

October 6, 2012

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D.C. OFFICE OF ZONING

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To The Board of Zoning Adjustment

I wish to apply for a special exception to institute a pre-deemed compatible with the zoning regulation found at existing 448 Emerson Street, NW, Washington, DC Lot 0213 in Square 3251, zone R-3. I, the owner are asking you to review the plans for the subject property and approve the use variance pursuant of title 320.3 to convert the existing nonconforming SFD row dwelling to a two unit flat in the R-3 residential zone district. It is well know that with respect to variances, the Board has the power to adjust under title 8 of the Zoning Act, DC Official Code 6-41.07 (g) (3) (2001), where by reason of exceptional conditions or extraordinary situation which result in practical difficulties and hardship on the owner.

This is exactly the case, fact and circumstance the owner now found to be in because of loss of income from the rental of the second unit found in the basement. At no knowledge on the owners part did he know that the unit could not be rented out separated from the first unit as designed, until relatives that live in the unit no longer reside there. A BBL is now required and the unit cannot be rented out as a two unit dwelling. This bear a crippling hardship on the owner, which is now in light of foreclosure, because of not being able to secure additional income on the unit as original projected. There is no liability on the part of the owner who is now suffering such undue hardship. The owner paid for, agreed to and conformed to all conditions set forth in the Building Permit approved by the Department Of Consumer and Regulatory Affairs, issued February 28, 2007. In good faith and abiding by all the laws set before the owner requested and was rewarded a valid Building Permit. Now after a considered amount of time and in need, due to this peculiar situation, the owner will not have sufficient means to maintain the property, because of not being able to rent it out as a two family dwelling, which was existing and proposed at the time of permit request. The description of work stated clearly the intent to convert to a two family flat interior renovation and conversion into two separate units, which suffice the owners need. Further than that now in pursuant of his contractor's license the owner is not allowed to continue because this property will not allow a Certificate of Occupancy permitting the property to be used as his place of business. This is a greater hardship and even more crippling than the first because this is the owner's form of livelihood. The owners means of making a living and not being able to rent out his separated unit by design, handicaps the owner to the point of poverty.

Therefore the owner is appealing to the mercy of the Board of Zoning Adjustment who has jurisdiction over a number of matters including variance over this application of request for relief of hardship. And in granting variance in owners' favor to provide relief there is no detriment to neither public good nor integrity of the Zoning Regulations. Due to relatives recently moving out of the basement unit there is no existing least or Certificate of Occupancy.

In view that I have been granted and officially permitted to do something normal by regulations and applied to all building codes. Please find in this package all permits, drawing, pictures, architectural

BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO.

EXHIBIT NO.

18495
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Board of Zoning Adjustment
District of Columbia
CASE NO.18495
EXHIBIT NO.4

plans, 200sf radius listing along with this detailed statement of existing and intended use of the property, reason to rule in my favor bring relief form a difficult hardship.

I give thanks to all involved in granting this variance in advance.

Thank You Sincerely,

Jose F. Contreras

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