

**Application for Use Variance of Roane-Worsley, LLC
For Property Located at 1337 Maryland Avenue, NE (Lot 35 in Square 1028)**

Statement of Existing and Intended Use

The existing 2-story building located on Lot 35 is currently being used as a 2-unit building, with separate units on the first and second floors. The owner proposes to convert the basement level into a third unit. The dimensions of the building will not be altered by the renovation. See Schematic Design drawings showing proposed floor plan for cellar level and existing floor plans for first and second levels attached as Exhibit B.

Statement in Support of Use Variance

In addition to the proposed conversion of the basement into a dwelling unit within the existing building on Lot 35, the owner also intends to develop the adjacent vacant lot (Lot 34) into a 2-unit building. The two buildings will then be converted into a single condominium consisting of five (5) condominium units. The economic feasibility of the project is dependent upon the use of the existing basement in the building on Lot 35 as one of the five dwelling units.

Under Section 3103.2 of the zoning regulations, a use variance may be granted where the owner meets three main tests: (1) whether the physical characteristics of the property creates a financial hardship for the owner in using the property consistent with the zoning regulations; (2) whether granting the application will not be of substantial detriment to the public good; and (3) whether granting the application will not be inconsistent with the general intent and purpose of the zoning regulations and zoning map.

As for the first test, the owner acquired the property in its present condition as a three-level building including the basement level. The first and second floors of the building are currently in use as separate dwelling units. The basement level currently has no economic use or purpose for either the property owner or for the two existing tenants of the building, and there is no lawful conforming use to which the basement level can be put. The owner purchased the property with the basement level and without knowledge that the level could not be used as a separate unit, and therefore did not create or assume the financial hardship. The strict application of the zoning regulations would preclude the use of the basement level for any purpose to which it might reasonably be adapted. Additionally, the intended development and conversion of the combined lots into a five-unit condominium will not be economically feasible for the owner without a reasonable rate of return on the property as a whole, including the use of the empty basement level.

As for the second test, the conversion of the basement to an additional unit will not create a substantial detriment to the public good. The immediate neighborhood can expect little or no

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impact from an additional dwelling unit located at the property. The only changes will be to the interior of the building which will not affect the surrounding neighborhood. Any increase in traffic caused by the addition of a single dwelling unit will be minimal.

As for the third test, the granting of the application will not be inconsistent with the general intent and purpose of the zoning regulations and zoning map. The subject property is located in an R-4 zoning district, which is generally “designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.” 11 DCMR § 330.1. The overall proposed development by the owner of Lots 34 and 35 into a five-unit condominium, which will include a new building on the currently vacant Lot 34, will further promote the objective that “(v)ery little vacant land shall be included within the R-4 District” as stated under Section 330.2. Additionally, the proposal will not change the type of use (i.e. residential) which is permitted in an R-4 district, nor will the proposal affect the lot density, nor the size, height or appearance of the existing building.

Exhibits

A – Plat

B – Architectural plans

C – Color images showing the existing condition of the basement level and the exterior front and rear

D – Names and mailing addresses of property owners within 200 feet of the property

E – Names and mailing addresses of the two (2) current tenants occupying the first and second levels

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