

"A STATEMENT EXPLAINING HOW THIS APPLICATION MEETS THE SPECIFIC TESTS IDENTIFIED IN THE ZONING REGULATIONS FOR VARIANCE, SPECIAL EXCEPTION OR OTHER SPECIAL RELIEF BEING SOUGHT."

Daniel W. Fields, Jr.
7100 Blair Rd NW
Washington, D.C. 20012
202 439-5211 cell
fields-daniel@comcast.net

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Board Of Zoning Adjustment

RE: 7100 Blair Rd Zoning Adjustment for 4-Unit Apt. House

I was not able to hire a lawyer to help pursue this zoning adjustment because I have spent so much money on this renovation project over the past ten years without collecting any rent!

However, in my consultations with attorneys I was given a provision (2000.4) in the zoning statute that provides for properties historically and lawfully operated and occupied before 1958 to be "continued" to operate as such (see attachment 2000 General Provisions).

Also I learned through these legal consultations that ***a "use variance" could be granted if it can be demonstrated that it would place an undue or exceptional hardship on the current owner if they are not able to operate the property as it was previously operated.***

It would indeed place an extreme hardship on me if I were not able to operate the property as it has been previously operated for the past 50 years. I am facing imminent financial ruin if I cannot legally obtain a license to rent, and by extension refinance my property.

I have done absolutely everything I thought I could do to no longer operate the property illegally like the prior owner did without an occupancy permit.

I have invested everything I have in this property and it will be total and complete financial destruction for me, and my family, if I lose it for trying to operate it legally.

For decades the prior owner operated the property illegally and cheated the District government out of tens of thousands of dollars, and I sought to do just the opposite.

I don't know what else to do. I've been as patient and respectful of the process as I can. I went to DCRA to make sure it was legal to renovate the property in the 4-unit apartment house configuration that it was in, tens years ago before applying for permits to do the same.

Once completed I applied for the rental license in March 2014. I have been working ever since with Mrs. Green, Mrs. Beeton and Mr. LeGrant compiling information for them and submitted it to the Office of the Administrator in July 2014, and now its January 2015, and I am starting this process with the BZA.

I am slowly watching my life end in financial ruin after working 16 hours a day between my day job and on this property nights and weekend for the past ten years... literally from 7am to 11pm. Now I've finally completed it in March 2014 and it appears I will never get to rent it a single day before I loose it to foreclosure or a bankruptcy sale if I cant legally operate it so I can refinance it.

My 3 kids are 11, 12 and 13 and for the past ten years (virtually their entire life) I have told them "as soon as I finish this property and rent it" I will get then that new bike, cell phone, laptop or vacation they want. For them to watch me work this hard and deprive them of my time foremost and everything else... only to end up with nothing to show for it, is a fate no one deserve for being a honest, hardworking and law abiding citizen.

I and 52 years old and have only 50% use of my right leg due to a severe accident that almost cut off my foot completely at the ankle. I can't walk more than 2 city blocks without stopping with severe pain. My right leg is almost half the size of my left leg and every year the muscle atrophy gets worse. In this handicap condition I literally limped around on a clubbed foot and renovated this property after working all day at my job.

In this condition and at this age I can't start over. That's why I put everything I had in this property to secure some type of financial future for my kids. I'm not asking for any special treatment, just fair treatment for playing by all the rules, as I understood them.

Even now I and desperately broke yet I have not rented the property for even one month pursuant to Mrs. Green's admonishment that it could negatively impact my ability to ultimately rent it legally. What more can I do?

I sincerely thank you for all your help.

2000 GENERAL PROVISIONS

- 2000.1 The provisions of this title shall establish separate districts, each of which is an appropriate area for the location of uses and structures permitted in that district.
- 2000.2 Within the districts established by this title, or in amendments that may later be adopted, there exist structures, uses of land, and uses of structures that were lawful before this title was adopted or amended, but that would be prohibited, regulated, or restricted under the terms of this title or future amendments to this title. It is the intent of this title that nonconformities may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- 2000.3 It is necessary and consistent with the establishment of the separate districts under this title that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat, 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001))(formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.)).
- 2000.4 Any nonconforming use of a structure or of land, or any nonconforming structure lawfully existing on May 12, 1958, that remains nonconforming, and any use or structure lawfully existing that became nonconforming on May 12, 1958, may be continued, operated, occupied, or maintained, subject to the provisions of this chapter.
- 2000.5 Nonconformities shall be regulated in the following categories:
- (a) Nonconforming use of land, including land use with a structure incidental to the use of the land;
 - (b) Nonconforming structure devoted to conforming use; and
 - (c) Nonconforming use within a structure, whether the structure is conforming or nonconforming.
- 2000.6 A nonconforming use of land or of land with structures incidental to the use of the land shall neither be extended in land area nor changed to any use except a use permitted in the district in which the property is located.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat, 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001)) (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.)).

SOURCE: §§ 7101.1 and 7102.1 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 30 DCR 3922 (August 5, 1983); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8495 (October 20, 2000).