Kenneth and Andrea Pogue
P.O. Box 75882, Washington DC 20002
(202) 307-8919 daytime and (202) 546-7554 evening

RECEIVED
D.C. OFFICE OF ZONING
2005 MAY 20 AM 11: 34

May 17, 2005

Dear Sirs:

The purpose of this correspondence is to address item 4(C) and 4(D) pursuant to the Instructions given for any notice of application for action provided in the District of Columbia Zoning Regulations (11DCMR Zoning).

Pursuant to Subsection 3103.2:

"As set forth in D.C. Code Ann §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann §5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

I would like to submit: **4(C)** - ***a detailed explanation of the existing and intended use*** of the building in question combined with detailed statements, letters and other documentation (**see Attachments**) that support and **4(D)** - ***explain how this applications meets specific tests identified in the Zoning Regulations for variance*** (area and/or use), special exception or other specific relief being sought.

First the three main tests that must be proved by the applicant:

1) The physical characteristics of the property:

a. makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) i.e., shape and size of the property, unusual topography or slope, soil problems, etc.

Underground water and heavy rains have eroded the foundation (footers, support brick columns, etc.) causing a floors to lean, plaster walls to crack, doors and jams to shift and twist. Rain water is bleeding through the exterior brick and even through the seals of the most recently installed 2 year old windows. Mold and mildew permeate the basement areas resulting in odors and unhealthy air quality. The overall house is in need of demolition and a full renovation; complete with the installation of a full perimeter French drain/sump pump system. As such, and given our financial limitations and the fact that we can not afford to complete this renovation and move elsewhere (with no support/contribution from our home owner's insurance provider), we are soliciting this relief (variance) in order to construct an au par suite to house my wife, myself, my elderly mother and father in-law and our personal property while the main house is renovated.

BZA
Case No. 17369
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17369
EXHIBIT NO. 3

b. creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)

Our inability to receive the requested variance, severely limits our ability to address all of the salient physical problems in the main house (e.g., visibly corroded cast iron sewage lines and galvanized pipe, inappropriate and improperly installed floor joist, need to upgrade electric wiring and remove excess wires on the roof and exterior of the building, etc.). As a public servant and a retailer, our resources are very limited (cash, credit, other housing options, etc.). At present, contractor costs have gone through the roof, and their availability to do the work at had has only left us with the one option of an au par suite above the existing garage. Rents in the district and surrounding jurisdictions in comparable neighborhoods are extraordinarily high. The cost of storage and the potential exposure of our cabinetry and appliances (which we plan to reuse) to theft or damage would also be prohibitive. The requested variance would permit us to save thousands of dollars and allow us to monitor the overall demolition and renovations while still being close by.

2) Granting the application will not be of substantial detriment to the public good – i.e., traffic, noise, lighting, etc.:

We have had an open air drug market at our corner for the thirteen years that we have owned our home. While law enforcement efforts have stepped up as more and more properties are renovated and sold at higher and higher prices, we still have loud car stereos, trucks and motorcycles at all hours of the night, trash and liquor bottles in the streets and littered in our yard, and even an occasional gun shot. While other more affluent folks have been allowed to move into recently renovated homes, my wife and I have tried to hang on until we could afford to do something about our plight. Now we have sufficient equity and opportunity to help ourselves and provide ourselves with a healthy living environment. We're not talking glamour, we're talking the basics (e.g., doors and windows that seal, water pressure upstairs while someone runs the sink downstairs, no smells or odors, a dry basement, heat in all parts of the house, pointed up brick exterior, drains that drain, etc.). The addition to our garage will not be a detriment to the public good. In fact the light we plan to install on its alley side façade will help deter the prostitution and heroin use that goes on throughout the alley. As far as traffic is concerned, we plan to recess the new garage 18" away from the alley to prevent city garbage trucks and other vehicles from striking its foundation as was done in circa 1999. The new structure and our finished home will be a testament to hard work and good works in our community. Please understand I am not trying to be flippant or sarcastic, I only pray that we too are able to proceed with and see our dream come true.

3) Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

Granting our variance will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. Several renovated homes and condo buildings (row house width) are being developed throughout the city (one within 200 foot of our proposed au par addition). That new five story condo building is also adjacent to an alley on 5th Street NE. Furthermore, I have identified at least ***5 other homes*** who have similar au par suites over the garage adjacent to the alleys ***in Ward 6*** (photos are available upon request). Thus, our proposal is not consistent with new or existing structures that are subject to the same zoning regulations or map. In fact, that is where we got the idea to utilized what we have and minimize the overall costs. Again, we ask that you approve our variance consistent with approvals that have been issued for identical structures within our Ward.

Should you have any questions or require additional information, please contact us at the above mentioned phone numbers or address. Thank you very much.

Kenneth and Andrea Pogue
P.O. Box 75882 • Washington, DC 20002
(202) 307-8919 daytime or (202) 546-7554 evening

April 20, 2005

Attn – Ellen McCarthy/Jennifer Steigasser
D.C. Office of Planning
801 N. Capitol St NE
Washington, DC 20002

To whomever this may concern:

The purpose of this letter is to respectfully request and solicit your recommendation in support of an expedited hearing with the Board of Zoning Adjustments pursuant to the District of Columbia Municipal Regulations, Title 11, Chapter 31, Section 3116.1 of the Board of Zoning Adjustment Rules of Practice and Procedure.

Do to rather exigent circumstances, I am requesting the necessary variances to accommodate the construction of an au par suite which will house my wife and I, my in-laws and all of our material possessions while the main structure of our house undergoes complete demolition and renovation from the basement footers and slab-flooring through the roof on the second floor (see the attached letter from Faye Ogunneye, Chief of the Zoning Review Branch).

The specific circumstances that have lead to the deterioration of our home and its extremely unhealthy environment have been detailed in earlier correspondence to our District Councilperson, Ms. Sharon Ambrose as we initially did not know where to turn or how to proceed (see attached letters to Hon. Sharon Ambrose dated 10-7-2004 and 10-21-2004). To date nothing has changed and we are sincerely dependent upon this request, and we are hopeful that the Board of Zoning Adjustments will grant us the variances we seek as we seek to remedy our rather costly problems on our own without benefit of any assistance by our home owners insurance (water damage like this and the accompanying mold are no longer covered under our policy).

To date we have obtained architectural plans (attached) and a qualified contractor for the renovation proposed. Once we have effectively moved into the newly constructed au par suit we will vacated the main structure of the house and begin the process of its complete renovation (basement to roof). Again, we respectfully request your assistance and approval of the requested variances for this stage of our two stage remedy. Please be advised that my wife and I simply do not have sufficient funds to relocate elsewhere and affect the massive degree of renovation that has been deemed necessary to make our home a safe, dry, clean and healthy environment for ourselves and our immediate family.

Thank you in advance for your time and attention to this matter. Should you have any questions or require additional documentation, please feel free to contact me immediately at (202) 307-8919 daytime or (202) 546-7554 evenings.

Sincerely,

Kenneth and Andrea Pogue
1029 4th Street NE, WDC 20002
(Lot 23 and Square 806)

Attachments

Cc: Councilperson Sharon Ambrose
files

Attachments

- Letter from Faye Ogunneye, Chief of the Zoning Review Branch dated 3-23-2005
- Letter to Skip Coburn c/o Councilperson Ambrose dated 10-7-2004
- Letter to Skip Coburn c/o Councilperson Ambrose dated 10-21-2004
- Scope of Work with Proposed Site Plan, Floor Plan and Elevations (5 pages)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

March 23, 2005

MEMORANDUM

TO Board of Zoning Adjustment

FROM Faye Ogunneye, Chief
Zoning Review Branch

SUBJECT Proposed Addition of a Living Quarters on 2nd Level of the Existing Accessory Garage located at 1029 4th St., N.E., Lot(s) 23 , in Square 806 , Zoned R-4

Review of plans for the proposed addition of a Living Quarters on 2nd Level of the Existing Accessory Garage at the above subject premises indicates that the Board of Zoning Adjustment approval is required as follows:

1. Variance pursuant to Section 2001.3 for addition of a living quarters in the existing accessory garage in the R-4 Residential Zone district (Section 3103.2)

2. Variance pursuant to Section 2500.4 for an accessory garage exceeding one-story height in the R-4 Residential Zone District (Sect. 3103.2)

3. Variance pursuant to Section 2500.5 for a living quarters not devoted to domestic employee on 2nd level of the existing accessory garage in the R-4 Residential Zone District (Sect.3103.2)

4. Variance pursuant to Section 2500.6 for required side yard setback two-story accessory garage in the Residential Zone District (Section 3103.2)

fo/xm/ee

#47-Z

NOTES AND COMPUTATIONS

ADDRESS: 1020 4th St, N.E. LOT(S): 23 SQUARE: 806

ZONED: R-4

	REQUIRED	ALLOWED	PROVIDED	VARIANCE
LOT AREA	1,800 Sq.Ft.		2,000 sq.ft.	
LOT WIDTH	18'		20'	
LOT OCCUPANCY (%)		1200 Sq.Ft. (Max.60%)	1,52 Sq.Ft. (Exist.76%)	320 Sq Ft (Exist.) 16% (Exist.)
FLOOR AREA RATIO ()		N/A	N/A	
PARKING SPACES	1		2 - Garage (*)	
LOADING BERTHS	N/A		N/A	
FRONT YARD	N/A		N/A	
REAR YARD	Min.20'.		50'	
SIDE YARD	0' & 0'		0 ' & 0'	
COURT, OPEN	N/A		N/A	
COURT, CLOSED	N/A		N/A	
(*) 2-LEVEL GARAGE, ACCESSORY 1ST LEVEL-2 SPACES 2ND LEVEL-LIVING QUARTERS SIDE YARD	8'		0'	8' 100%

Reem Mos
Zoning Review Branch
Zoning Division

Kenneth and Andrea Pogue
1029 4th Street NE • Washington, D.C. 20002
(202) 307-8919 daytime / (202) 546-7554 evening

October 7, 2004

To: Skip Coburn
c/o Honorable Sharon Ambrose
Councilperson – Ward 6

Do to a rather exigent circumstances, I request your support in obtaining a variance to ***increase the present height of my garage by six feet (6') to accommodate the construction of an au par suite (bath only)*** for the following reasons:

1. Flood water from last spring and the more recent residual rain fall that accompanied the last series of hurricanes has continually overwhelmed my present basement sump pump system. This has resulted in:

    a. Our having to replace a shorted out furnace with a new replacement furnace that has been tentatively installed on blocks (cost $3,300);

    b. Intermittent pools of standing water that harbor bacteria (we continually drain it and bleach the areas);

    c. Rotted out wood and drywall all along the finished basement areas;

    d. A rear unexcavated area with questionable structural integrity; and

    e. A pronounced odor throughout the house due to the build up of mold and mildew which intensifies with the use of our air conditioning or heat which spreads the odor and potential spores through the duct work.

2. In Addition, due to the recent hurricanes in the Caribbean, we have the added burden to provide shelter for my in-laws (two 70 year old senior citizens). The present condition of our house will place them at risk (given their age) to incalculable respiratory diseases. It has already compromised my wife's health (who suffers from allergies) and potentially my own.

As my wife and I endured the later half of the winter without a working furnace and suffered through a majority of the late spring/early summer without air conditioning, we solicited several professional contractors, architects and specialty service providers to propose and cost out various solutions to address all of the aforementioned problems (flooding, structural integrity, rotting, odor, mold and mildew). Just as we narrowed down our options, the hurricane season hit adding the care of my in-laws to an already disastrous situation.

Early on we had an overall solution to address our situation. It required that we first expand the width of our garage space to accommodate the storage of our furniture, appliances and belongings during the over-haul/gutting and renovation of our house from the basement on up. Also we thought that the addition of a study with bathroom facilities would provide us with a place to stay and save us from the District's high priced rental market ($1500 - $2000 per month for a 2 bedroom unit). Well now we're also going to need to accommodate my in-laws as well.

My wife and I are not rich by any means. We continue to endure the open air drug trafficking that occurs nightly on the corner just outside of our home. We are trying to borrow on the equity of our home to ensure its stability and habitability because we can not afford to relocate anywhere else in the District given the current market value of D.C. real estate.

Therefore, on behalf of my wife and myself, I respectfully request your assistance and influence to help us obtain an expedited variance which will allow us to increase the allowable height of our garage by six feet (6') and thereby permit us to construct the proposed au par suite (bathroom only) that we seek for all of the reasons detailed above. I have traveled around Ward 6, and I have identified at least 4 or 5 residences (new and renovated) that have been permitted or plan to build up their garage areas in the same manner that I propose. Each dwelling poses the same conditions (structural, plat location, traffic, etc.) that our home presents. That's what gave us the idea in the first place. I have photographed these houses. I have their addresses, and I am willing to present this evidence in support of my solicitation. Also, having discovered this obstacle to our renovation early last month, I've been getting a bit of the run-around with the folks in zoning and I have left several messages with various sub or related department entities. Do you know of the appropriate yet sympathetic person in charge who (given the appropriate evidence and circumstances) could/might be able to provide an expedited variance?

Ms. Ambrose (Mr. Colburn), I must be clear in my assertion that the inability of my wife and me to obtain this variance would be an extreme hardship equal to if not greater that the exigent situation in which we already find ourselves. I welcome your inspection of our home so that you can see first hand what our present conditions are and get some sense of what we are trying to accomplish. We have limited funds and the estimates to fix our home (>$200,000) have already far exceeded our original expectations. As we delay interest rates, the costs of building materials, the availability of the contractors identified, and the approaching winter may derail our best attempts to simply remain viable residents of the District and Ward 6 where I have lived since 1982 (and my wife since 1991). Please find it in your heart and ability to help us. Thank you.

Very Respectfully Yours,

Kenneth and Andrea Pogue
1029 4th Street NE, WDC 20002
(Lot= 23 Square= 806) Presently Zoned R1

cc: Skip Coburn

Kenneth and Andrea Pogue
1029 4th Street NE • Washington, D.C. 20002
(202) 307-8919 daytime / (202) 546-7554 evening

October 21, 2004

To: Skip Coburn
c/o Honorable Sharon Ambrose
Councilperson – Ward 6

Mr. Coburn,

I just wanted to see if there was any other additional information that I could provide that would assist you in making the requisite inquiries in support of my request for ***a variance to increase the present height of my garage by six feet (6') in order to accommodate the construction of an au par suite (bath only).***

At this point, given the sudden drop in temperature and the increasing number of heavy rain storms our situation is only getting worse. In order to inhabit our home we have to keep the basement door open to facilitate the drying of our flooded floors and to help vent off the smell of mold and mildew that accompanies the standing water and rotted out wood. As I mentioned before, any use of my furnace for heat will only help to circulate the odor and potential spores through the duct work and to other areas of the house. Currently, my wife and I live held up in our bedroom relying on a space heater and several blankets for warmth at night. I am not complaining, but as I explained before things are a bit desperate right now.

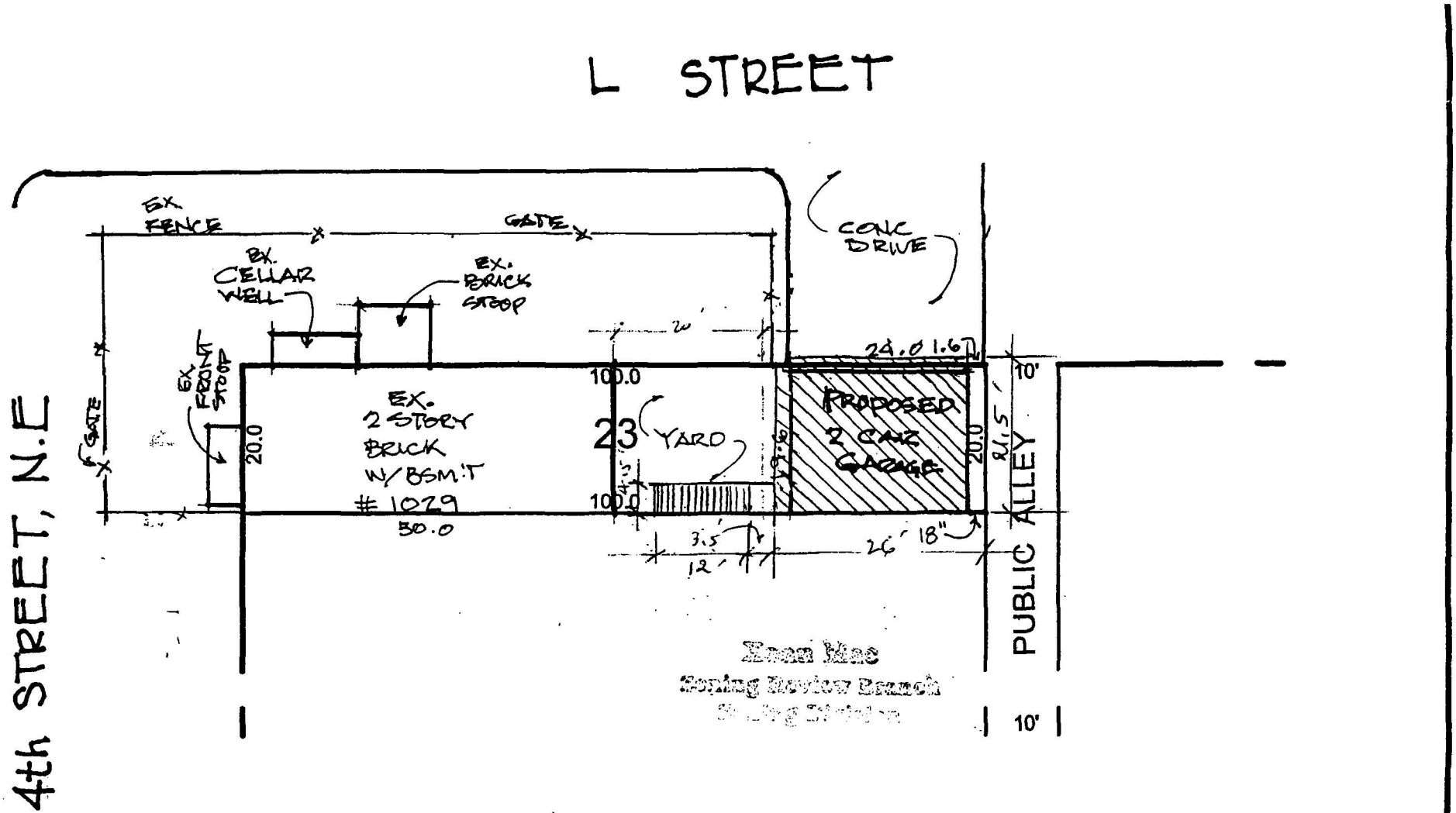
To further complicate matters, other family members have been adversely affected by the hurricanes of the earlier months, and we have to provide accommodations for my in-laws (two 70 year old senior citizens) within the next month or so. Insurance no longer covers this type of household damage. Again, the damage (water) to our home requires that we first expand the width of our garage space to accommodate the storage of our furniture, appliances and belongings during the over-haul/gutting and renovation of our house from the basement on up. The addition of a study with bathroom facilities would provide us with a place to stay and save us from the District's high priced rental market ($1500 - $2000 per month for a 2 bedroom unit) which in addition to construction costs (>$200,000) we just can not afford.

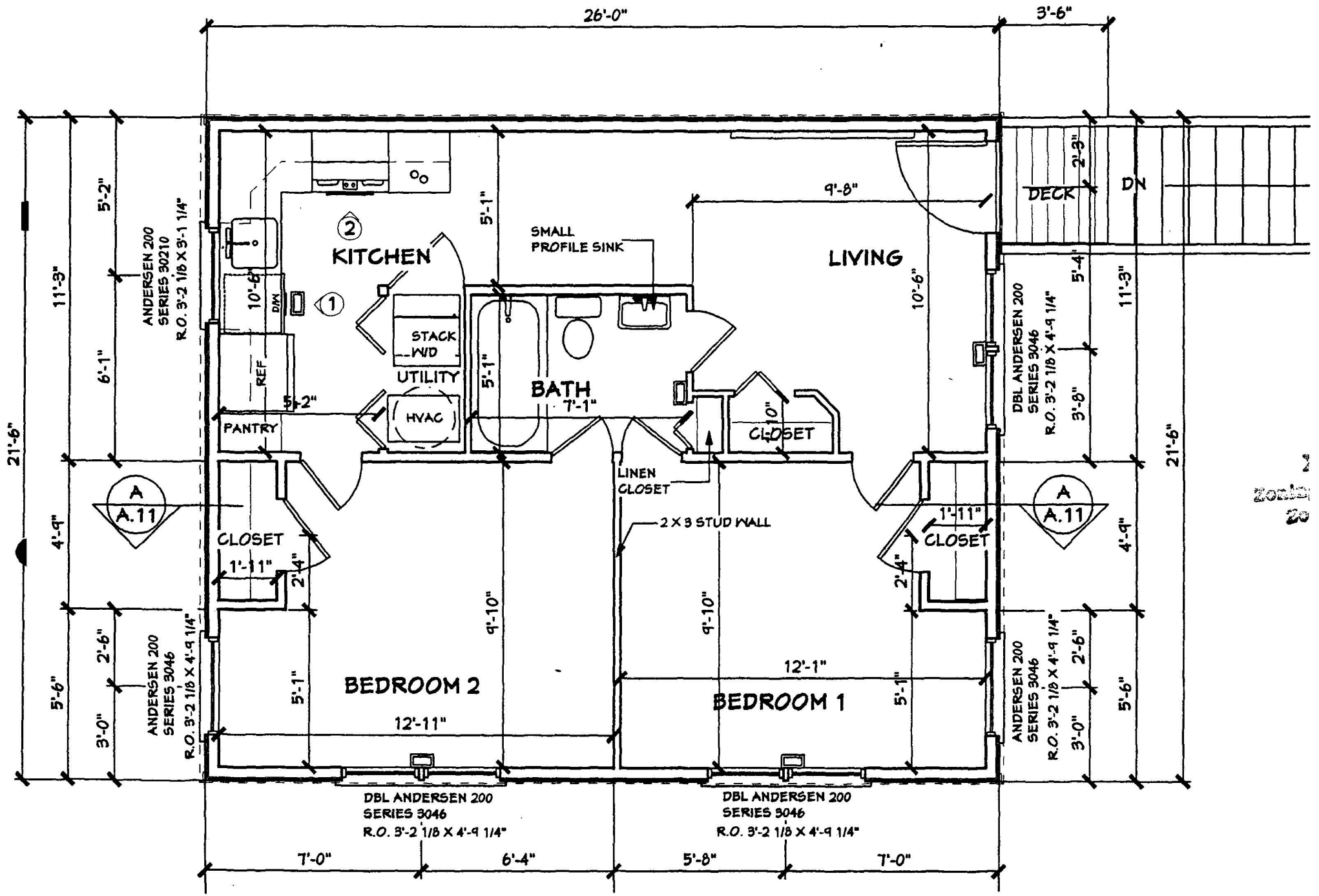
So, please help us to help ourselves. My wife and I are not rich by any means. We are simply trying to borrow on the equity of our home to ensure its stability and habitability because we can not afford to relocate anywhere else in the District given the current market value of D.C. real estate. Unfortunately, time is running out on our ability to do something about our situation as winter draws near and the availability of skilled contractors becomes more and more tenuous. Your urgent attention in this matter would be greatly appreciated. Please find it in your heart and ability to help us. Thank you.

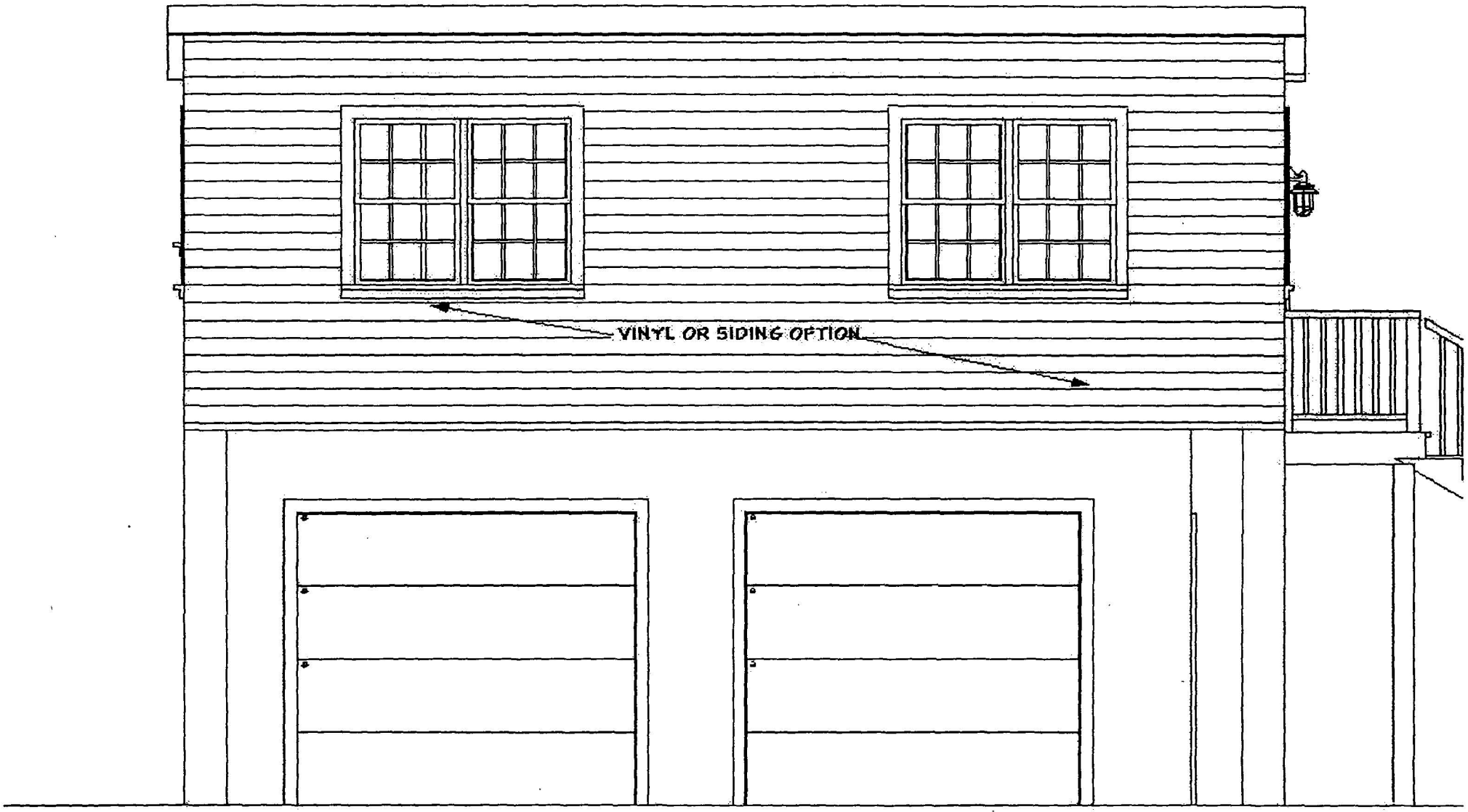
Very Respectfully Yours,

Kenneth and Andrea Pogue
1029 4th Street NE, WDC 20002
(Lot= 23 Square= 806) Presently Zoned R1

cc: Skip Coburn


L STREET
4th STREET, N.E
EX. FENCE
GATE
EX. CELLAR WELL
EX. BRICK STOOP
CONC DRIVE
EX. FRONT STOOP
GATE
20.0
EX. 2 STORY BRICK W/BSM:T #1029
50.0
100.0
23
YARD
20'
24.0
1.6
PROPOSED 2 CAR GARAGE
20.0
8.5'
10'
PUBLIC ALLEY
3.5'
12'
26'
18"
10'
Zoning Review Branch


26'-0"
3'-6"
KITCHEN
LIVING
BATH
7'-1"
UTILITY
HVAC
PANTRY
REF
DW
STACK W/D
SMALL PROFILE SINK
CLOSET
LINEN CLOSET
2 X 3 STUD WALL
BEDROOM 2
12'-11"
BEDROOM 1
12'-1"
DECK
DN
9'-8"
10'-6"
5'-1"
9'-10"
11'-3"
6'-1"
5'-2"
21'-6"
4'-9"
5'-6"
2'-6"
3'-0"
2'-3"
5'-4"
3'-8"
1'-11"
2'-4"
5'-10"
ANDERSEN 200 SERIES 30210 R.O. 3'-2 1/8 X 3'-1 1/4"
ANDERSEN 200 SERIES 3046 R.O. 3'-2 1/8 X 4'-9 1/4"
DBL ANDERSEN 200 SERIES 3046 R.O. 3'-2 1/8 X 4'-9 1/4"
DBL ANDERSEN 200 SERIES 3046 R.O. 3'-2 1/8 X 4'-9 1/4"
7'-0"
6'-4"
5'-8"
7'-0"
A A.11
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VINYL OR SIDING OPTION



