

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18163-A of 1444 Fairmont Partners LLC, pursuant to 11 DCMR § 3103.2, for a variance from the nonconforming structure provisions under subsection 2001.3 (406), and a variance from the off-street parking requirements under subsection 2101.1, to rehabilitate and convert a vacant flat (two-family dwelling) into a five (5) unit apartment house in the R-5-B District at premises 1444 Fairmont Street, N.W. (Square 2665, Lot 32).

HEARING DATE: February 8, 2011

DECISION DATE: February 8, 2011

CORRECTED SUMMARY ORDER

Note: This order corrects BZA Order No. 18163, by amending the name of the applicant from Government of the District of Columbia, Department of Housing and Community Development to 1444 Fairmont Partners LLC. The name change reflects the District's conveyance of the property to 1444 Fairmont Partners LLC on January 31, 2011.

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B which is automatically a party to this application. ANC 1B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2, from the variance requirements of sections 2001.3 (406), and 2101.1. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board, and having given great weight to the OP and ANC reports, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 2001.3 (406), and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 12 (Plans) be **GRANTED**.

VOTE: **4-0-1** (Meridith H. Moldenhauer, Jeffrey L. Hinkle, Nicole C. Sorg and Peter G. May to Approve. No other Board member (vacant) participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

ATTESTED BY:


JAMISON L. WEINBAUM
Director, Office of Zoning *for*

FINAL DATE OF ORDER: February 10, 2011

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 18163-A

FEB 23 2011

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Martin P. Sullivan, Esq.
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Advisory Neighborhood Commission 1B
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Washington, DC 20009

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ATTESTED BY:


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1 with the property is in the financing the
2 restoration and we don't have a lot of very
3 specific evidence to that fact and I'm just
4 wondering if there's more that you can add that's
5 actually, rather than simply saying this is the
6 only thing that works can you demonstrate that a
7 little bit more clearly.

8 MR. SULLIVAN: Yeah I think so do you
9 want to walk through the chart in your financial
10 analysis?

11 MS. TYGIER: I'll pass this test soon I
12 hope, when we were working on doing this building
13 we sat down and worked on three unit scenario,
14 four, five unit scenarios how do we make it work,
15 the price point that we can get on this block in
16 Columbia Heights and what it was going to cost
17 us. The structural work that this building
18 requires is enormous, it will have to be gutted,
19 there, as you saw there are failing floor joist
20 that have literally failed but there are many
21 others that have been compromised that while we
22 do the bracing we will probably have to replace

1 those floor joist, just doing the bracing a lone
2 is a lot, it will all be, all new electrical, all
3 new plumbing, all new floor systems, ceilings,
4 everything has to be from scratch. Our initial
5 estimates from the contractors and the other
6 trades has come in at 1.25 million dollars for
7 development alone and then with the financing
8 costs and the other related costs the cost for
9 development are nearly 2 million dollars and our
10 very optimistic hope is that we can get 2.3
11 million for the sale of these units so there's
12 not a whole lot of play in that.

13 MR. MAY: So you do intend to sell the
14 units as opposed to rent them?

15 MS. TYGIER: Yes they'll be sold, my son
16 Jonathan will be living in one, so that also eats
17 into our profits.

18 MR. MAY: You've got to charge him full
19 price...

20 MS. TYGIER: It would be nice wouldn't it?
21 Do you have children?

22 MR. MAY: I do.

1 MS. SORG: How many square feet, I'm
2 looking and I just can't see.

3 MS. TYGIER: I'm going to defer.

4 MR. SCHNECK: Total gross is 4,350.

5 MS. SORG: Okay thank you.

6 CHAIRPERSON MOLDENHAUER: Can you
7 elaborate a little bit on not just the financial
8 issue but I guess how the financial issue is then
9 wrapped into the need to keep the court and why
10 the layout for not keeping the court would not
11 work financially?

12 MS. TYGIER: The court is more to provide
13 two bedrooms and to provide natural light and air
14 into a bedroom, while we will be putting
15 sprinkler systems in this building for fire
16 safety people do want to have a window in their
17 bedroom and so to enclose that court impacts not
18 only making an enclosed bedroom with no natural
19 light but it also impacts the neighbors, because
20 it impedes on what they're using now for light
21 and air.

22 CHAIRPERSON MOLDENHAUER: Do you have