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1018 Constitution Avenue, NE
Washington, D.C. 20002
February 28, 2003

D.C. OFFICE OF ZONING
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Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S
Washington, D.C. 20001

Re: Permit #431591 **BZA Case: 16811**

To the Board:

We are submitting documents in accordance with instructions from the BZA in case #16811 to request a Special Exception for the permit referenced above. Enclosed in this packet are the following, in order, and with the requisite number of copies:

- (I) Application Form 120 – 3104.1 Special Exception of Title II DCMR Zoning Regulations
- ~~(II) Certification from DCRA/ Mr. Kelly, Zoning Administrator~~ RSN
- (III) Plat descriptions in accordance with Form 130
- (IV)A statement of use
- (V) Form 121 --Response to the tests for the Special Exception
- (VI)Required labels for affected properties
- (N.B) A Certificate of Occupancy not required for single family dwelling. There are no leaseholders for the property.

We also submit document (VIII), which shows the results of an informal survey of properties in our immediate area, which have property configuration substantially similar to our home in relation to the houses on 11th street. This includes new and old construction and additions.

We wish further to state that the circumstances under which we request this exception are unusual. The structure is already built. It was begun, built, and completed with a valid permit issued by the sitting Zoning Administrator and endorsed by the subsequent Zoning Administrators. We relied on these authorizations to construct our housing addition, drawing on retirement funds and savings to improve our home.

BZA
Case No. 17007
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO. 17007
EXHIBIT NO. 2

We would like to make a statement about our initial response to one of the neighbor's concerns (Ms. Janet Pritchard-204 11th Street NE). The appellant never contacted us directly in response to our initial notification of the neighborhood that we intended to seek a permit. Instead, she went directly to the Zoning Administrator to seek to block its issuance. When her effort failed, and the permit was granted, we contacted her discuss the pargeing of the wall that would face her rear yard; she refused to meet, assuring us that she was a lawyer, and would prevent its construction. By contrast, neighbors on our other side (at 1016 Constitution Avenue, NE) met with us to discuss their concerns about the potential impact of our addition. Mutually satisfactory arrangements were made and incorporated into the final structure. We were not given such an opportunity with Ms. Pritchard, who refused to meet with us.

The appellant was active in contacting others in the neighborhood to complain about the project, but never actually talked with us. The only direct contact we have received is a demand for compensation for claimed negative effects to property and life (see copy of her letter, attached). We did not respond to this request, first because we felt it was extortion; further we assumed that any actual damage or compensation was the responsibility of the city, wherein the zoning administrators, the BZA, and the Corporation Council cannot agree on whether the permit was properly issued. Clearly, we, as lay homeowners had no authority to issue ourselves a permit; therefore we could not see how we could be subject financially to the demands of a neighbor for alleged misinterpretation or malfeasance in issuing our building permit. We are the victims in this matter.

We submit that this whole sequence of administrative/legal proceedings could have been avoided had Ms. Pritchard met with us. To provide an 8 foot set back of the addition now would represent a phenomenal financial hardship which would present critical risk to our personal security and to the structural integrity of our home. We have delayed the normal steps necessary to finish and protect our home (building a fence, and installing permanent window coverings) both because of lack of funds and because of uncertainty about this dilemma. However, following a break-in and attempted robbery January 23, 2003 (Police Report # 1098, 5th District) we have acted within the last several weeks to acquire these necessary security measures.

We feel that these facts, as well as the accompanying papers which satisfy the requirements for the special exception, should be sufficient to secure relief in this matter.

Respectfully,

Kathleen Peoples
Philip Sedlak