

January 7, 2013

**By Hand Delivery**

Lloyd Jordan, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

**BOARD OF ZONING ADJUSTMENT  
District of Columbia**

CASE NO. 18446

EXHIBIT NO. 32

RECEIVED  
OFFICE OF ZONING  
2013 JAN -7 PM12:11

Re: Post-Hearing Submission - Variance Application No. 18446; 1308 Euclid Street, NW; Square 2866; Lot 55

Dear Chairperson Jordan and Board Members,

Attached please find additional information requested by the Board at the November 27<sup>th</sup> hearing. The Board's request focused on the desire for additional information about (i) the construction cost of connecting the basement and first floors into a single apartment unit, (ii) additional information about the rental market for a relatively large two-story apartment unit, and (iii) information about the Applicant's knowledge of what he was purchasing in 1987.

To that end, we are submitting the following information:

1) Exhibit A. Appraisal documents relating to Mr. Bruske's purchase of the Property in 1987, which show that the property was then identified as a three-unit apartment house. Please see the highlighted data in these documents, including information that the number of units is "3", and that the number of Range/Ovens is "3". In addition, the appraisal documents show that there was an existing "Basement Kitchen." This document supports Mr. Bruske's testimony that when he purchased the building in 1987, the building consisted of three viable apartment units, although all were in need of renovation.

2) Exhibit B. Opinion – and floor plans - from the project architect, Erik Hoffland, discussing the practical difficulty of connecting the basement and first floor levels of the subject building into a single apartment unit, based on construction estimates provided by potential contractors (estimates also attached).<sup>1</sup>

3) Exhibit C. Several opinions from various Columbia Heights real estate professionals that there is limited demand for a large two-story (basement and first floor) unit in this area, and noting the practical difficulty in renting such a unit for a price comparable to the price (per square foot) of one-story units.

In a recent (December 4<sup>th</sup>) bench decision - BZA Case No. 18452 - the Board found that a building which had been illegally converted to 3 units just two years prior was subject to a unique condition as a result

<sup>1</sup> The Applicant reiterates its request to have Mr. Hoffland accepted as an expert witness. He is a D.C. registered architect with extensive - and relevant - experience and education.

of that conversion. The Board also found that physically reconnecting two of the three units into one large unit would be a practical difficulty for an innocent subsequent property owner.

The decision in that case is similar to another recent Board decision, that of BZA Case No. 17991 (Applicant Robert Spelke) in November, 2009. A critical element of the variance approval in Case No. 17991 was the fact that the applicant had purchased a three-unit building without knowing that such a configuration was invalid. While Order No. 17991 was a Summary Order, the rationale behind the Board's approval can be found in both the hearing transcript as well as the positive Office of Planning report in that case, and is very instructive for the present case. Portions of the BZA transcript and OP report are attached hereto as Exhibit D.

In the deliberation in Case No. 17991, the Board Chairman stated:

"As indicated, the Office of Planning recommends approval....The Office of Planning has done an excellent job in its report of walking through the variance test and establishing that the three-prong test has been met. I'm not going to repeat everything said there. I'll just incorporate that by referencing to these comments."

The Office of Planning report for Case No. 17991 clearly explained the factors present which supported the approval:

"Additionally, the applicant would face practical difficulty reconfiguring the units. Currently, there is one unit per floor. If the three units were reduced to two, it would require the removal of a kitchen, removal of two walls, relocation of HVAC system, modification of gas piping and electrical wiring, and installation of an interior stairwell...which would be costly and difficult to perform."

The Office of Planning Report concluded:

"The subject building was converted to a three unit apartment building by the prior owner in 2002. The applicant purchased the property in 2003 without knowledge of the conversion being done without necessary approvals, making the apartment a non-conforming use. The subject building is the largest on the square, and contains larger than average rental units. The applicant would face practical difficulty reconfiguring the units, including costly and difficult renovations resulting in units that are difficult to rent."

The Office of Planning's reasoning, incorporated by the Board in its oral decision, can be applied to the facts in the present case at 1308 Euclid Street. Mr. Bruske purchased the property without knowing that the three units then existing in the building were not validly permitted. In order to be able to use the isolated basement space at 1308 Euclid in any reasonable way, without variance relief, the applicant would have to incur the significant expense of connecting the basement and first floors into a single unit. This is the exact practical difficulty identified in the above-noted BZA cases. Additional aspects of those cases which are also

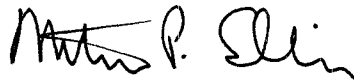
Lloyd Jordan, Chairperson  
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present in this case are the practical difficulties of renting a large two-story apartment unit and of displacing a current long-term tenant.

Summary

Based on the additional information provided herein, and consideration of the variance test as applied by the Board in similar cases, we believe that the Applicant has proven that the subject property is subject to an exceptional condition which results in a practical difficulty in complying with a strict application of the Zoning Regulations. Based on this information, as well as the other evidence and testimony provided in this case, the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is fluid and cursive, with the first name "Martin" and last name "Sullivan" clearly distinguishable.

Martin P. Sullivan, Esq.

Enclosures

cc: ANC 1B  
Office of Planning, Stephen Cochran

## **EXHIBIT A**

Appraisal documents supporting the Applicant's claim that the building was configured in three separate living units prior to his purchase in 1987.



## APPRAISAL REPORT - ALL RESIDENTIAL IN HOME PROPERTY

File No. 25984

Borrower **BRUSKE, EDWARD AND MEGAN BRUSKE-SMITH** Census Tract **6** Map Reference **9 K 8**  
Property Address **1308 EUCLID STREET, N.W.**  
City **WASHINGTON, D.C.** County **001** State Zip Code **20009**  
Legal Description **LOT 55, SQUARE 2866, COLUMBIA HEIGHTS**  
Sale Price **REFINANCE** Date of Sale **N/A** Loan Term yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ Other  
Actual Real Estate Taxes \$ **1,313.62** (yr) Loan charges to be paid by seller \$ Other sales concessions **N/A, REFINANCE**  
Lender / Client **CHASE HOME MORTGAGE CORPORATION** Address **1831 FOREST DRIVE, #6 ANNAPOLIS, MD 21401**  
Occupant **MR. AND MRS. BRUSKE** Appraiser **ABS ASSOCIATES** Instructions to Appraiser **ESTIMATE OF MARKET VALUE**

|                                                                                                                                                                  |                                        |                                     |                                     |      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------|-------------------------------------|------|------|
| Location <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural                                              | OVERALL RATING                         | Good                                | Avg                                 | Fair | Poor |
| Built-up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%                                     | Adequacy of Shopping                   | <input checked="" type="checkbox"/> |                                     |      |      |
| Present land use <input checked="" type="checkbox"/> 10% Condominiums <input type="checkbox"/> 60% 1-Family <input type="checkbox"/> 15% 2-4 Family              | Adequacy of Utilities                  | <input checked="" type="checkbox"/> |                                     |      |      |
| <input type="checkbox"/> Apartments <input checked="" type="checkbox"/> 10% Commercial <input type="checkbox"/> % Vacant                                         | Employment Opportunities               | <input checked="" type="checkbox"/> |                                     |      |      |
| Change in present land use <input checked="" type="checkbox"/> Not likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)          | Police and Fire Protection             | <input checked="" type="checkbox"/> |                                     |      |      |
| (*) From To                                                                                                                                                      | Recreational Facilities                | <input checked="" type="checkbox"/> |                                     |      |      |
| Property values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining                                | Property Compatibility                 | <input checked="" type="checkbox"/> |                                     |      |      |
| Housing demand/supply <input checked="" type="checkbox"/> In balance <input type="checkbox"/> Shortage <input type="checkbox"/> Oversupply                       | Protection from Detrimental Conditions | <input checked="" type="checkbox"/> |                                     |      |      |
| Predominant occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> % Vacant                                | General Appearance of Properties       | <input checked="" type="checkbox"/> |                                     |      |      |
| Single Family: Price range \$ <b>80,000</b> to \$ <b>350,000</b> Predominant \$ <b>140,000</b>                                                                   | Appeal to Market                       | <input checked="" type="checkbox"/> |                                     |      |      |
| Age <b>60</b> yrs. to <b>90</b> yrs. Predominant <b>88</b> yrs.                                                                                                  | Distance                               | Access or Convenience               |                                     |      |      |
| Typical multifamily bldg. Type <b>TOWNHOUSE</b> No. Stories <b>2-3</b> No. Units <b>2</b>                                                                        | Public Transportation                  | <b>IN BLK</b>                       | <input checked="" type="checkbox"/> |      |      |
| Age <b>88</b> yrs. Condition <b>AVERAGE TO GOOD</b>                                                                                                              | Employment Centers                     | <b>2-5 MI</b>                       | <input checked="" type="checkbox"/> |      |      |
| Typical rents \$ <b>350</b> to \$ <b>1,200</b> <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining | Shopping Facilities                    | <b>2-6 BLKS</b>                     | <input checked="" type="checkbox"/> |      |      |
| Est. neighborhood apt. vacancy <b>2</b> % <input type="checkbox"/> Decreasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Increasing     | Grammar Schools                        | <b>1.5 BLKS</b>                     | <input checked="" type="checkbox"/> |      |      |
| Rent controls <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not likely <input type="checkbox"/> Likely            | Freeway Access                         | <b>2 MILES</b>                      | <input checked="" type="checkbox"/> |      |      |

Note: FHLBC/FNMA do not consider race or the racial composition of the neighborhood to be reliable appraisal factors.  
Describe those factors, favorable or unfavorable, affecting marketability (incl. mkt. area population size & financial ability) **SUBJECT IS LOCATED IN THE COLUMBIA HEIGHTS NEIGHBORHOOD OF NORTHWEST WASHINGTON, D.C., AN AREA OF CONSIDERABLE RENOVATION AND CONCOMITANT APPRECIATION OF REAL ESTATE. LAND USE MIX HAS NO ADVERSE EFFECT ON THE SUBJECT. PRICE RANGE AND PREDOMINANT VALUE ARE BASED ON SETTLED SALES IN THE AREA.**

Dimensions **20 X 97** - **2,130** Sq. Ft. or Acres ☐ Corner Lot  
Zoning classification **R-4, ROW DWELLINGS AND FLATS** Present improvements ☒ do ☐ do not conform to zoning regulations  
Highest and best use: ☒ Present use ☐ Other (specify)  
Public ☐ Other (Describe)  
Elec. ☒  
Gas ☒  
Water ☒  
San Sewer ☒  
Underground Elec. & Tel. ☐  
OFF-SITE IMPROVEMENTS  
Street Access: ☒ Public ☐ Private  
Surface **ASPHALT**  
Maintenance ☒ Public ☐ Private  
☒ Storm Sewer ☒ Curb/Gutter  
☒ Sidewalk ☒ Street Lights  
Topo **LEVEL**  
Size **AVERAGE**  
Shape **NEARLY RECTANGULAR**  
View **AVERAGE**  
Drainage **ADEQUATE**  
Is the property located in a HUD identified Special Flood Hazard Area? ☒ No ☐ Yes  
Comments (favorable or unfavorable conditions including any apparent adverse easements or encroachments) **NO UNFAVORABLE ON-SITE CONDITIONS**  
**NOTED. FEMA FLOOD MAP 0020B/ZONE C. STANDARD UTILITY EASEMENT OF RECORD PRESUMED.**

☒ Existing ☐ Proposed ☐ Under Construction  
No. Bldgs. **1** No. Units **3** No. Rooms **12** No. Baths **3.5** Walk-up ☒ Det. ☐ Semi-Det. ☐ Row ☒ No. Stories **3**  
Type **STREET PKG IN BLK.**  
Basic Structural System **MASONRY** Exterior Walls **BRICK** Roof Covering **METAL**  
Foundation Walls **CINDER BLOCK** Basement **100** % Finished **100** % Describe use **RENTAL UNIT**  
Interior Walls **PLASTER** Floors **HARDWOOD** Bath Floor and Walls **CERAMIC**  
Insulation **UNSEEN** Adequacy **UNSEEN** Adequacy of Soundproofing **AVERAGE**  
Heating: ☒ Central ☒ Individual Type **HW&BASEBD (BSMT)** Fuel **ELEC & GAS** Adequacy & Condition **GOOD**  
Air Conditioning: ☐ Central ☒ Individual Fuel **ELEC** Make **WARDS** Adequacy & Condition **GOOD**  
Kitchen Cabinets, Drawers and Counter space ☒ Adequate ☐ Inadequate  
Total No. Appliances: **3** Range/Oven **3** Fan/Hood **2** Dishwasher  
**3** Disposal **3** Refrigerator **2** Washer **2** Dryer **2** Compactor  
Water Heater(s) (make, capacity, fuel) **WARDS, 40 GALLON, ELECTRIC**  
Plumbing Fixtures (make) **AMERICAN STANDARD**  
Electrical Service (amps per unit) **150 AMPERE CIRCUIT BREAKERS**  
Security Features **SECURITY BARS**  
Special Features (including energy efficient items) **THERMOPANES**  
OVERALL PROPERTY RATING  
Quality of construction (materials and finish) ☒  
Condition of improvements ☒  
Room sizes and layout ☒  
Closets and storage ☒  
Plumbing--adequacy and condition ☒  
Electrical--adequacy and condition ☒  
Kitchen equipment--adequacy and condition ☒  
Amenities and parking facilities ☒  
Overall livability ☒  
Appeal to market ☒

Age: Actual **88** yrs. Effective **15** yrs. to **20** yrs. Est. Remaining Economic Life **40** yrs. to **45** yrs. Explain if less than Loan Term  
COMMENTS (Including functional or physical inadequacies, repairs needed, modernization, etc.) **SUBJECT HAS BEEN UNDERGOING COMPLETE RENOVATION AND REHABILITATION WHICH IS NOW NEARLY COMPLETE. ITEMS TO BE COMPLETED ARE INSTALLATION OF ELECTRICAL SWITCHPLATES AND COVERPLATES, FINISHING OF WINDOWFRAMES, FINISHING AND INSTALLATION OF MILLWORK, AND PAINTING DRYWALL AS NECESSARY. NO REQUIREMENTS.**

ESTIMATED REPRODUCTION COST NEW  
BAY WINDOWS x **35.0** sq. ft. x **3** (Stories) = **105.0** sq. ft. x \$ **80.00** = **8,400**  
**16** x **86** = **1,376.0** sq. ft. x **1** (Stories) = **1,376.0** sq. ft. x \$ **80.00** = **110,080**  
**20** x **30** = **600.0** sq. ft. x **4** (Stories) = **2,400.0** sq. ft. x \$ **80.00** = **192,000**  
OTHER IMPROVEMENTS (Including special energy efficient items) **KITCHEN EQUIPMENT (\$500), CENTRAL AIR (4000), DELUXE BATH AND EXTRA HALF BATH (\$500)** = **14,500**  
SITE IMPROVEMENTS **NONE**  
TOTAL ESTIMATED COST NEW OF IMPROVEMENTS = **324,980**  
LESS DEPRECIATION: **15%** Physical \$ **48,747** Functional \$ Economic \$  
DEPRECIATED VALUE OF IMPROVEMENTS = **276,233**  
ADD-ESTIMATED LAND VALUE (if leasehold, show only leasehold value - attach calculations) = **35,000**  
INDICATED VALUE BY THE COST APPROACH ☒ FEE SIMPLE ☐ LEASEHOLD = **311,233**



| ITEM                                            | COMPARABLE No. 1                                                                                                                                                                 | COMPARABLE No. 2                                                                                                                                                                   | COMPARABLE No. 3                                                                                                                                                                   |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                                         | 1527 T STREET, N.W.<br>WASHINGTON, D.C.                                                                                                                                          | 13 S STREET, N.W.<br>WASHINGTON, D.C.                                                                                                                                              | 1420 15TH ST, N.W.<br>WASHINGTON, D.C.                                                                                                                                             |
| Proximity to subject                            | 10 BLOCKS SOUTHWEST                                                                                                                                                              | 10 BLOCKS SOUTH                                                                                                                                                                    | 15 BLOCKS SOUTH                                                                                                                                                                    |
| Rent survey date                                | 05/31/1988                                                                                                                                                                       | 06/06/1988                                                                                                                                                                         | 04/15/1988                                                                                                                                                                         |
| Description of property and conditions          | No. Units: 3 No. Vac: 0 Yr. Blt.: 1985<br>RENOVATED ROWHOUSE,<br>SELF-CONTAINED UNITS                                                                                            | No. Units: 3 No. Vac: 0 Yr. Blt.: 1985<br>RENOVATED ROWHOUSE,<br>SELF-CONTAINED UNITS                                                                                              | No. Units: 2 No. Vac: 0 Yr. Blt.: 1985<br>RENOVATED ROWHOUSE,<br>SELF-CONTAINED UNITS                                                                                              |
| Individual unit breakdown                       | Rm. Count: 4 2 1.0<br>Size: 817<br>Monthly Rent: \$ 725 .89 181<br>Tot BR b: 3 1 1.0<br>Sq. Ft.: 817<br>\$ 775 .78 258<br>4 1 1.0 1427 OWNER OCCUPIED                            | Rm. Count: 4 1 1.0<br>Size: 800<br>Monthly Rent: \$ 625 .78 156<br>Tot BR b: 4 1 1.0<br>Sq. Ft.: 1121<br>OWNER OCCUPIED<br>6 3 2.0 1761 1200 .68 200                               | Rm. Count: 5 2 1.0<br>Size: 979<br>Monthly Rent: \$ 900 .92 180<br>Tot BR b: 6 2 2.0<br>Sq. Ft.: 1847<br>1500 .81 250                                                              |
| Utilities furnished and amenities incl. in rent | WATER AND SEWER, CAC AND W/D FOR EACH UNIT, 1 FP FOR UNIT #2, OSP, PATIO, & DECK FOR #3                                                                                          | WATER AND SEWER, CAC, 1FP, AND TENANTS PAY ALL UTILITIES, W/D EACH UNIT, JACUZZI, WET BAR AND W/D EACH UNIT, DECK, 2 FP AND DECK FOR #3, PRKING FOR #2 FOR MAIN UNIT, SHARED PATIO | WATER AND SEWER, CAC, 1FP, AND TENANTS PAY ALL UTILITIES, W/D EACH UNIT, JACUZZI, WET BAR AND W/D EACH UNIT, DECK, 2 FP AND DECK FOR #3, PRKING FOR #2 FOR MAIN UNIT, SHARED PATIO |
| Compare comps to subj.                          | SIMILAR CONDITION,<br>SLIGHTLY SUPERIOR LOCATION                                                                                                                                 | SIMILAR CONDITION,<br>SIMILAR LOCATION                                                                                                                                             | SIMILAR CONDITION,<br>SLIGHTLY SUPERIOR LOCATION                                                                                                                                   |
| Utilities included in actual rents:             | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning   | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning   |
| Utilities included in forecasted rents:         | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning   | <input checked="" type="checkbox"/> Water <input type="checkbox"/> Gas <input type="checkbox"/> Heat <input type="checkbox"/> Electric <input type="checkbox"/> Air Conditioning   |
| No. of Units                                    | Individual Unit Rm Count: 3 1 1.0<br>Total Rooms: 3<br>Sq. Ft. Area: 907.0<br>No. Units Vacant: 0                                                                                | Individual Unit Rm Count: 4 1 1.0<br>Total Rooms: 4<br>Sq. Ft. Area: 1195.0<br>No. Units Vacant: 0                                                                                 | Individual Unit Rm Count: 5 3 1.5<br>Total Rooms: 5<br>Sq. Ft. Area: 2288.0<br>No. Units Vacant: 0                                                                                 |
| Actual Rents                                    | Per Unit: Unfurnished: \$ 400.00<br>Furnished: \$ 550.00<br>Total Rents: \$ 400.00                                                                                               | Per Unit: Unfurnished: \$ 400.00<br>Furnished: \$ 550.00<br>Total Rents: \$ 400.00                                                                                                 | Per Unit: Unfurnished: \$ 450.00<br>Furnished: \$ 600.00<br>Total Rents: \$ 450.00                                                                                                 |
| Forecasted Rents                                | Per Unit: Unfurnished: \$ 450.00<br>Furnished: \$ 550.00<br>Total Rents: \$ 450.00                                                                                               | Per Unit: Unfurnished: \$ 450.00<br>Furnished: \$ 550.00<br>Total Rents: \$ 450.00                                                                                                 | Per Unit: Unfurnished: \$ 450.00<br>Furnished: \$ 600.00<br>Total Rents: \$ 450.00                                                                                                 |
| TOTAL                                           | 12                                                                                                                                                                               | 12                                                                                                                                                                                 | 12                                                                                                                                                                                 |

Other Monthly Income (itemize): NONE  
Vacancy: Actual last yr. 66 % Prev. yr. 66 % Forecasted: 5 % \$ 115.00 Total Gross Monthly Forecasted Rent \$ 2,300  
Discuss rental concessions, forecasted rents: OWNERS APPEAR TO HAVE GRANTED RENTS SLIGHTLY BELOW MARKET IN ORDER TO EFFECT QUICK INITIAL RENTALS.

| ITEM                                                             | SUBJECT                                                                                                 | COMPARABLE No. 1                                                                                        | COMPARABLE No. 2                                                                                        | COMPARABLE No. 3                                                                                        |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Address                                                          | 1308 EUCLID ST, NW                                                                                      | 1740 R STREET, N.W.<br>.9 MILES S.W.                                                                    | 1610 Q STREET, N.W.<br>1 MILE S.W.                                                                      | 1334 9TH STREET, NW<br>1.2 MILES S.E.                                                                   |
| Proximity to subject                                             |                                                                                                         |                                                                                                         |                                                                                                         |                                                                                                         |
| Price                                                            | REFINANCE <input checked="" type="checkbox"/> Unf. <input type="checkbox"/> F. \$ 450,000               | <input checked="" type="checkbox"/> Unf. <input type="checkbox"/> F. \$ 435,000                         | <input checked="" type="checkbox"/> Unf. <input type="checkbox"/> F. \$ 222,000                         | <input checked="" type="checkbox"/> Unf. <input type="checkbox"/> F. \$ 222,000                         |
| Date of sale                                                     |                                                                                                         | 450000                                                                                                  | C7/87, S9/87                                                                                            | C6/88 S7/88                                                                                             |
| Individual Unit Breakdown                                        | Yr. Blt.: 00 No. Vac: 0<br>No. of Units: 1<br>Individual Unit Room Count: 3 1 1.0<br>Tot. BR b: 3 1 1.0 | Yr. Blt.: 00 No. Vac: 0<br>No. of Units: 1<br>Individual Unit Room Count: 3 1 1.0<br>Tot. BR b: 3 1 1.0 | Yr. Blt.: 87 No. Vac: 2<br>No. of Units: 1<br>Individual Unit Room Count: 2 E 1.0<br>Tot. BR b: 2 E 1.0 | Yr. Blt.: 12 No. Vac: 0<br>No. of Units: 1<br>Individual Unit Room Count: 2 E 1.0<br>Tot. BR b: 2 E 1.0 |
| Compare to subject, including condition, terms of sale/financing | RENOVATED, DELUXE<br>BATH IN UNIT #3 W/<br>WHIRLPOOL & SAUNA                                            | RENOVATED                                                                                               | RENOVATED, 3 DECKS<br>2 CAR GARAGE                                                                      | RENOVATED,<br>OFF STREET PARKING                                                                        |
| Gross Bldg. Area (GBA)                                           | 4390 sq. ft.                                                                                            | 4558 sq. ft.                                                                                            | 3894 sq. ft.                                                                                            | 1985 sq. ft.                                                                                            |
| Gross Monthly Rent                                               | \$ 2300                                                                                                 | \$ 2875                                                                                                 | \$ 3050-1/88                                                                                            | \$ 1540                                                                                                 |
| Gross Mo. Rent Mult. (1)                                         | N/A                                                                                                     | 157                                                                                                     | 143                                                                                                     | 144                                                                                                     |
| Price Per Unit                                                   | \$ N/A                                                                                                  | \$ 150000                                                                                               | \$ 145000                                                                                               | \$ 74000                                                                                                |
| Price Per Room                                                   | \$                                                                                                      | \$ 37,500.00                                                                                            | \$ 33,462.00                                                                                            | \$ 24,667.00                                                                                            |
| Price Per S.F. GBA                                               | \$ /sq. ft. GBA                                                                                         | \$ 98.73 /sq. ft. GBA                                                                                   | \$ 111.71 /sq. ft. GBA                                                                                  | \$ 111.84 /sq. ft. GBA                                                                                  |

(1) Sale Price + Gross Monthly Rent Value indication for Subject  
Val. Per Unit \$ 100,000 x 3 Units = \$ 300,000 ; Val. Per S.F. GBA \$ 100.00 x 4390.00 S.F. Bldg. Area = \$ 439,000  
Val. Per Rm. \$ 25,000 x 12 Rms = \$ 300,000 ; G.R.M. 145 x 2,300 Total Monthly Rent = \$ 333,500  
Reconciliation: MOST WEIGHT IS ACCORDED THE GRM METHOD OF VALUATION AS THE BEST PREDICTOR OF INVESTOR BEHAVIOR.

|                                                                                                                                                                                                                                                                          |                                                                                                                                                 |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| INDICATED VALUE BY MARKET DATA APPROACH                                                                                                                                                                                                                                  |                                                                                                                                                 | 325,000                              |
| ANNUAL EXPENSE SUMMARY - (If for FNMA - Lender must prepare operating data on sep. form for appraiser to review, comment on & attach to appraisal)                                                                                                                       |                                                                                                                                                 |                                      |
| 1. Utilities:                                                                                                                                                                                                                                                            | <input type="checkbox"/> Heat \$ <input type="checkbox"/> Electric \$ <input type="checkbox"/> Gas \$ <input type="checkbox"/> Water & Sewer \$ | TOTAL: \$ SEE FNMA FORM 216 ATTACHED |
| 2. Real Estate Taxes \$                                                                                                                                                                                                                                                  | 3. Insurance \$                                                                                                                                 | TOTAL: \$                            |
| 4. Management \$                                                                                                                                                                                                                                                         | Salaries \$                                                                                                                                     | TOTAL: \$                            |
| 5. Maint. & Decor. \$                                                                                                                                                                                                                                                    | Repairs \$ Reserves \$                                                                                                                          | TOTAL: \$                            |
| 6. Other                                                                                                                                                                                                                                                                 |                                                                                                                                                 | TOTAL: \$                            |
| TOTAL EXPENSES & REPLACEMENT RESERVES \$ \$                                                                                                                                                                                                                              |                                                                                                                                                 |                                      |
| This appraisal is made <input checked="" type="checkbox"/> "as is" <input type="checkbox"/> subject to the repairs, alterations, or conditions listed below <input type="checkbox"/> completion per plans and specifications.                                            |                                                                                                                                                 |                                      |
| Comments, Conditions and Final Reconciliation: MOST WEIGHT WAS ACCORDED THE MARKET DATA APPROACH TO VALUATION. THIS APPRAISAL IS AS-IS, THERE ARE NO REQUIREMENTS ALTHOUGH SOME VERY MINOR WORK HAD NOT BEEN COMPLETED ON THE DAY OF INSPECTION. SEE PAGE ONE COMMENTS.  |                                                                                                                                                 |                                      |
| This appraisal is based upon the above requirements, the certification, contingent and limiting conditions, and Market Value definition that are stated in <input checked="" type="checkbox"/> FHLMC Form 439 (Rev. 7/86)/FNMA Form 1004B (Rev. 7/86) filed with client. |                                                                                                                                                 |                                      |
| I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF AUGUST 17, 1988 to be \$ 325,000                                                                                                                                                                      |                                                                                                                                                 |                                      |
| Appraiser (s) R. H. WAUGH <i>RHWaugh</i> Review Appraiser (if applicable) <input type="checkbox"/> Did <input checked="" type="checkbox"/> Did not physically inspect property                                                                                           |                                                                                                                                                 |                                      |



# Claxton Walker & Associates

CONSTRUCTION CONSULTANTS

INSPECTORS

10000 FALLS ROAD • POTOMAC, MARYLAND 20854 • (301) 299-2755  
ANNAPOLIS AREA • (301) 867-7447

REPRESENTING

CONTINENTAL INSPECTION AGENCY, INC.

## CONFIDENTIAL SPECIAL REPORT

Client Ed Jaw Burske

Property Address 1308 Euclid St.  
Washington, D.C.

Type and Description

Date 5/9/87 Time Started 8:00 Completed 10:30

Rec \$ 150.<sup>00</sup> Inspector Mark Cramer  
Signature

This report is based on observation of the apparent condition of the property when inspected. While due care was exercised in the performance of these services, neither the company nor the inspector makes any warranties or guarantees. STANDARD ARBITRATION CLAUSE — Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the Arbitrator(s) may be entered in any Court having jurisdiction thereof.

Client [Signature] Signature

Basement Kitchen - Cold water shut off valve under kitchen sink needs replacement  
garbage disposal not working, counters, floor covering in poor condition, No dishwasher

Basement Bathroom - Shower fixtures need replacement, tail piece under sink leaks  
Toilet missing seat, toilet fill valve not working inside tank, carpet needs replacement,  
Many sections of sheet rock needs replacement it is suffering from heavy mildew + water damage  
Electric heater in bath room not producing adequate heat, window in bathroom needs replacement

Basement heating - 1 electric baseboard unit in living room not working, 1 in hall electric heater  
not working, bathroom electric heater not producing adequate heat, No kitchen heat

1st floor kitchen - drainage under sink is trapped No trap under sink, left front burner  
on stove top not working, cabinets missing drawers, and in poor condition, No dishwasher  
faucet in poor condition + leaks around base.

1st floor bathroom holes in walls, heavy sheet rock damage, plumbing access panel missing, windows missing  
sash cords, unable to open or close window, chip damage + rust damage to tub, fixtures on tub  
leak around stems, no handles for hot + cold water on tub fixtures, unable to operate shower  
diverter valve, Tub fixtures need replacement

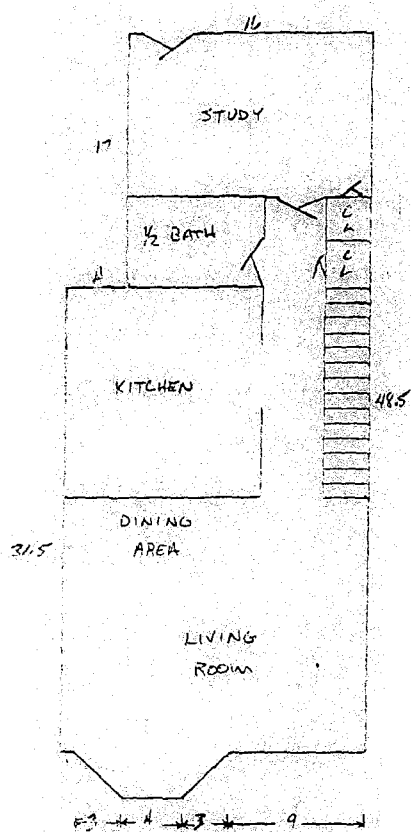
1st floor Heating Rudd 64,000 Btu output Very limited view of burner chamber area showing no holes or  
cracks, however heavy soot + smoke stains around registers may be an indication that there  
are unseen cracks or holes or exchange. I would recommend getting a qualified heat  
technician or gas company to come + further evaluate this possibility. Burners + blower  
responded normally to thermostat operation. Distribution is good to all registers.  
Unit is very dirty and needs adjustment, have unit serviced. No discrepancy to flame test

2nd floor bathroom incomplete in construction, no sink, toilet loose to floor, toilet very slow to fill  
toilet shut off valve handle stuck on stem, no floor covering, toilet fill valve inside  
tank is faulty, inadequate filling operation, toilet seat missing nuts to bolts, it is in poor condition

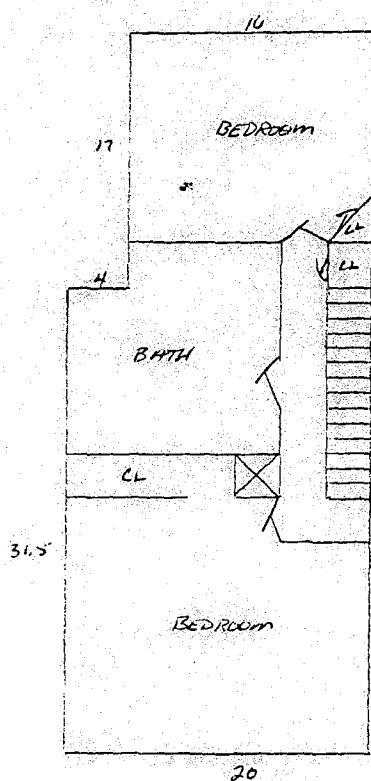
1st floor kitchen No sink, counters, disposal, ovens, stoves, cabinets, provisions for cooking vent  
is in poor condition, no finished floor, plumbing rough in for sink incomplete  
No dishwasher.

1718 EMMET STREET NW  
 WASHINGTON D.C. 20009  
 PRIME PROPERTY  
 NOT TO SCALE  
 1 OF 2 PAGES

1 UNIT



SECOND FLOOR



THIRD FLOOR



1705 EUCLID STREET NW  
WASHINGTON D.C. 20009  
BRUSKE PROPERTY  
NOT TO SCALE

# GARAGE BUILDING AREA CALCULATIONS

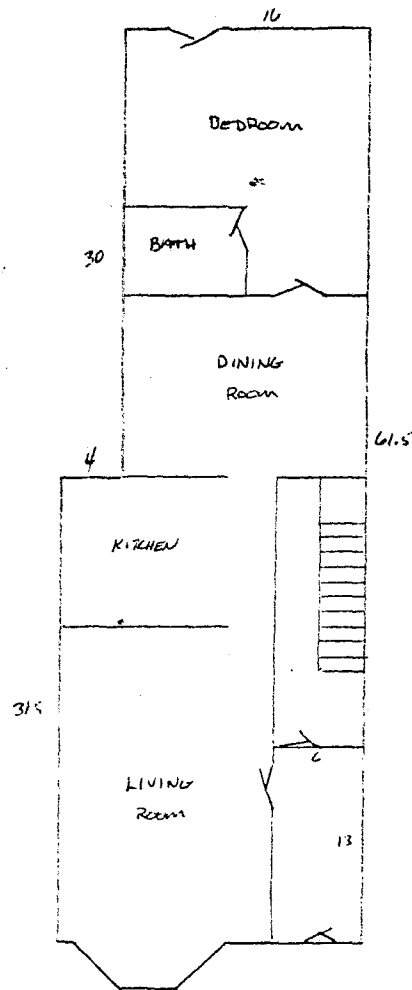
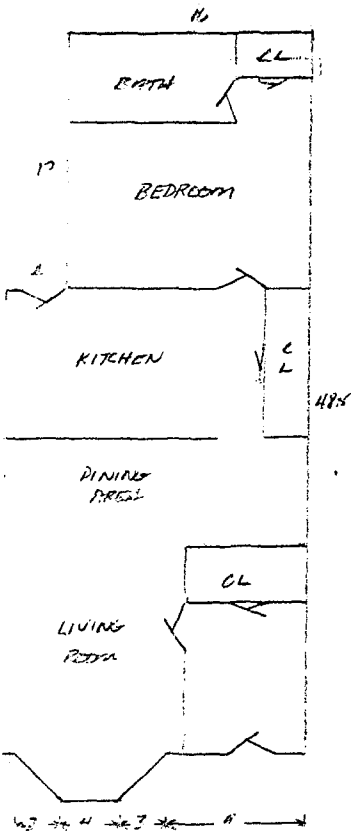
$$\begin{aligned} 31.5 \times 20 \times 4 &= 2,520 \\ 17 \times 16 \times 3 &= 816 \\ 30 \times 16 \times 1 &= 480 \\ 7 \times 3 \times 3 &= 63 \\ \text{TOTAL} &= 3,879 \text{ SQ. FT.} \end{aligned}$$

1 UNIT

FIRST FLOOR

1 UNIT

FIRST FLOOR



## **EXHIBIT B**

Opinion from the project architect, including floor plans as well as estimates from two potential contractors. One estimate addresses only the connection of the basement and first floors. The second estimate addresses the comparative cost between creating one two-story unit and just renovating the separate basement unit in its current configuration.

January 3, 2013

D.C. Board of Zoning Adjustment  
Board of Zoning Adjustment  
One Judiciary Square  
441 4th Street NW  
Suite 210S  
Washington, DC 20001

Re: BZA Case No. 18446; 1308 Euclid Street, NW

Dear Members of the Board:

In response to the Board's request for additional information at the November 27<sup>th</sup> hearing for Application No. 18446, below is my further description of what constitutes the basis of the practical difficulty with using the subject property in strict compliance with the Zoning Regulations.

The practical difficulty lies in the prohibitive cost of combining the basement and first floor units into one residential unit. The amount of renovation and structural work required to create a two-level apartment is significantly more than just rehabilitating the stand-alone basement apartment and leaving the existing first floor apartment as is.

In order to make the two levels work together as a single unit, a major overhaul of the existing first floor layout would be needed—so much so that it nearly qualifies as a “gut renovation.” Assuming that the main living areas are located on the above-grade first floor of the building (directly off of the historic main entrance to the building), and the sleeping quarters located in the basement below, the following design decisions were necessary:

1. Create a New Stairwell Connection. A communicating stairs needs to be incorporated between the two levels. To provide for the most efficient and logical layout for both floors, the stair is placed opposite the main entrance to the unit, where the current kitchen & mechanical room is located.
2. Relocate the First Floor Kitchen. Installation of the new stairwell necessitates the relocation of the kitchen and mechanical room. The kitchen should be relocated to the rear of the 1<sup>st</sup> level, where it provides the 1<sup>st</sup> floor with a typical front-to-back living room/dining room/kitchen layout so common, familiar, and functional in DC rowhouses. It also allows the kitchen direct access to the existing rear deck.
3. Relocate the Mechanical Room. The mechanical room should be relocated to the basement level, where ductwork can run in the ceiling of the basement level to serve both floors simultaneously (the most efficient layout, both mechanically and physically).
4. Install a New Half-Bath. You should install a half-bath on the 1<sup>st</sup> level, approximately in the area of the former kitchen, in order to utilize the existing plumbing lines in this location.



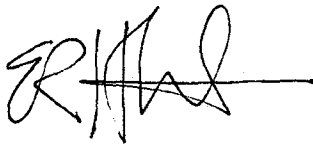
5. Additional Costs Due to Size of the Proposed Unit. Beyond what would be required to renovate the basement into a stand-alone unit, the following additional work for the basement level would be needed in order to make that level fit in a two-level unit layout:
- 5.1. Additional excavation at the rear footprint of the property to create space for a 3<sup>rd</sup> bedroom, which would be needed to support the rent of such a large unit.
  - 5.2. Additional excavation of the rear area-way to create code-compliant accessible openings (windows) for the 3<sup>rd</sup> bedroom as described above.
  - 5.3. Additional bathroom (master bathroom).

Attached to this letter are cost estimates from two qualified contractors for the additional work required – over and above the costs of renovation for the stand-alone basement apartment – to combine the first floor and basement units into a two-story apartment. It should be noted that these are construction cost estimates only, and do not include engineering, design, permitting, and inspection fees. Furthermore, they do not factor in the loss of rent during construction which would be required to build out a two-level apartment.

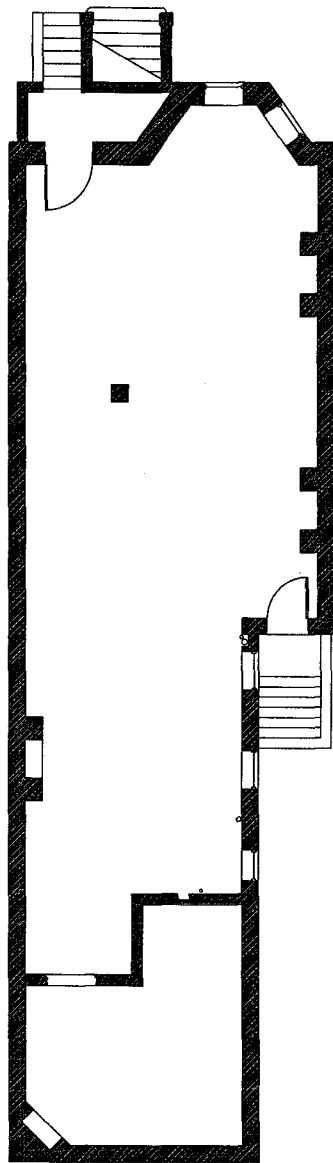
I would also note that while converting a basement and 1<sup>st</sup> level into a single unit is not unheard of in the District, I cannot recall one built of this size and without amenities befitting of a unit of this size such as off-street parking, rear alley access, and above-grade bedrooms with ample sunlight (the “garden apartment” configuration), none of which this building can offer.

#### Summary/Conclusion

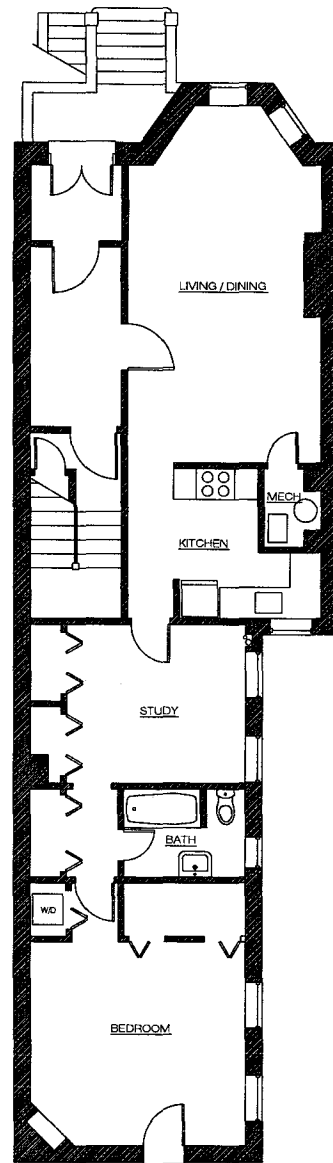
In order to once again use the Building’s basement level for a residential purpose in compliance with the Zoning Regulations, that basement level must be combined with the existing, occupied first floor unit. As described above, the work necessary to effect such a combination is unnecessarily burdensome, as it is prohibitively expensive and significantly in excess of the cost to renovate the existing basement unit and leave the first floor apartment as is.



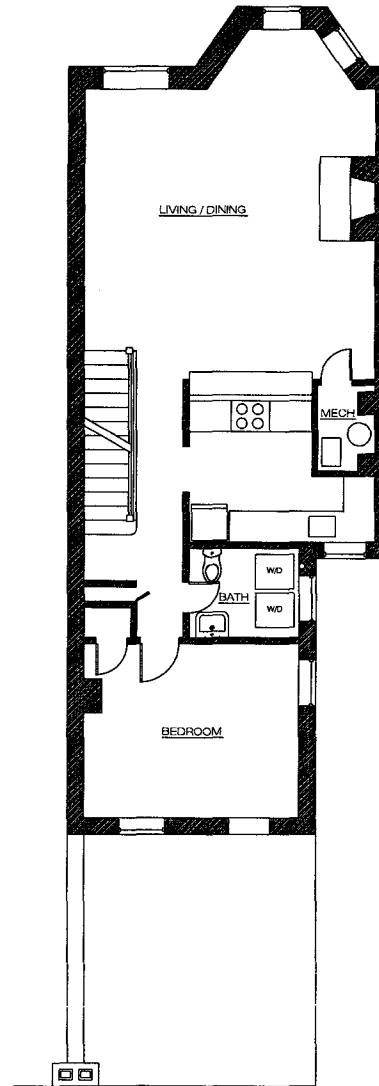
Erik Hoffland, AIA, NCARB  
DC Registration: ARC101250  
Principal  
Hoffland Architects



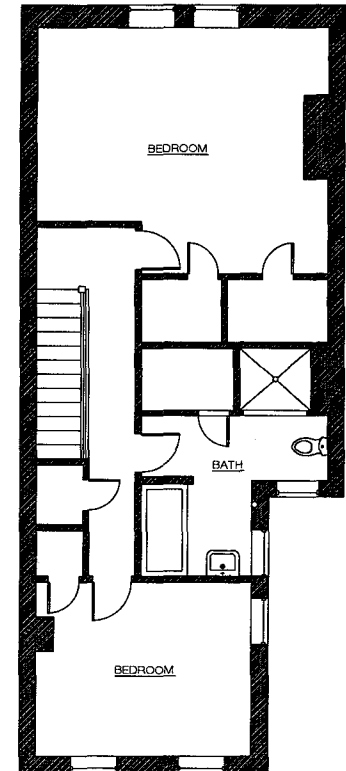
Basement  
(vacant)



First Floor - Unit B  
(existing)



Second Floor - Unit A  
(existing)



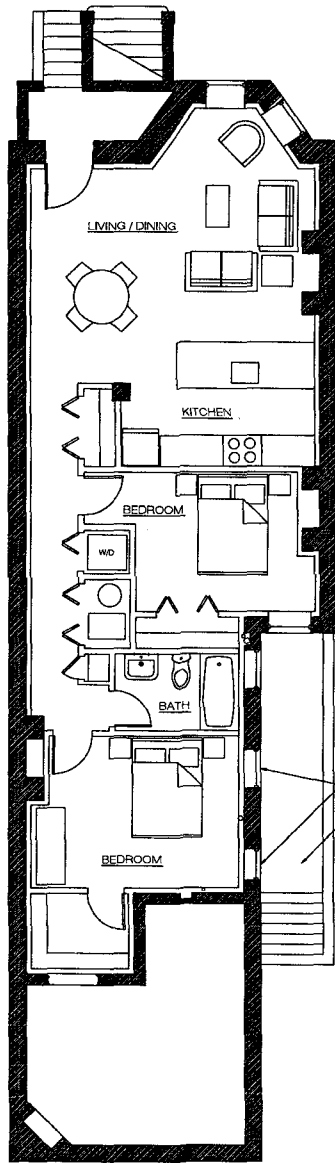
Third Floor - Unit A  
(existing)

Existing

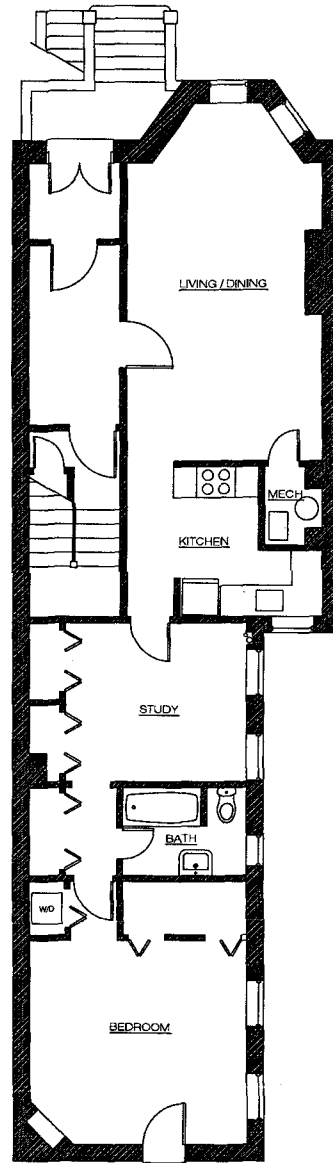
**1308 Euclid Street NW**

Hoffland Architects ■

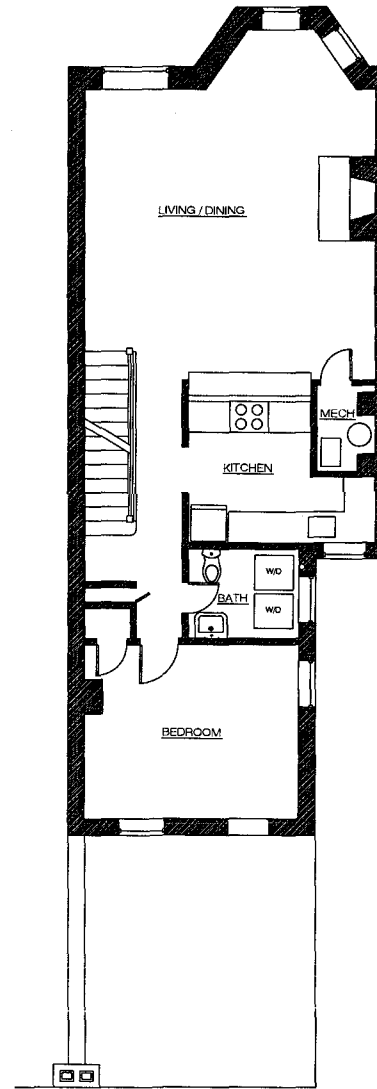
12.5.2012



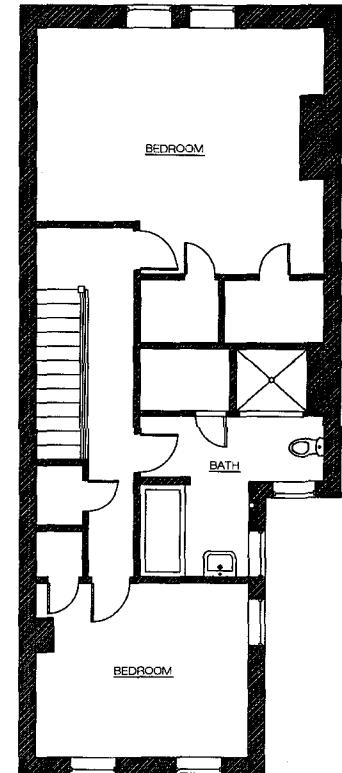
Basement - Unit C  
(proposed)



First Floor - Unit B  
(existing)



Second Floor - Unit A  
(existing)

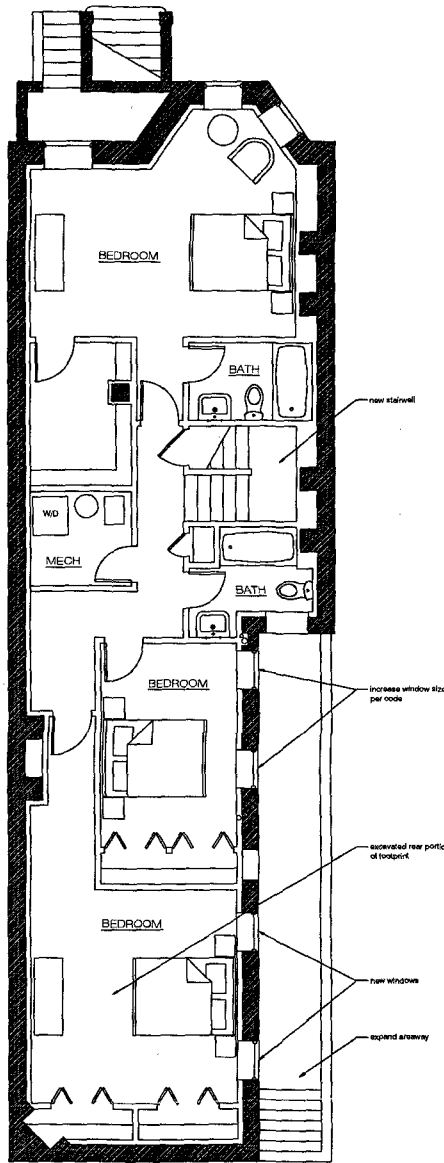


Third Floor - Unit A  
(existing)

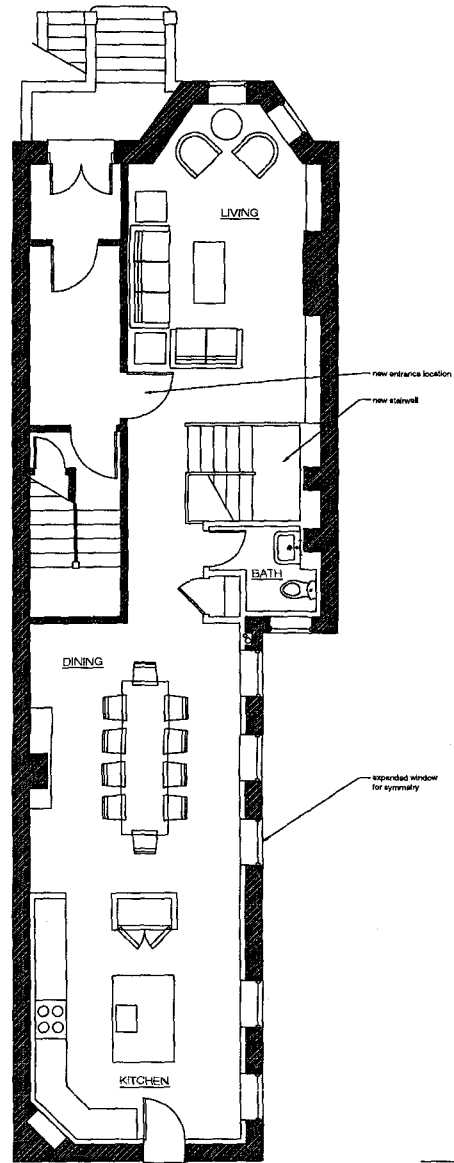
# Proposed 3-Unit 1308 Euclid Street NW

Hoffland Architects ■

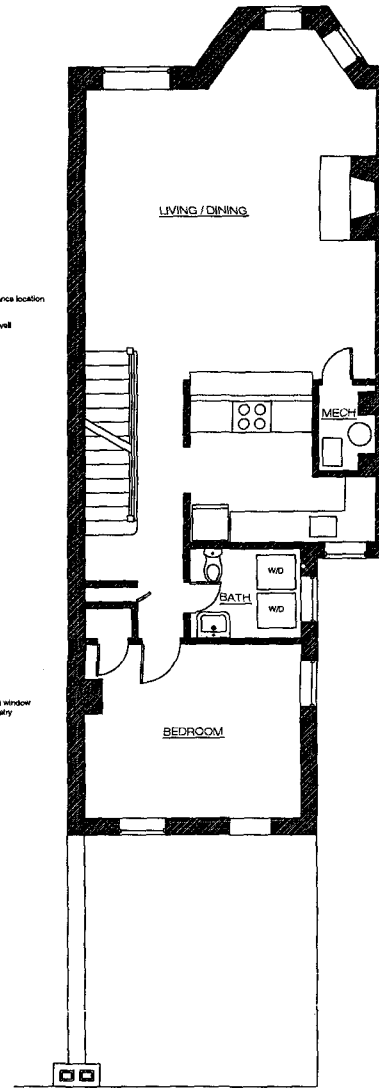
12.5.2012



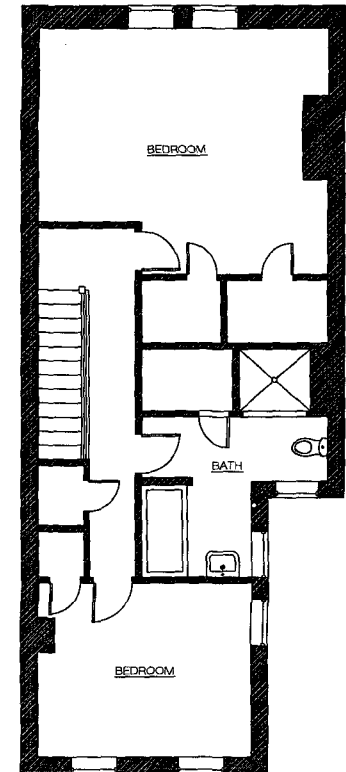
Basement - Unit B  
(proposed)



First Floor - Unit B  
(proposed)



Second Floor - Unit A  
(existing)



Third Floor - Unit A  
(existing)

**Proposed 2-Unit**  
**1308 Euclid Street NW**

Hoffland Architects ■

12.5.2012



P.O. Box 96503 #38430  
Washington, DC 20090-6503



Phone: 202.557.9865  
Fax: 800.460.1641

Date: December 28, 2012

From: Capital City Construction

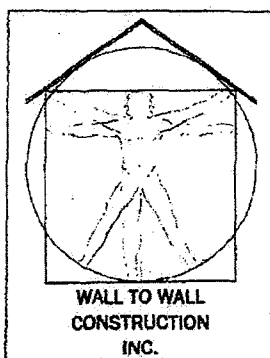
To: Erik Hoffland AIA, LEED AP  
Hoffland Architects

Subj: Estimate for 1308 Euclid St NW – Reconnection of the Basement and First Floors

We have reviewed the plans provided by Hoffland Architects showing the proposed work required to connect the basement and first floors of the building at 1308 Euclid Avenue, N.W. into a single apartment unit. Based on our experience of working in the District on similar projects, we estimate the cost of such work to be in the range of \$49,000 - \$70,000, depending on the scope of structural work involved and the level of finishes. The breakdown of the costs are estimated to be:

- |                                        |                     |
|----------------------------------------|---------------------|
| 1. Create New Stairwell Connection     | \$8,000 - \$12,000  |
| 2. Relocate First Floor Kitchen        | \$15,000 - \$20,000 |
| 3. Relocate Mechanical Room            | \$5,000 - \$10,000  |
| 4. Install New First Floor Half Bath   | \$6,000 - \$8,000   |
| 5. Additional Basement Excavation/Bath | \$15,000 - \$20,000 |

Scott B. Zimmerman  
Principal  
Capital City Construction



## WALL TO WALL CONSTRUCTION, INC.

1101 30TH STREET, NW. SUITE 500.  
WASHINGTON, DC 20007  
TEL.: 202-271-0726

EMAIL: [admin@walltowallconstruction.com](mailto:admin@walltowallconstruction.com)

[HTTP://WWW.WALLTOWALLCONSTRUCTION.COM/](http://www.walltowallconstruction.com/)

Julio Angel Tuesta Noel, President

---

Wednesday, January 2, 2013

### Estimate

**Residential Clients/Homeowner's name: Ed Bruske**

**Phone Number: 202 265-9283**

**E-mail address: [euclidarms@yahoo.com](mailto:euclidarms@yahoo.com)**

**Construction Site Address: 1308 Euclid St. NW. Washington, DC.**

**General Contractor Contacts:**

- **Manager: J. Angel Tuesta Noel, (202) 271 0726**

**Description of Work to be performed by Wall to Wall Construction, Inc.**

**Dear Mr. Bruske,**

**The following are the general estimates that we were able to produce after reviewing the working drawings for the proposed work at your residence.**

**These working drawings presented two options that are generally estimated as follows:**

**I. Construction of basement unit only: Estimated cost is between \$80,000 and \$100,000. All materials included. Finishes, fixtures, and appliances provided by the homeowner.**

**II. Construction of first and basement level as 1 whole unit: Estimated cost is between \$175,000 and \$200,000. All materials included. Finishes, fixtures and appliances provided by the homeowner.**

**For our customer's convenience Wall to Wall Construction is now accepting credit card payments from all major credit cards. Ask us about paying with a credit card so that we can make your home improvement project that much easier.**

**NB: We reserve the right to deny the credit card option unless the estimate and contract make provisions for payment by credit card.**

**To view our portfolio please visit our website at [www.walltowallconstruction.com](http://www.walltowallconstruction.com)**

## **EXHIBIT C**

Opinions from two local real estate professionals regarding the difficulty in renting a larger, two-story rental unit, over two smaller one-floor units.

# ***Piersma Properties, LLC***

---

December 18, 2012

Mr. Edward Bruske  
1308 Euclid St.N.W.  
Washington, D.C. 20009

In re: 1308 Euclid St. N.W.

Dear Mr. Bruske:

I have reviewed the two proposed floor plan options for 1308 Euclid St. N.W. I am a real estate broker that also owns and operates 12 rental units within the five block radius of your building, so I believe my experience will be very beneficial to your analysis.

You will be happy to know that the rental market in Columbia Heights is extremely active. However, the changing demographics of Columbia Heights show there is little demand for a 1,900 square foot three-bedroom unit. This type of unit would almost exclusively attract a share/roommate situation. Comparables show that a two bedroom unit will rent for an average of \$3.00 - \$3.50 per square foot, while a large three bedroom unit (with basement bedrooms) will rent for an average of \$1.50 - \$1.75 per square foot. It also appears your renovation costs will be much higher for the two-unit renovation, given that the rear portion of the basement must be excavated.

When renting my units, I routinely see single professionals or couples trying to outbid each other for apartments. This leads me to believe there is a shortage of quality affordable smaller units, which you are offering to help provide. I hope this information is helpful. Please contact me should you need further information.

Sincerely,



Eric Piersma

**TILTONBERNSTEINWALSH**  
REAL ESTATE

1827 FOURTEENTH STREET, NW  
WASHINGTON, DC 20009  
PHONE 202.282.5247  
FAX 202.667.7957  
TBWREALESTATE.COM

Mr. Edward Bruske  
1308 Euclid St. N.W.  
Washington, D.C. 20009

In re: 1308 Euclid St. N.W.

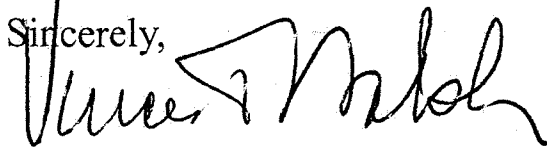
Dear Mr. Bruske:

The current market for one and two bedroom rental units in the Columbia Heights area is at record highs. Several factors weigh in the rent received, size, location, light, building amenities and terms.

The demand for a three bedroom unit is less because of the need for extra baths, closets and larger living spaces to accommodate the additional unit density.

Based on a review of the proposed plans, a three unit building would better serve the needs of the community.

Sincerely,



Vincent Walsh  
Associate Broker  
Tilton Bernstein Walsh Real Estate



## **EXHIBIT D**

Portions of the Board transcript and the Office of Planning Report from a similar BZA Case referenced in the hearing and discussed in the cover letter for this exhibit – Case No. 17991.

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

NOVEMBER 17, 2009

+ + + + +

The Regular Public Hearing  
convened in Room 220 South, 441 4<sup>th</sup> Street,  
N.W., Washington, D.C., 20001, pursuant to  
notice at 10:00 a.m., Marc G. Loud, Chairman,  
presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MARC G. LOUD, Chairman  
SHANE L. DETTMAN, Vice Chair (NCPC)  
MERIDITH H. MOLDENHAUER, Board Member

ZONING COMMISSIONER MEMBER PRESENT:

MICHAEL TURNBULL, FAIA, Commissioner  
(AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
BEVERLY BAILEY, Sr. Zoning Specialist  
JOHN NYARKU, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

OFFICE OF PLANNING STAFF PRESENT:

PAUL GOLDSTEIN  
ARTHUR JACKSON  
KAREN THOMAS  
STEPHEN VARGA

The transcript constitutes the minutes  
from the Public Hearing held on November 16,  
2009.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

APPLICATION NO. 17991

|                                        |    |
|----------------------------------------|----|
| Office of Planning, Mr. Varga .....    | 14 |
| ANC 5C-04, Mr. Salatti .....           | 15 |
| Vote: Four, zero, one to approve ..... | 23 |

APPLICATION NO. 17999

|                                            |     |
|--------------------------------------------|-----|
| Mr. Harry Spikes/Ms. Patricia Spikes ..... | 30  |
| ANC 8C, Ms. Cuthbert .....                 | 68  |
| Office of Planning, Ms. Thomas .....       | 71  |
| Closing Statement, Mr. Harry Spikes .....  | 94  |
| Continuance to December 1, 2009 .....      | 120 |

APPLICATION NO. 17992

|                                       |     |
|---------------------------------------|-----|
| Mr. Paul Howard Broom .....           | 134 |
| Office of Planning, Mr. Jackson ..... | 138 |
| Closing Statement, Mr. Broom .....    | 145 |
| Vote: Four, zero, one to deny .....   | 152 |

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 P-R-O-C-E-E-D-I-N-G-S

2 10:14 a.m.

3 CHAIRMAN LOUD: Good morning again,  
4 ladies an gentlemen.

5 This hearing will please come to  
6 order. This is the November 17th Public  
7 Hearing of the Board of Zoning Adjustment of  
8 the District of Columbia.

9 My name is Marc Loud, Chairperson.

10 And joining me today are Vice Chair Shane  
11 Dettman representing the National Capitol  
12 Planning Commission; Mr. Michael Turnbull  
13 representing the Zoning Commission; Mrs.  
14 Meridith Moldenhauer, Mayoral Appointee, Board  
15 of Zoning Adjustment; Mr. Clifford Moy stepped  
16 out for one second; he's the Secretary of BZA;  
17 Mary Nagelhout, Office of the Attorney  
18 General; and on the far left, Beverly Bailey  
19 who's a Zoning Specialist here in the Office  
20 of Zoning.

21 Copies of today's hearing agenda

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are concerns in the community about the lack  
2 of parking and how that will impact the  
3 community and so on and so forth.

4 MS. KELLEY: Okay.

5 CHAIRMAN LOUD: But I think we get  
6 the gist of your concern.

7 MS. KELLEY: Thank you.

8 CHAIRMAN LOUD: This request for  
9 relief before us this morning does not include  
10 a requirement that they seek relief from us  
11 for parking. So there is no issue under our  
12 jurisdiction in this case regarding parking.

13 MS. KELLEY: Okay.

14 CHAIRMAN LOUD: Okay?

15 MS. KELLEY: All right.

16 CHAIRMAN LOUD: All right.

17 MS. KELLEY: Thank you.

18 CHAIRMAN LOUD: Thank you for your  
19 time.

20 And I do encourage you to have  
21 dialogue with the ANC and have dialogue with  
22 the Applicant regarding any parking concerns

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



1 that you might have.

2 And with that, then what I'd like  
3 to do is suggest to colleagues here that we  
4 deliberate the case this morning. I'd be  
5 happy to lead us off. I think that as  
6 indicated, the record is very fully this  
7 morning. And I intend to vote in support of  
8 the application.

9 It is essentially a three-unit  
10 property that was purchased in '02 by the  
11 Applicant without knowledge that it had been  
12 converted without proper zoning. And the  
13 Applicant now seeks a variance from the  
14 minimum lot area requirements of Section 401.3  
15 to convert the existing building into a three-  
16 unit apartment.

17 Section 401.3 requires a lot area  
18 of at 900 square feet for each proposed unit.

19 I believe that the lot area here is 2001  
20 square feet. And 2700 square feet would be  
21 the minimum necessary to comply with the rule.

22 The Applicant is about 699 square feet short.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 As indicated, the Office of  
2 Planning recommends approval. The ANC  
3 supports relief. The Office of Planning has  
4 done an excellent job in its report of walking  
5 through the variance test and establishing  
6 that the three-prong test has been met.

7 I'm not going to repeat everything  
8 said there. I'll just incorporate that by  
9 referencing to these comments.

10 One witness did testify this  
11 morning -- Ms. Kelley -- concerned about  
12 parking. But the property does not include a  
13 requirement for parking relief. And so that's  
14 not an issue in terms of there being a parking  
15 requirement. That's not being met in this  
16 application that's under our consideration  
17 here today.

18 And with that, I'll open it up for  
19 colleagues to see if you have any additional  
20 comments.

21 (No audible response.)

22 CHAIRMAN LOUD: There do not appear

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

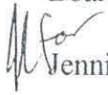
1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701



2009 NOV 10 PM 4:26

**MEMORANDUM**

**TO:** Board of Zoning Adjustment  
**FROM:**  Jennifer Steingasser, Deputy Director  
**DATE:** November 10, 2009  
**SUBJECT:** BZA Application No. 17991 – 2034 N. Capitol St., NW  
Square 3117, Lot 74

**I. OP RECOMMENDATION**

The Office of Planning:

- **recommends approval** of a variance to the minimum lot area requirements (900 sq ft./unit) under § 401.3.

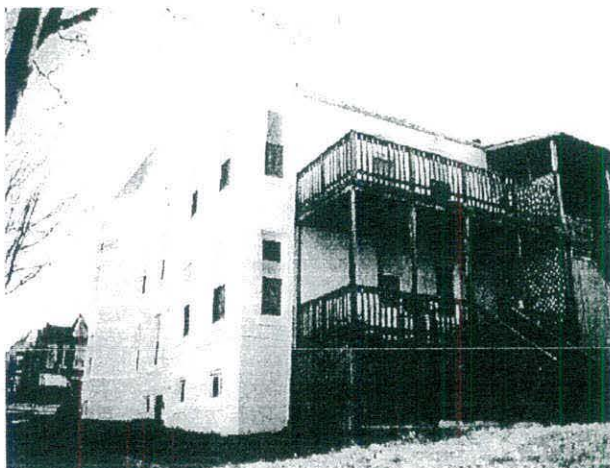
**II. APPLICATION-IN-BRIEF**

**Applicant:** Robert A. Spelke  
**Zoning:** R-4  
**Proposal:** Retain existing 3 unit apartment house. No physical expansion of the existing building is proposed.

**III. SITE AND AREA DESCRIPTION**

**Property:** Square 3117, Lot 74

**ANC:** 5C-04



The subject property (2,001 sq ft.) is located on the west side of N. Capitol St. NW at the corner of V St. NW. The property, which has alley access, is developed with a 2.5 story, 4,200 sq ft. house containing 3 apartments, converted by a past owner from a 7 room rooming house.

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 17991

EXHIBIT NO. 29





Surrounding area; property indicated as "A"

#### IV. ZONING

The site is zoned R-4. In 1992, the Board of Zoning Adjustment (BZA) granted a variance from the off-street parking requirements to allow a seven-room rooming house (BZA Case #15479). The applicant for the parking variance was the prior owner of the property. The Certificate of Occupancy was issued in 1993.

Notwithstanding the occupancy permit, the building was converted to a three unit apartment building by the prior owner in 2002. The applicant purchased the property in 2003 without knowledge of the conversion being done without necessary approval, making the apartment a non-conforming use.



The applicant proposes to continue the existing configuration of the building as a three unit apartment building. Therefore, the following relief is required:

| Item     | Section | Regulation                             | Existing                     | Proposed            | Relief    |
|----------|---------|----------------------------------------|------------------------------|---------------------|-----------|
| Lot Area | 401     | 900 sq ft. / unit<br>(apt. conversion) | 2,001 sq ft.<br>(entire lot) | 667 sq ft./<br>unit | Requested |

## V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in § 3103. The three-part test will be examined below.

### Lot Area Variance Analysis

1. **Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The existing structure is unique in that, according to residential CAMA data, it is the largest building in Square 3117. The conversion of the 7 unit rooming house to a three unit rental apartment building was completed without approvals by a past owner, resulting in units averaging 1,260 sq ft. each (one unit per floor with no internal connections). According to the applicant, these units significantly exceed the size of most apartment units throughout the neighborhood.

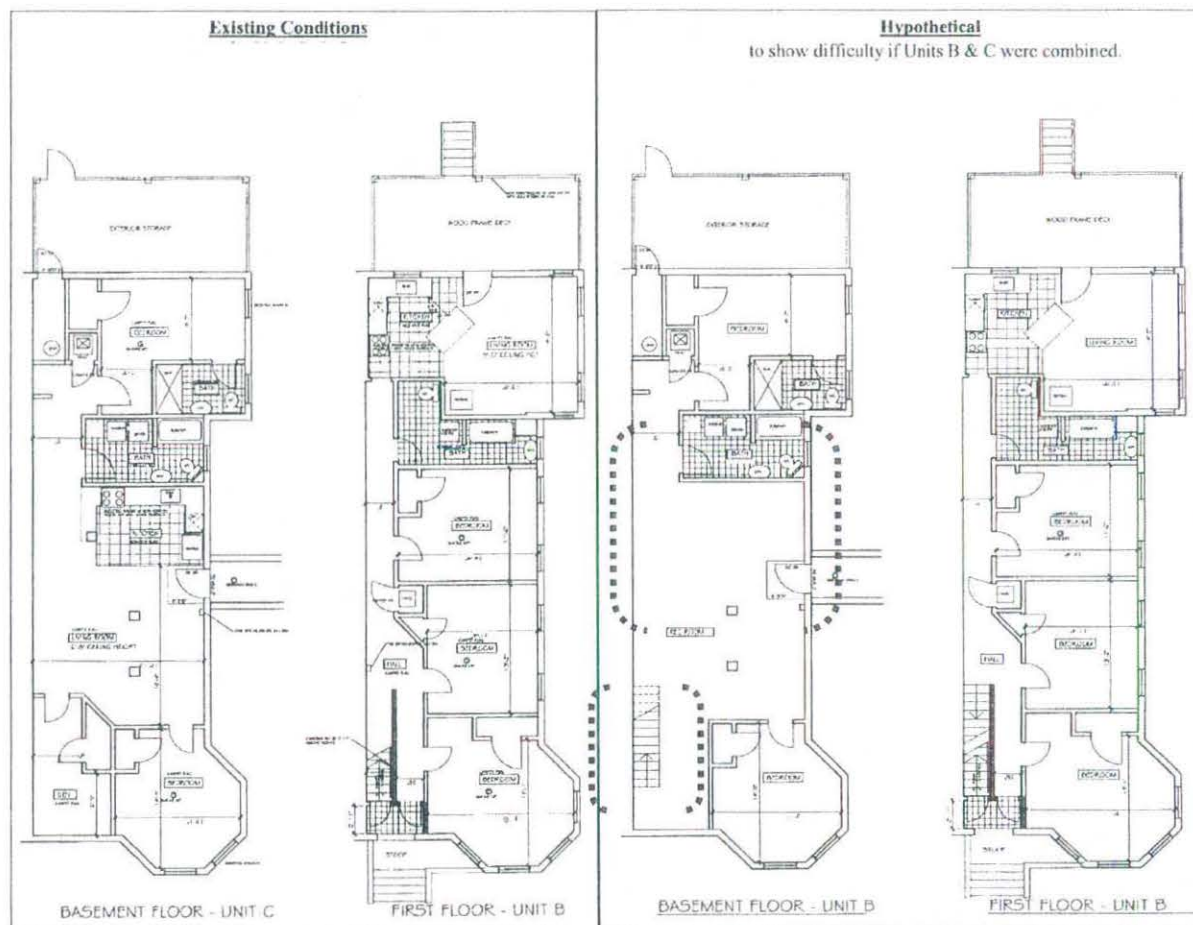
2. **Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

In order to satisfy zoning requirements, the applicant would need to further reduce the total number of units on site to two. According to the applicant's architect, the most likely combination of units would be the two bedroom basement unit and the three bedroom first floor unit. This would result in one unit containing 2,520 sq ft. and 5 bedrooms. The applicant maintains that it would be difficult to market a large 5 bedroom market rate rental unit, as most families looking for a four- or five-bedroom apartment would likely be looking for a single family home or rowhouse with outdoor recreation space and at least one parking space, of which the proposed unit would have neither. According to the applicant, only 10 such units have been listed in DC since 1996, and only one of these was in an apartment building.

Additionally, the applicant would face practical difficulty reconfiguring the units. Currently, there is one unit per floor. If the three units were reduced to two, it would require the removal of a kitchen, removal of two walls, relocation of HVAC system, modification of gas piping and electrical wiring, and installation of an interior stairwell (see floorplan diagram on the next page), which would be costly and difficult to perform.

**3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Normally, OP is strongly opposed to this form of relief in the R-4 zone and has consistently recommended denial of such applications. In this case, the requested relief could be granted without substantial detriment to the public good or the integrity of the zoning regulations. The building would not be expanded beyond its current form. The apartment house has been in non-conforming operation without complaint for nearly seven years, and was previously approved by the BZA for a 7 unit rooming house, so the applicant is requesting a continuation of a potentially less impacting use. Because there would be no further alterations to the building, which has operated as a 3 unit apartment building since 2003, there should be no impacts on neighborhood character or on adjacent properties.



The attached Existing plan and Hypothetical plan show the current layout and alternative. The basement kitchen (Unit C) would have to be removed so as not to duplicate the one on the first floor (Unit B) and a new stairway would have to be installed in the Unit B. Affected areas indicated by dotted red line.



## VI. HISTORIC PRESERVATION

The property is not located in a historic district.

## VI. OTHER DISTRICT AGENCY REPORTS

The Office of Planning has not received reports from any other District agency.

## VII. COMMUNITY COMMENTS

OP has received a petition for approval of the variance by 25 neighbors. This project is in ANC 5C-04. OP has not yet received a recommendation from the ANC.

## VIII. CONCLUSION

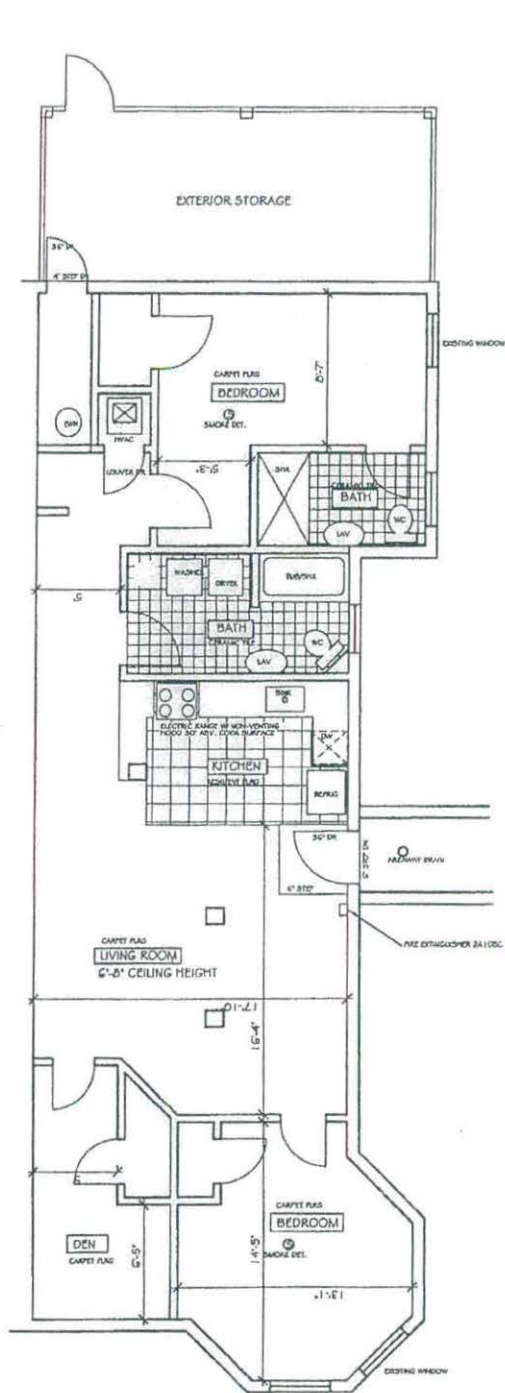
OP consistently strongly opposes relief to allow conversions of rowhouses to apartments not meeting the lot area requirements. Typically, these cases are inconsistent with neighborhood character and the integrity of the zone plan. In this case, there are unique circumstances that satisfy the variance test. The subject building was converted to a three unit apartment building by the prior owner in 2002. The applicant purchased the property in 2003 without knowledge of the conversion being done without necessary approvals, making the apartment a non-conforming use. The subject building is the largest on the square, and contains larger than average rental units. The applicant would face practical difficulty reconfiguring the units, including costly and difficult renovations resulting in units that are difficult to rent.

The building would not be expanded beyond its current form, has been in non-conforming operation without complaint for nearly seven years, and would allow continuation of a potentially less impacting use. For these reasons, OP **recommends approval** of a variance to the minimum lot area requirements (900 sq ft./unit) under § 401.3.

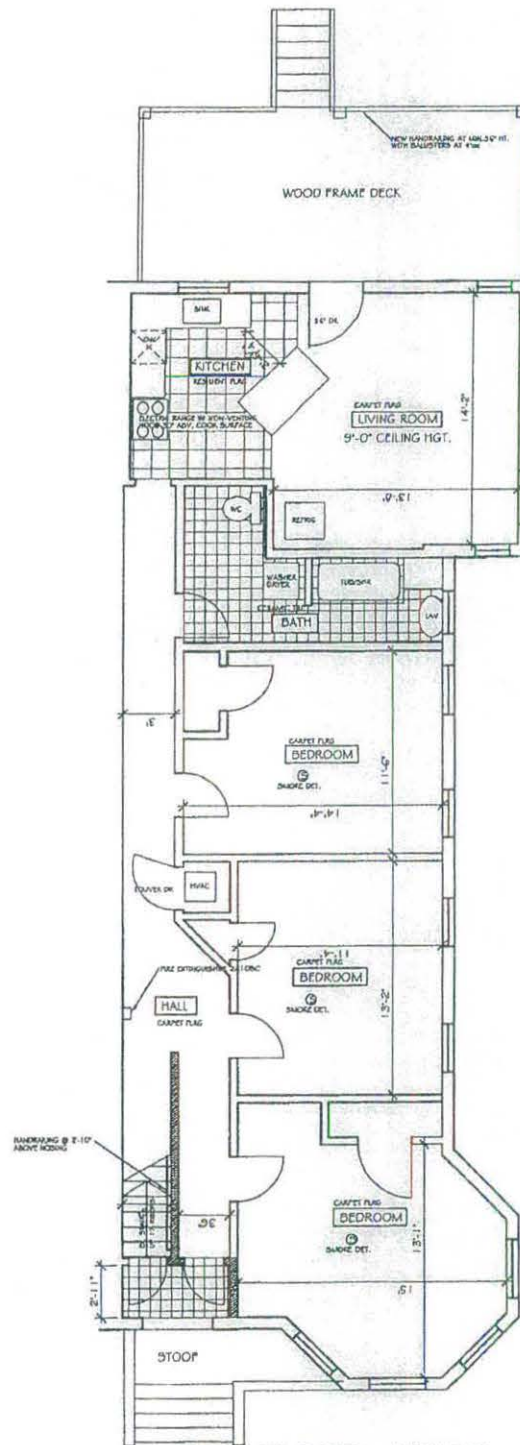
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**Exhibit "A"**  
**Existing Conditions**  
 for Units B & C



BASEMENT FLOOR - UNIT C



FIRST FLOOR - UNIT B

## **EXHIBIT B**

Opinion from the project architect, including estimates from two potential contractors. One estimate addresses only the connection of the basement and first floors. The second estimate addresses the comparative cost between creating one two-story unit and solely renovating the separate basement unit.