

18333

Dear Sirs,

This letter contains additional information in support of granting an exception in BZA case #18333, and in response to the Office of Planning Memorandum written by Karen Thomas and Joel Lawson April 10th.

In brief, I believe many of the concerns the Office of Planning and members of the community have concerning the project revolve around the idea that there will be an increase in the density, or number of people living in the house, reducing parking etc. However, there are going to be the same number of people living in the house. The house is currently permitted for a total of 9 bedrooms, three of which are in the basement, and if the variance is approved, there will still be 9 bedrooms, three of which will be downstairs. Either I will be permitted to legally classify those bedrooms as a 2 bedroom unit and a 1 bedroom unit, enjoy higher property values and keep my home renovation loan, or I will not, and have a single 3 bedroom apartment, and the bank will take away the \$34,000 I have to invest in the property.

On April 10th, 2012, The Office of Planning (OP) recommended denial of the variance request for relief from § 401.3 to permit conversion of an existing 3-unit apartment building to a 4-unit apartment building without meeting the minimum lot area requirement for each unit in the proposed 4-unit apartment building in the R-4 residential zone district (3,600 sq. ft. required; 3,182 sq. ft. existing). The Office of Planning made this recommendation based on 3 criteria, which I will address below:

i. Exceptional Situation Resulting in a Practical Difficulty

I agree with the office of planning that there's no unique physical characteristic affecting the property, but I disagree that there is no exceptional situation or any other extraordinary circumstance demonstrating a need for an additional residential unit.

I originally purchased the home in June of 2011 under an FHA 203K home improvement loan. \$34,000 of the original purchase price of \$640,800 is required by the contract used to secure the loan to renovate the basement office space into an additional unit. Of course, I am ultimately responsible for every decision made concerning the house, however, I was advised, when applying for the loan, that there were no sales of 3 bedroom basement apartments in the District of Columbia within the last two years, and as such, it might be difficult to get the house to appraise at the value required to get the home at the price required if the appraiser had nothing to compare it to. However, there are plenty of 2 and 1 bedroom basement apartments, and that the value of the home would increase as a 4 unit with a 1 and a 2 bedroom basement units over a single 3 bedroom basement unit. Taking this into consideration, to give myself the best possible chance of my loan being approved, and to get the highest value of property possible, I selected to apply for my loan with the basement space divided into two separate units.

The loan was approved, and though the contractor assured me the space could be built out in 30 days, the bank generously set the completion date in October. I moved forward under the assumption that the variance process was similar to the permitting process. It is, of course, much different. In January

RECEIVED
D.C. OFFICE OF ZONING
2012 APR 17 AM 8:30

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18333
EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 18333
EXHIBIT NO. 27

2012, 3 months after the renovation was supposed to be complete, and work on it hadn't even begun, the bank began threatening to accelerate the loan and apply the renovation money directly to principal for the house. In a panic to show progress on the project to prevent my loan from being accelerated, I submitted plans for and obtained a building permit to renovate the basement unit in such a way that, if the exception was permitted, no work would have to be re-done. This is why the Office of Planning sees the building permit for work in the basement that is **extremely** similar to the one proposed in the exception. This was my way of showing to the bank officers and inspectors that work is actively being done on the renovation so they hopefully wouldn't cancel my loan and to do so in a proper, legal way, working within the system.

The FHA only grants loans on multi-family properties that are self-sustaining, meaning that the total rents generated from the units have to add up to the mortgage amount. The FHA views 821 Randolph St as self-sustaining with 4 units, but not with 3, which was how my loan got approved. Due to government spending cutbacks I am recently (as of March 31) unemployed, making my need for 821 Randolph St to be self-sustaining even greater. Although I have 3 months worth of payments in savings, if my loan is cancelled, I will have to pay my contractor cash out of pocket for the work and that will make my financial hardship extreme, which I consider to be practical difficulty.

ii. No Substantial Detriment to the Public Good

The Office of Planning memo acknowledges the revitalization of Petworth, of which I feel I am, and this project is, a part of. Now that I'm unemployed, I spend the time not spent looking for work, working on the house. I am, and have spent the last year, working very hard to improve the character of my house. I am painting, tiling, replacing faucets, carpeting stairs, fixing the water heater, you name it. This is my house, and I want it to be amazing inside, though it was left in such a state of disrepair by the previous owner that it often feels like I simply move from one emergency to the next.

The Office of Planning memo also states that a reduction in the number of available family-sized units in this neighborhood would have an adverse impact on the neighborhood's character – but this property hasn't been a single family home since 1995.

The Office of Planning also states that the proposal would result in a change of use from a permitted three-unit apartment house to a four-unit apartment house, which would increase the density beyond that anticipated by the area per unit requirement of the R-4 District. But this isn't the case. The *effective* density will remain unchanged. I have already been permitted to put two bedrooms in the office space. As it stands I have approval for a total of three bedrooms downstairs. Whether I can classify that space as a separate apartment, and have a 2 bedroom and a 1 bedroom, instead of 1 large 3 bedroom apartment is what's really at stake here.

There has been a lot of misinformation propagated into the community by my neighbor, Patricia Roy, who had several lawsuits against the previous owner of this property. Although I do not have a copy of her letter and petition, I have come to understand that it is based on a fundamental misunderstanding

of the project. At the ANC 4c meeting, I met with my neighbors, that is, the people who *actually live* in Petworth, unlike Ms. Roy, who is currently residing in Florida. In her petition, I believe she speculated that I was going to move out of Petworth, that I was going to put a giant sign in the yard (as the previous owner did for his business), or that the tenants I was going to have live in the house would be disrespectful to the community. None of which is the case. At the ANC 4c meeting, I found the true community concern about the project was parking. And in addressing that, I'd like to add a little more detail to the Office of Planning memo. There are a total of 2 legal spaces of off street parking available in the driveway for the residents of the house, however there are also 2 tandem spaces, for a total of 4 spaces (2 legal spaces and 2 tandem spaces). I have already cleared my personal items from the driveway to make them available.

iii. No Substantial Harm to the Zoning Regulations

The Office of Planning memo states that Granting relief would impair the intent of the zoning regulations, but I disagree. The purpose of the section 330.3 and §401.1, as stated in the memo, is to prevent the non-conforming conversion of row houses to preserve the character of the R-4 zone. But my home has already been converted into a multi-family unit, and even the office of planning acknowledges that the proposal conforms to § 203.4, maintaining an exclusively residential use. The proposal does conflict with the per unit requirement of the R-4 District, but that is why I am applying for an exception.

The memo goes on to state that my request to the Board for variance relief is contradictory because I have already been permitted to renovate the office space into two bedrooms. The variance application, however, isn't a request for permission to *renovate* the space, it's a request for permission to *classify* the space. As previously stated, three bedrooms have already been approved for the downstairs, the request is whether or not I can *classify* it as a two units or one. The number of people, parking spaces, foot traffic, and increased business revenue will be the same either way.

In Conclusion, I believe many of the concerns Ms. Roy and others had about the variance request surrounded the idea that there would be more people living in the home. However, and this has been a fine point that I don't believe many people connected to the application have yet to realize, there are going to be the same number of people living in the house. There are three bedrooms downstairs. Either I will be permitted to classify them legally as a 2 bedroom and a 1 bedroom and keep my loan, or I will classify them as a single 3 bedroom apartment and lose my loan.

Thank you for your time and patience!!!

Grant Barker
202 596 1984
grant.barker@gmail.com
821 Randolph St NW
Washington DC 20011