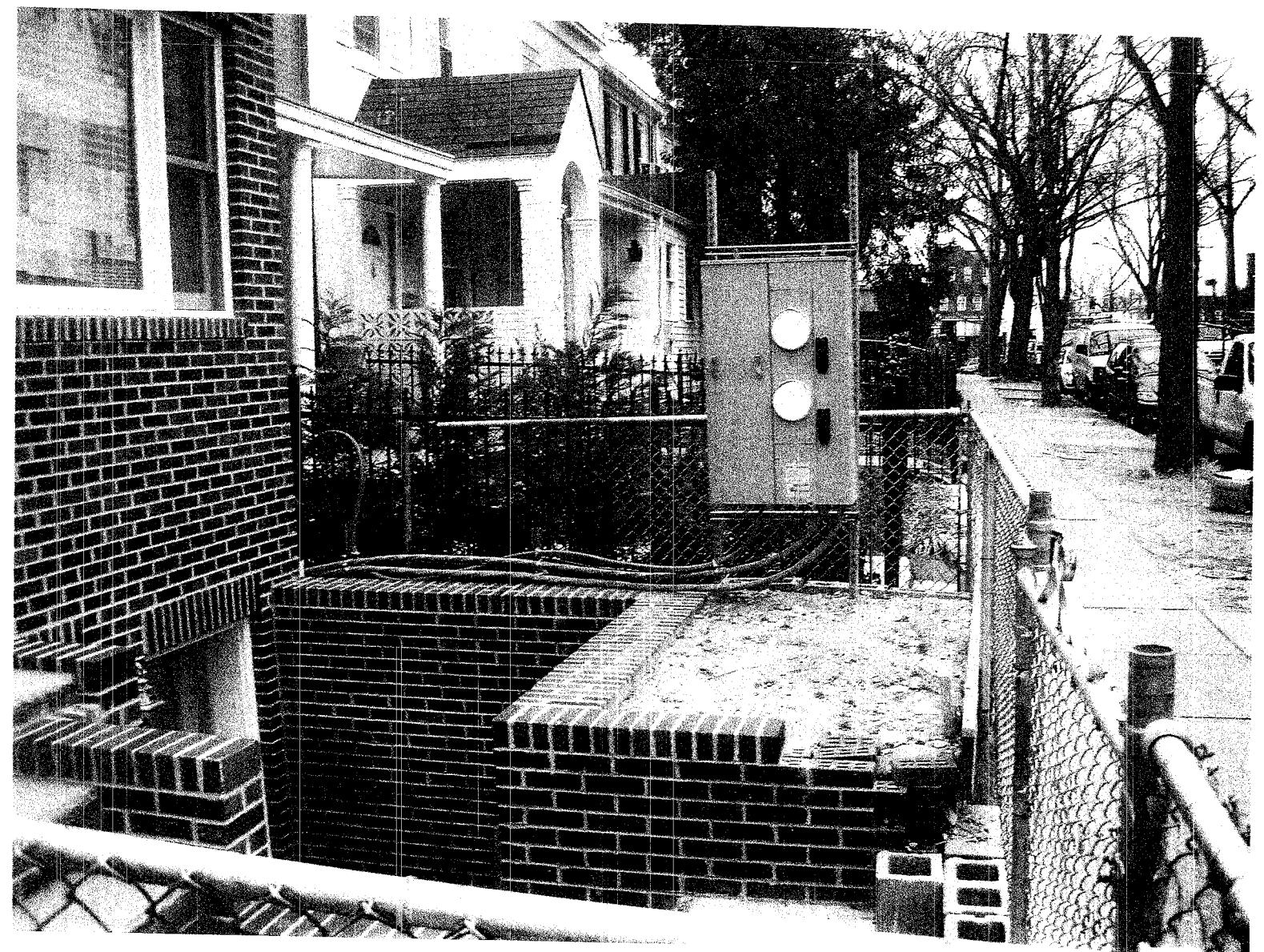
<p># 1435</p> <p>BOLDUS/HANKE</p>		<p>SECTION THRU PORTUGAL</p> 
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Architectural sketch showing a building addition and demolition extent. The sketch includes the following labels and dimensions:

- STOOP**: Located at the top left, with a height of $4^{\prime\prime} +$ and a width of $6^{\prime\prime} - 8^{\prime\prime} +$.
- AREA**: Located at the bottom left.
- EXTENT OF APPROVED STAIRWELL**: Located at the bottom left, pointing to a shaded area.
- EXTENT OF DEMOLISHED PORCH**: Located at the top right, with a width of $7^{\prime\prime} - 2^{\prime\prime}$ and a height of $9^{\prime\prime} - 0\frac{5}{8}^{\prime\prime}$.
- NEW 2 STORY ADDITION**: Located in the center-right area.
- NEW**: Located at the bottom right.

#431







1433 AS IT APPEARED FOR 2 1/2 YEARS