



CAPITOL HILL RESTORATION SOCIETY

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March 16, 2012

Sara Benjamin Bardin
Director, Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA# 18324

Dear Director Bardin

The Capitol Hill Restoration Society Zoning Committee at a meeting held on March 5, 2012 considered the above case. The case involves the application of Roane-Worslet, LLC, for a use variance to allow the conversion of a flat to a three unit apartment in a R-4 zone at 1337 Maryland Avenue, NE. The applicant wants to convert the basement into a third unit and needs a use variance.

The applicant made a presentation at the meeting and the committee voted unanimously to oppose the application. For the BZA to grant variances the applicant must show an exceptional condition or uniqueness of the property, practical difficulties or exceptional and undue hardship upon the owner in complying with the zoning regulations arising out of the uniqueness, and no detriment to the public good or impairment of the zone plan. First and most significantly, the lot is not unique for the purpose of obtaining a zoning variance. The lot contains 1800 square feet in area, is 18 feet wide and occupies 55% of the lot. The lot is similar to thousands of lots on Capitol Hill and there is no exception condition or uniqueness of the property or the improvement. The critical point is missing here and that point is that "... the extraordinary or exceptional condition must affect a single property." *Capitol Hill Restoration Society v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942.

Even if one concedes that there is an exceptional condition on the property, the applicant does not make the more difficult showing of "undue hardship," which applies to use variances. The applicant argues that he did not know that he could not have a third apartment when he bought the property and he needs the income from the third unit to pay his loan. The applicant should have investigated the zoning before purchasing the property. Unfortunately this is a careless, self-inflicted financial problem. The committee believes that there is a substantial detriment to the public good when a property owner is granted zoning relief because of his lack of knowledge of the zoning regulations.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18324

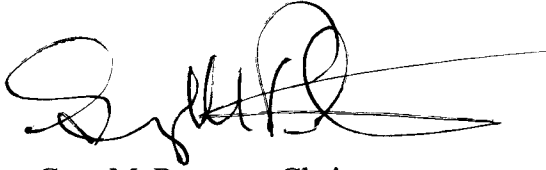
EXHIBIT NO.

24

Board of Zoning Adjustment
District of Columbia
CASE NO.18324
EXHIBIT NO.24

For these reason, we urge the Board to deny the application.

Respectfully,

A handwritten signature in black ink, appearing to read 'G. Peterson', with a long horizontal flourish extending to the right.

Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee