CAPITOL HILL RESTORATION SOCIETY
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September 22, 2005

D.C. OFFICE OF ZONING
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RECEIVED

Jerrily R. Kress, FAIA
Director, Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA# 17369

Dear Director Kress,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on September 15, 2005, considered the above case. The case involves the application of Kenneth and Andrea Pogue for a variance from the nonconforming structure provisions to allow an addition to an existing accessory garage, a variance to allow an accessory garage exceeding one-story in height, a use variance to allow living quarters on the second level of an accessory, and a variance from the side yard accessory building set-back requirements, to allow a second story addition of living quarters on an existing accessory garage at 1029 4th Street, N.E.

The applicant appeared at the meeting as did ANC6C Commissioner Daniel M. Pernell, III. The committee after considering all the evidence presented by the applicant voted unanimously to oppose the application. The applicant's property is a regular shaped (20 feet by 100 feet) lot that meets both the lot width and square footage requirements of the zoning code. The structures on the property exceed the allowable lot occupancy. It is no different that other lots in the square except that the subject property has a garage. For the BZA to grant variances the applicant must show an exceptional condition or uniqueness of the property, practical difficulties in complying with the zoning regulations arising out of the uniqueness, and no detriment to the public good or impairment of the zone plan. In this case the applicant argues their flooded basement makes it necessary to build a unit over the garage so they can move into it while they renovate their house and repair the damage caused by the flooding. This argument overlooks the fact that they also own and live in the house next door, 1027 4th Street. The lot is not unique for the purpose of obtaining a zoning variance, has no difficulty in complying in all ways with the zoning regulations, and can be put to sufficient economic use.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17369
EXHIBIT NO. 21

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The applicant is also applying for a use variance and must also meet the more difficult showing of exceptional and undue hardship. The committee found that the applicant did not meet the burden of proof and voted unanimously to oppose the application.

Respectfully,

Gary M. Peterson
Chair, Capitol Hill Restoration
Zoning Committee

CC: Kenneth Pogue
1029 4th Street, NE
Washington, DC 20002

ANC6C04 Commissioner Daniel M. Pernell, III
1116 3rd Street, NE
Washington, DC 20002

Ellen McCarthy, Director
Office of Planning
801 North Capitol Street, NE
Suite 4000
Washington, DC 20002