Ned Ertel
Jennifer Squires
924 G Street, SE
Washington, DC 20003

July 19, 2005

The District of Columbia Office of Zoning
Mr. Rick Niro
441 4th Street, N.W.
Ste 210-2
Washington, DC 20001
(202) 727-6311

Re: BZA Case No. 17313
Via Fax and First Class Mail

Dear Mr. Niro:

As I indicated in our conversation earlier today, our application in front of the Board of Zoning Adjustment (BZA) has been quite perplexing since the Board decided to delay making a decision until after the Historic Preservation Review Board (HPRB) heard our case on May 26, 2005. As you may recall, I spoke with you on the telephone in the last week of June about getting on the BZA calendar for July 5, 2005. You indicated that I only needed to fax you a letter regarding what the HPRB decided at their hearing along with the HPRB staff memo, which I did fax and mail to you.

I went to hearing on July 5, 2005 only to find out that my case had not been scheduled. On either July 7th or July 8th, Cliff Moi(?) contacted me by phone to say that I would need a copy of my new architectural plans to be scheduled for a decision making session with the BZA. I explained to Cliff that my architect would not be able to have them ready for the July 12, 2005 hearing, but we would be able to get them in to BZA in time for the July 19, 2005 decision making session. Cliff told me that he would schedule our decision making hearing for July 19, 2005. My architect faxed the plans over the week of July 11th.

Today, as I was about to come over for the decision making meeting, I decided to check the BZA calendar and I surprisingly found that the BZA had held a decision making session on July 12, 2005 and decided to defer my case until September 13, 2005. Further, after speaking with you today, you mentioned to me that the BZA wanted our plans and a justification for the granting of the variance. The plans as indicated above were already submitted and my justification is contained below.

BZA
Case No. 17313
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17313
EXHIBIT NO. 31

While I appreciate the BZA's willingness to hear our case on September 13, 2005, we are being penalized for mistakes not of our own making and would like to have our case decided on July 26, 2005.

I began this process almost a year ago. I have had over a dozen meetings with District officials, boards and the ANC6B. Further, I went door-to-door to get approximately 20 signatures of support from my neighbors and have spent thousands of dollars in plans and fees.

To say the least, this has been brutalizing and frustrating process and one that I would, unfortunately, never repeat. As a growing family with two small children, it just is not fair to me and my family to be penalized for bureaucratic mistakes. The tension, financial costs and indecision this has brought to my family life have forced us to evaluate all our options now because I will be out-of-the-country for much of September, which makes determining whether our addition will be allowed in July critical.

Justification for a Variance

The three main areas that we must make showings for a variance are:

1) The uniqueness of the property involved;
2) The practical difficulties that arise from the uniqueness of the property for us;
3) The variance will not impair the public good or the zoning plan.

1) 924 G Street, SE is a Truly Unique Property when the Totality of the Circumstances are Viewed

Our property is unique not from a single characteristic but from a totality of the characteristics of the property. These characteristics include:

- The lot is only 1452 square feet and 65 feet deep, which is significantly smaller and shorter than the 1800 square feet minimum required in the zoning regulations for an R-4 zone;
- It is a corner lot with two structures on it and no alley access leaving the lot landlocked;
- It is in a historic district which in our case precludes us from adding a third story and the tearing down of the carriage house because it is a contributing structure to the area;
- The addition that we seek to build will affect **no** neighbors; and
- We have not encountered in our five years of living on Capitol Hill another house with the same characteristics.

2) **The Current lot Configuration with two Separate Structure Make it Practically Difficult to Utilize the Space in the Structures**

- The existence of the Carriage house separated by a courtyard has made it impossible for us with two small children to use it in an efficient manner as additional living space;
- A connection to the carriage house is not feasible since there would be no way to make the flow of the house work and to monitor our children;
- The historic preservation regulations prevent us from tearing down the carriage house and building an addition that would conform to the lot occupancy regulations; and
- The historic preservation regulations also prevent us from building a third story on the main house; and
- The existing nursery in the main house is too small for a regular bedroom.

3) **Our Variance would Enhance the Public Good and Not Affect the Integrity of the Zoning Plan**

- Our addition would beautify the streetscape by decreasing the view of the large blank wall;
- Many other corner lots, including three on our square, have 100 percent or nearly 100 percent lot occupancy (ours is only 95%), thus granting this variance will not set any precedent.

As we have illustrated above, granting our variance will be an asset to the community and allow us to actually use our house and property to accommodate our family. Once again, thank you for taking the time to consider our application.

Best Regards,

Edward A Ertel

Ned Ertel
Jennifer Squires

Cc: Sharon Ambrose

DATE: 20 July 2005

TO: Mr. Rick Niro
DC Office of Zoning

FROM: Mr. Edward B. Ertel

RE: BZA Case No. 17313

PAGES: 5 (inc cover sheet)

Please pass to Mr. Niro ASAP. Thank you.