

3453 Holmead Place NW.

Reference:

1. BZA Case 17218, Tonya Harris, TON, Inc-- 906 T Street, N.W., Washington, DC:
Approved for fourth story addition in R-4
2. *Luis de Escarate v. District of Columbia Board of Zoning Adjustment*-- zoning history such as this was a unique and exceptional circumstance. It also cites other cases that said the uniqueness was not specific to the characteristics of the land (in our case the topographic survey proves this point)
3. Court of Appeals decision called the Mick Adams case-- involved an additional story on a building, similarly, where the practical difficulty involved would have been to take off that additional story, which is quite a practical difficulty
4. BZA Case 17039-- Approved for fourth story addition in R-4

Points:

- The addition would allow the bedroom and bath to meet building code.
- The addition creates a space usable inside with minimal impact on the outside and as I said before, it's on the rear of the property and not visible from public.
- It does not affect we feel any neighboring property.
- It would cost approximately \$50,000.00 to remove the fourth story, but the practical difficulty is a financial one, and also potentially a structural one.
- The fourth story is tied into the third story, the roofs are all tied in, the HVAC systems are
- all tied in, there are sprinkling systems that are all tied in, there are stairwells that are appended inside
- There is no substantial detriment as there are other buildings in the community that are as high as Mr. Smith's property.
- The units would sell for much more with the addition if the applicant decides to sell when the market is in a better place. Currently as a result of DCRA's stop work order, legal fees, DCRA's banter internally and mistakes concerning the handling of lifting and placing stop work orders, utility and resident relocation costs as a result of said mistakes, the owner is currently not making any money from this project.

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 District of Columbia

CASE NO. 18376

EXHIBIT NO. 23

Board of Zoning Adjustment
 District of Columbia
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- The owner admits fault and is trying to be compliant by filing for zoning relief unlike many of the owners of surrounding non-compliant properties within blocks.
- Mr. Smith tried to avoid foreclosure.
- The property is in limbo and the 4th story must be repaired and the third story suffered damages due to the incomplete construction of the 4th story.
- The unit that is enlarged with the fourth story addition went from approx 700 sq ft to 1500. The previous layout had an unmarketable and unusable closet, bedroom, and bathroom.
- The fourth story does not increase the number of units only the size of the top unit.