

January 16, 2012

Mr. Richard S. Nero, Jr.
Acting Director, Office of Zoning
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, N.W.
Suite 200/210 South
Washington, D.C. 20001

FEB 14

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18312

EXHIBIT NO. 34

Re: Area Variance Application of Rashid Salem
1341 Irving Street, NW/Square 2848, Lot 815

Dear Mr. Nero:

Notice was received that the Board of Zoning Adjustment will hold a public hearing at 441 4th Street, N.W., Suite 220 South, Washington, D.C., 20001 on Tuesday, February 14, 2012, on the application of Rashid Salem ("Applicant") for: (1) a variance from the lot area requirements under subsection 401.3 and (2) a variance from the lot occupancy requirements under subsection 403.2, for the purpose of renovating, constructing an addition and converting the dwelling situated at 1341 Irving Street, N.W. (Square 2848, Lot 815) ("Property") into a four-unit apartment house.

This letter is presented to voice concern and opposition to the above-referenced application after viewing the blueprints and the Applicant's explanation of his proposal.

1. In the introduction to the Applicant's request for two variances, the Applicant states that, ***"The footprint of the structure will occupy sixty percent of the Property's land area and the Applicant is requesting an area variance from lot occupancy to be able to provide rear balconies for the upper three units."*** To summarize the plans, the proposed structure would go beyond the existing footprint of the current building, extending an additional 16 feet and 10 inches **plus** an additional 10 feet for the rear balconies and a ground floor patio. The structure on the Property currently measures **73'11"**, but in the drawings, it would measure **90'9"** plus additional 10 feet to provide for the balconies and patio, rendering the proposed structure a full **100'9"**.
2. The architectural renderings indicate that the proposed new construction would occupy the full width of the lot and extend beyond the current common walls: **18'9"** on the west side and **37'1 1/2"** on the east side. The owners of the

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properties contiguous to 1341 Irving Street (1339 and 1343 Irving Street) would live in the shadow of the house, since the proposed plans, if permitted, would have the structure rising to the full height of four stories (with the inclusion of the basement level below), have “egress windows” directly into the neighbors back yard, and reach far into the back yard within 8” of the alley if the patio and decks were added. This would result in less open space and less sun for back yards, infringe on the property of those owners immediately adjacent to 1341 Irving Street, depress the values of those contiguous properties, and consequently reduce the values of all properties on the block.

3. That the proposal would convert the Property from a single-family home **“into a 4-unit apartment house”** making **“no additional living space for additional occupants”** relies on the willing suspension of disbelief of those reading the application. The significant space that the Applicant proposes to add, transforming what used to be a home where conceivably one or two people had lived, would be increased by approximately 50% and the number of occupants would be at a minimum four and, more likely, far more, given that each unit proposed would have two bedrooms.
4. This building is similar in its measurements (approximately 16’ wide and 64’ in length) to the property located across the alley at 1360 Kenyon Street, that was converted approximately four years ago into five (5) individual apartments, one per floor, each with two (2) bedrooms, without exceeding the original footprint of the building. The owners of 1360 Kenyon Street have not had any problems with renting the apartments.

The Applicant does not make it abundantly clear if the units will be rented as apartments or sold as condominiums, but at present, a ready market could be found for renting or selling. As for making renovations and converting the **“large size of existing building”** into a 2-unit flat, and the claim that it would be **“practically difficult”**, that type of renovation and lease or sale is more in keeping with properties on the 1300 block of Irving Street, which does not suffer from any scarcity of renters or buyers.

5. An additional source of grave concern is that the architectural drawings remove the space behind 1341 Irving Street used for parking. The city’s streets are growing more congested, and this applies two-fold to Columbia Heights where the residents have seen significant development that led inevitably to more traffic, more people seeking street parking, and the increased need for off-street parking by new residents in the neighborhood. The space behind the Property, which measures approximately 16 feet in width, could serve as parking for as few as two or as many as four vehicles depending on the depth.

The removal of that off-street parking option would flatly contradict the Applicant's assessment that the proposal "***is compatible with the desires of condominium purchasers in Columbia Heights***". The Applicant cannot say whether the tenants or new owners will already have vehicles, or if they may procure them after some time, but like any new structure built downtown where by regulation the architectural and engineering firms are required to provide parking for a percentage of that space's occupants, this should apply to Columbia Heights. Indeed, all the houses on this block have parking spaces behind them, even those that were most recently converted to condos and apartments. The low-income housing apartments on Columbia Road one block away have parking, and even the more recently constructed apartment buildings and condos on 14th Street, Irving Street and Park Road have underground parking. One may ask why. The answer is simply because the residents – if they are renters or new owners – require off-street parking.

6. Concerning the "***advanced state of deterioration of the Property***", and the requested relief that the Applicant requests that "***makes a matter-of-right renovation an unnecessary burden on the Applicant***", that has no bearing on the Board of Zoning Adjustment's granting the requested expansion of the building beyond its original footprint, the additional living space and the additional occupants. And to this should be added that it is not clear from the application and the attached photos whether that was the state in which the subject Property was found and bought by the Applicant, or if the attached photos are from the Property in its current state and after it was stripped, readied for construction at the Applicant's instructions and left open to vagrants (since boarded up at the city's expense).
7. The Applicant in no way satisfies the burden of proof for relief sought from the area's variance requirements. (i) The '***exceptional narrowness, shallowness, or shape of a specific property***', as well as the topographical conditions, clearly do not pose any issue whatsoever for the Applicant, as demonstrated by the many renovations and conversions from one-family dwellings to two-condo units or to four-unit apartment houses that have taken place on this block and within the existing foundations of these properties. This building is identical in dimension to many properties on this block and in the Columbia Heights neighborhood, and therefore, is not "***exceptional***" in any way. The Applicant's description of the large size of the existing building defeats his claim that he needs to expand this structure in order to make it usable. Its current size renders it easily usable. Moreover, the Applicant's claim that the neighborhood is "***largely defined***" by smaller condos and rental units is not supported by any evidence. This is undoubtedly because many of the structures in the immediate neighborhood are, in fact, single family homes. Finally, although the Applicant claims renovating

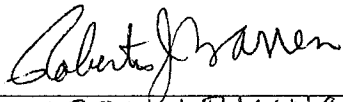
the unit as a 2-unit flat is practically difficult, again it should be noted that he provides no justification for this assertion. The Applicant has the burden of proving each element, and he has wholly failed in this regard. (ii) Regarding the *'practical difficulties'* of selling or renting the units, or the *'exceptional and undue hardship on the owner of the property'* on recouping the Applicants investment, this categorically contradicts what the market's performance has been and continues to be for sellers and landlords in Columbia Heights where there is a ready market for two-condo units and four-unit apartment houses that have been renovated using the footprints of existing structures. It should be reiterated that the Applicant has provided no support for his claims that he has to enlarge the structure, encroach on the neighbor's property rights, and remove parking in order to renovate the structure. (iii) Finally, the Applicant's assertion that the relief being sought by the Applicant would not result in the *'substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan'*, is false as set forth above because it would irrevocably change the character of this block by allowing a proposed structure to extend so far, so wide, and so high; subsequently permit other structures to seek exemption for the zoning laws based on this precedent; infringe on all adjacent properties; diminish property values significantly for the immediate neighbors and anyone attempting to sell their property on the block; and add noticeably to congestion on the street by removing any space behind the Property for parking. The Applicant, who does not reside in this neighborhood, has mischaracterized the nature and needs of the neighborhood and its residents and purposely misrepresented to the Board of Zoning Adjustment the magnitude and variety of problems that the current owners within 200 feet of the Property will face if the Applicant is granted the relief from the variance that is being sought. No one is contesting the Applicant's desire to convert this once grand single family house into a 4-unit apartment/condo building; however, his assertion that dramatically increasing the size of the structure is not a detriment is simply implausible and unjustified. Moreover, the Applicant's statement that expanding the structure will not increase the number of bedrooms or overall density is a misrepresentation. Most of the single family houses in the neighborhood have at most 4-5 bedrooms, and they certainly do not house 8-16 people. A two bedroom unit will likely house at a minimum 2 people and at a maximum 4 people. Such a configuration clearly increases neighborhood density. This is not a minor deviation as claimed, but a major one.

8. In conclusion, it is apparent that the Applicant is simply trying to make as much money as possible on substantially larger units. The Applicant's desires cannot be viewed in a vacuum. Rather, the needs of the neighborhood, and, in particular, of the nearby neighbors must also be considered. Given that the Applicant has not provided any supporting evidence or justifications for his request, other than

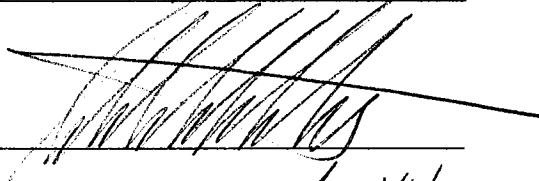
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broad unsubstantiated assertions, we respectfully request that the Board of Zoning Adjustments deny the application of Mr. Salem Rashid for the area variance for the reasons stated above.

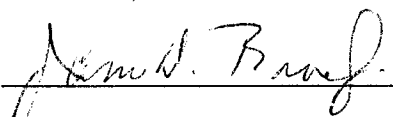
Respectfully submitted,



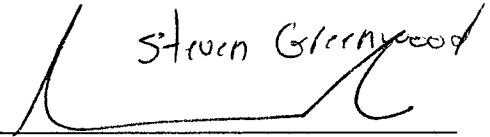
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Washington DC 20010



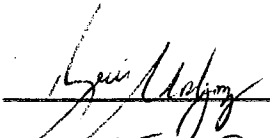
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Wash, DC - 20010



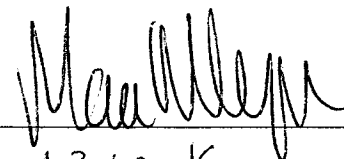
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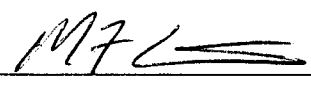
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1327 Irving St, NW

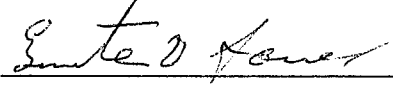


1342 Kenyon

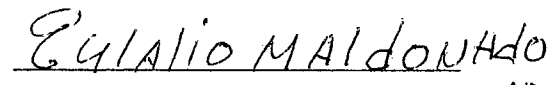


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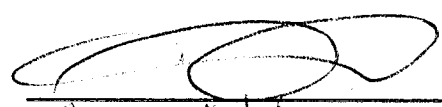
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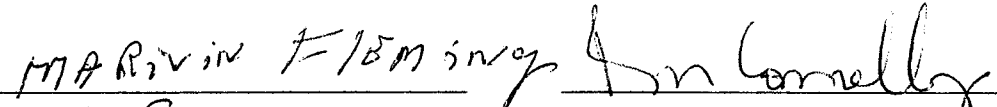
1343 IRVING ST NW



IRVING ST NW -- 1339



Dawn H. H.
1308 Kenyon St NW



1328 IRVING ST NW 1308 Kenyon St NW

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