Before The Board of Zoning Adjustment
Of The District of Columbia

MOTION

V. Jerome Walker vs V. Jerome Walker

Case No. 17134

Points and Authorities:*
(state the each and every reason why the Board should grant your motion, including relevant references to the Zoning Regulations or Map)

On March 2004, the BZA Board granted Special Exception to build a two-story enclosed sunroom (rear of property). Construction of the site commenced months thereafter.

During various aspects of the construction phase I was away from the site, however, upon return and during a site visit it was recognized the construction exceeded the approved plans by a projection of 30": upon recognizing this error I immediately reported same to DCRA, BZA, OP, and ANC 5-C.

Upon reporting construction error to DCRA, a DCRA official advised me that the 30" was very minimum and granted permission to continue the construction, and construction was continued based upon permission granted.

However, a subsequent meeting was held at Mr. Toye Bello's office regarding the above issue. Although Mr. Bello raised no objection to the 30" project, he advised me that his staff personnel had given me the incorrect information and did not have the granting authority to continue the construction. Mr. Bello further advised that the granting authority is with BZA and not DCRA. I then referred back to BZA and spoke with Mr. Nero, and Mr. Nero interpretation was that Mr. Bello's office did have limited power to grant no more than 10% in excess of the approved rear yard occupancy plans. Again, Mr. Bello did not agree with the procedure issues, and subsequently Mr. Nero asked that I submit a Motion to Modify Plan to include the minimum excess caused by the builders and authorization granted initially by DCRA.

By the time Mr. Toye Bello's office had communicated with me and requested that I halt construction because his staff member had granted me permission in error, 90% of the construction was completed except for the roof shingles and hardi-plank siding. Thousands of dollars have already been invested and the exterior of the project has been halted for several months.

The ANC 5C at its January 2005, meeting gave support to Modify the Original BZA's Plan to allow the construction and DCRA error. Moreover, a petition was circulated

BZA
CASE No. 17134
EXHIBIT No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO. 17134
EXHIBIT NO. 36

apprised surrounding neighbors of the circumstances and they too have given support to complete the project and to allow the minimum of overage of rear yard occupancy. It is estimated that the minimum rear yard occupancy increased by 1%.

I respectfully request that the BZA Board approve this modify plan and allow me to complete the two-story rear enclosed sunroom as it has been built without further delays.

There are no property line encroachments nor breach and/or compromise of any public utilities thereof.

As of this filing, it is my understanding that no objection has been filed opposing this request.

I prayerfully await your, hopefully, approval of this action.

Respectfully submitted,

V. Jerome Walker

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