

JUL 16

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18560
EXHIBIT NO. 41

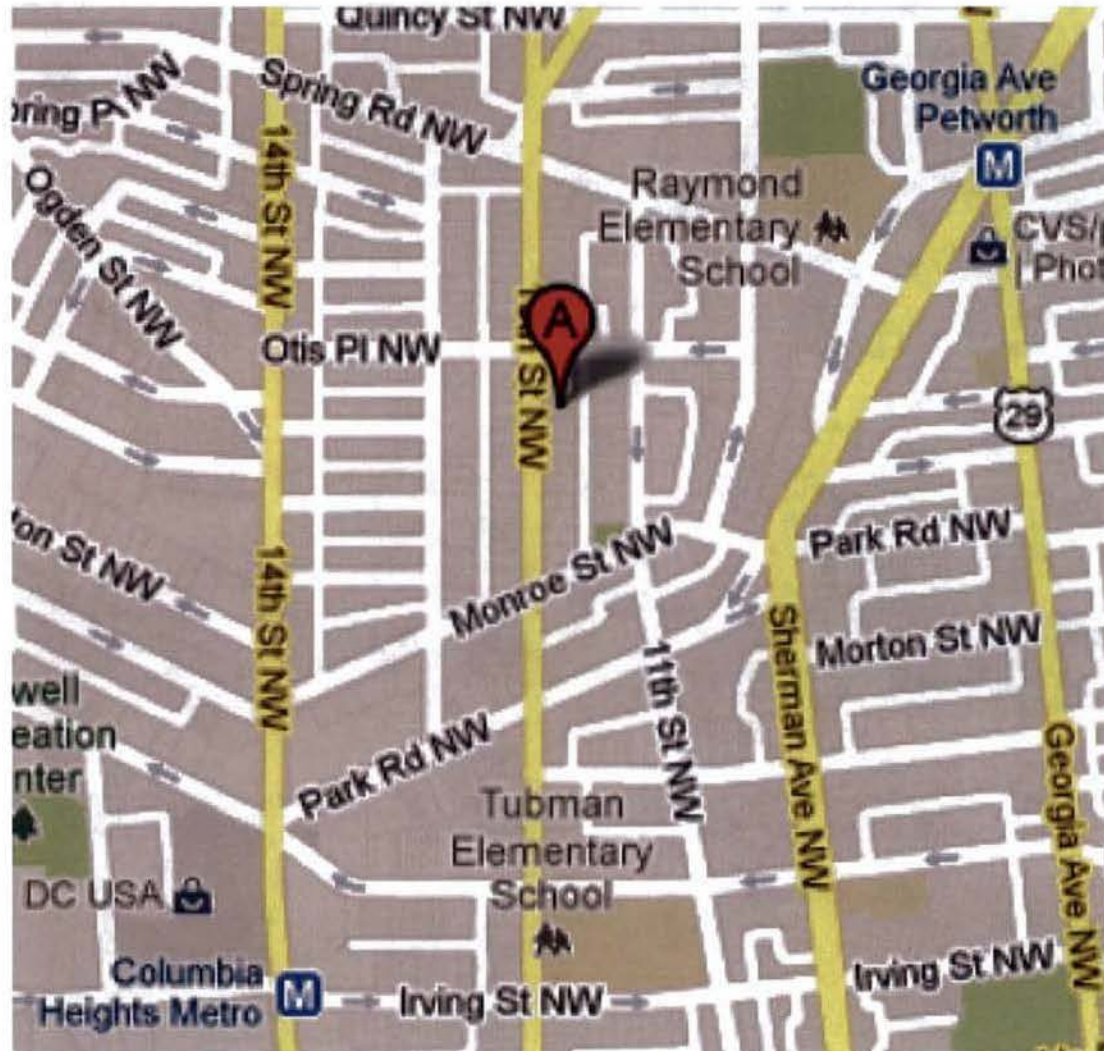
BZA APPLICATION: 3545 13th Street NW BZA Case No. 18560

Presented by:
Meridith Moldenhauer

Griffin, Murphy,
Moldenhauer & Wiggins, LLP

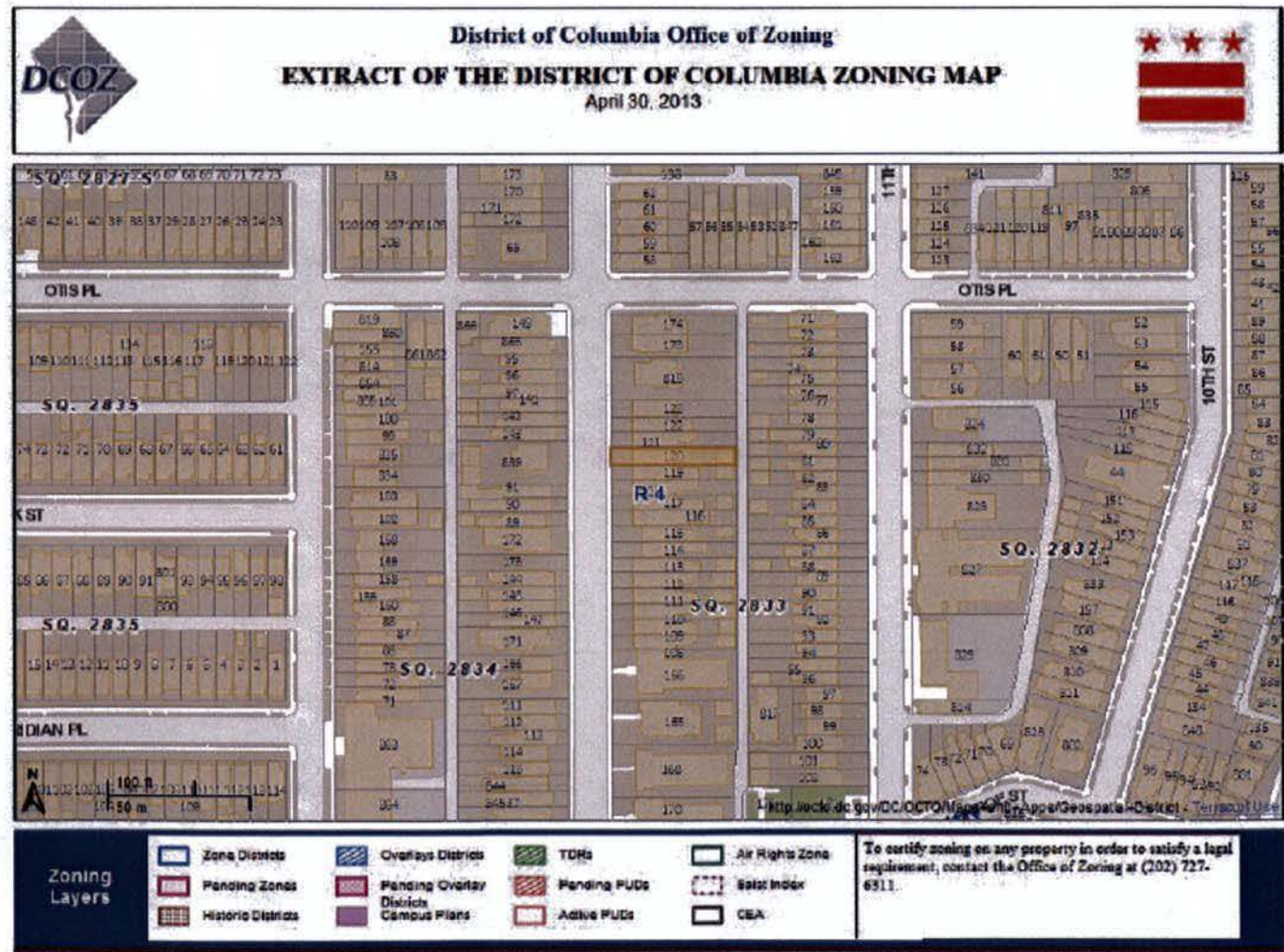


3545 13th Street NW



Zoning Map

3545 13th
Street NW

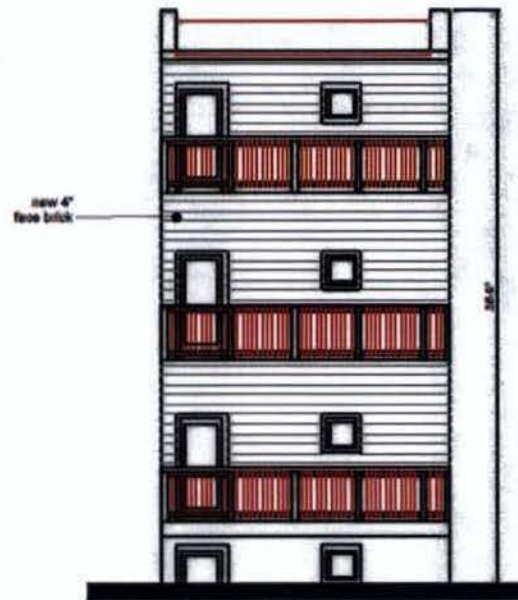


Pictures of Nearby Multiunit Structures



Front of Structure





rear elevation



front elevation
elevations



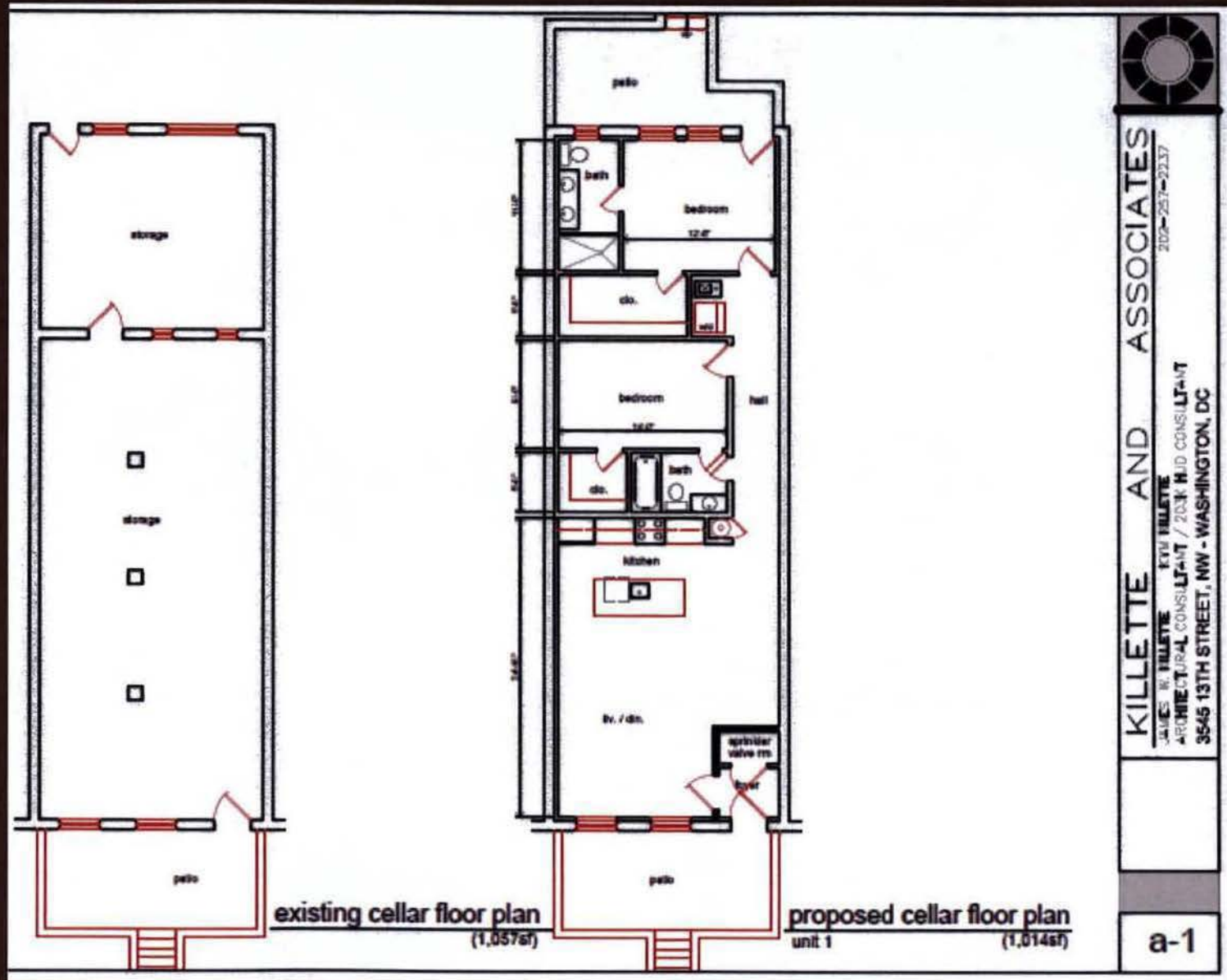
KILLETTE AND ASSOCIATES

202-257-2237

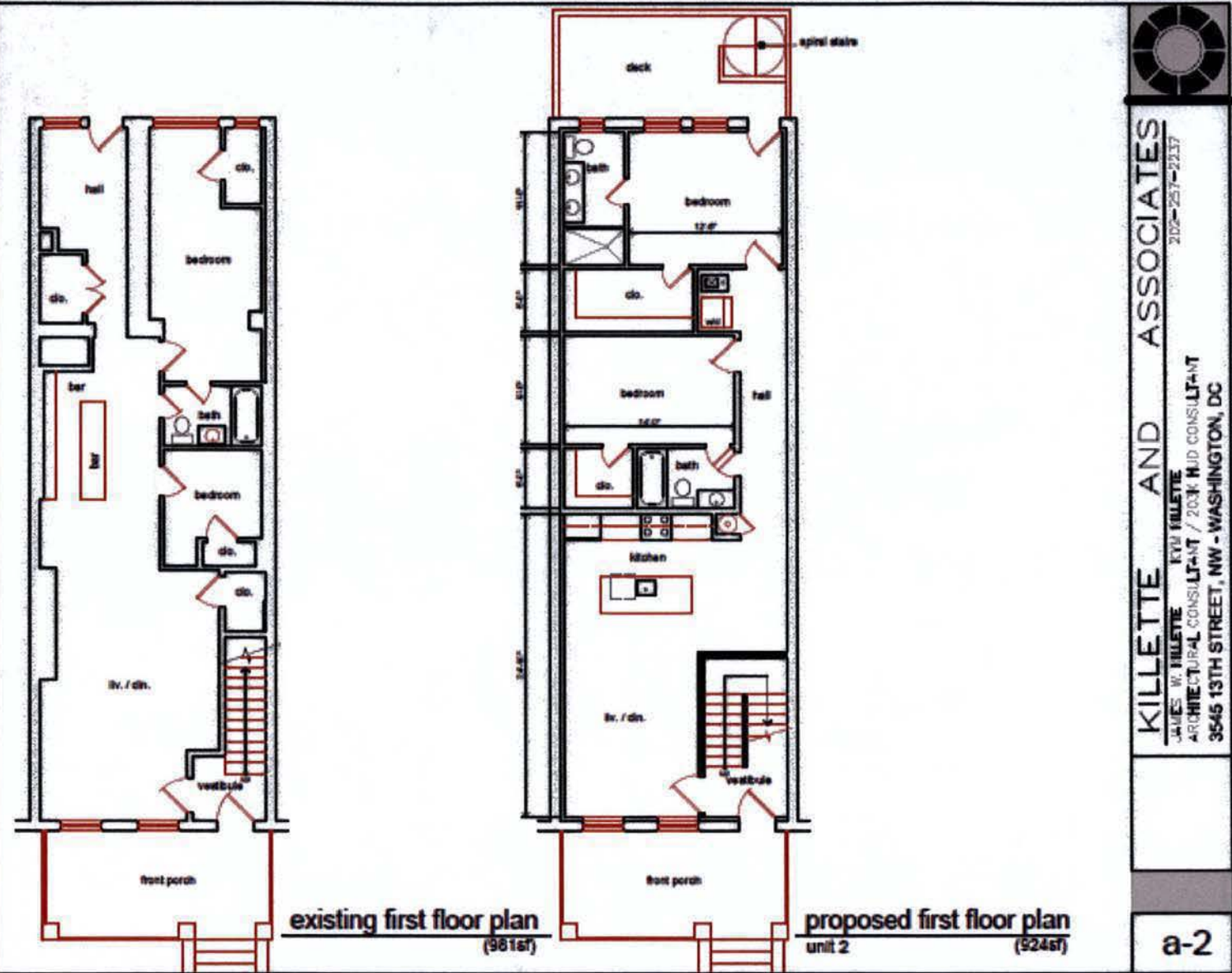
JAMES W. KILLETTE
ARCHITECTURAL CONSULTANT / 203-K HUD CONSULTANT
3545 13TH STREET, NW - WASHINGTON, DC

a-5

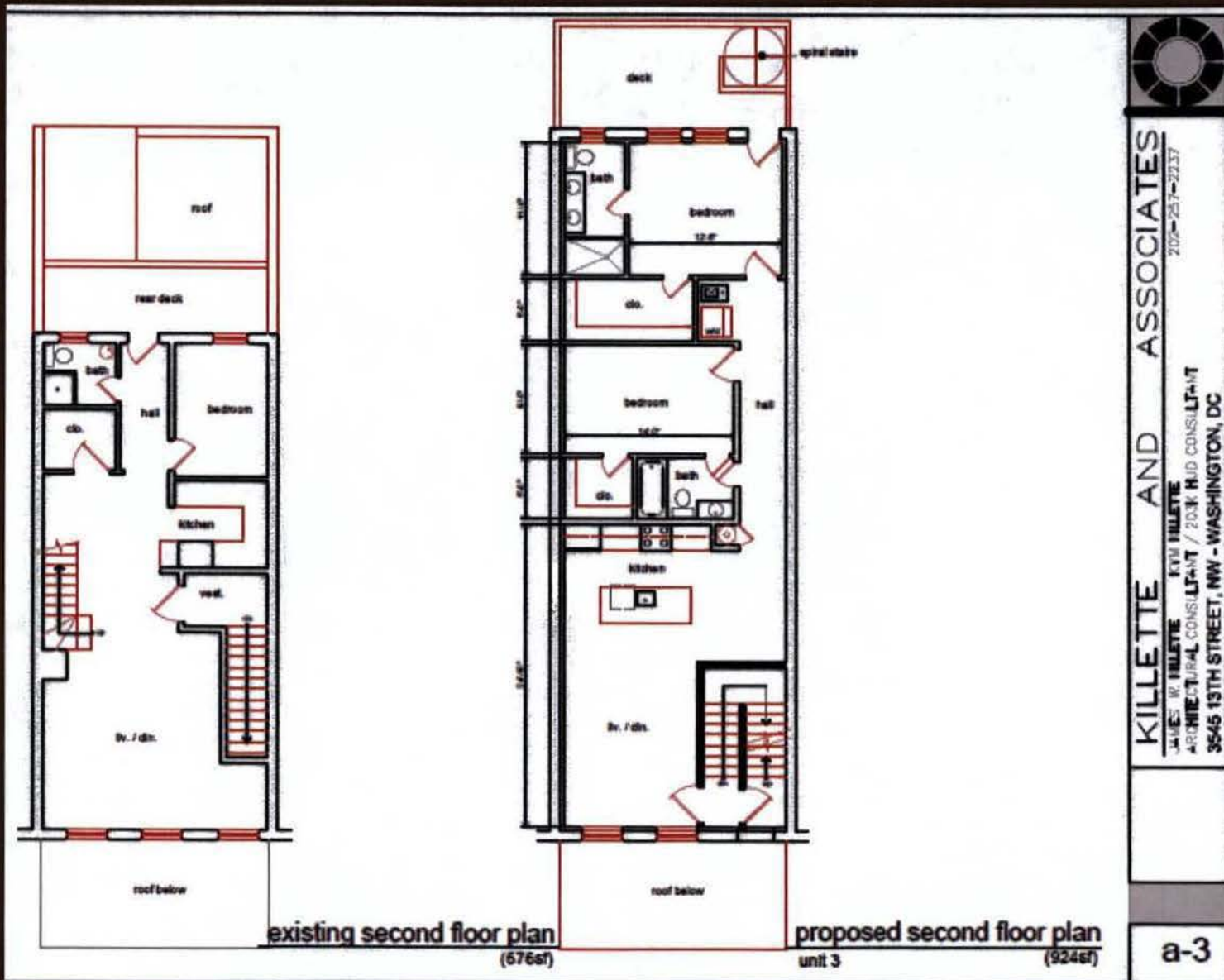
Elevations



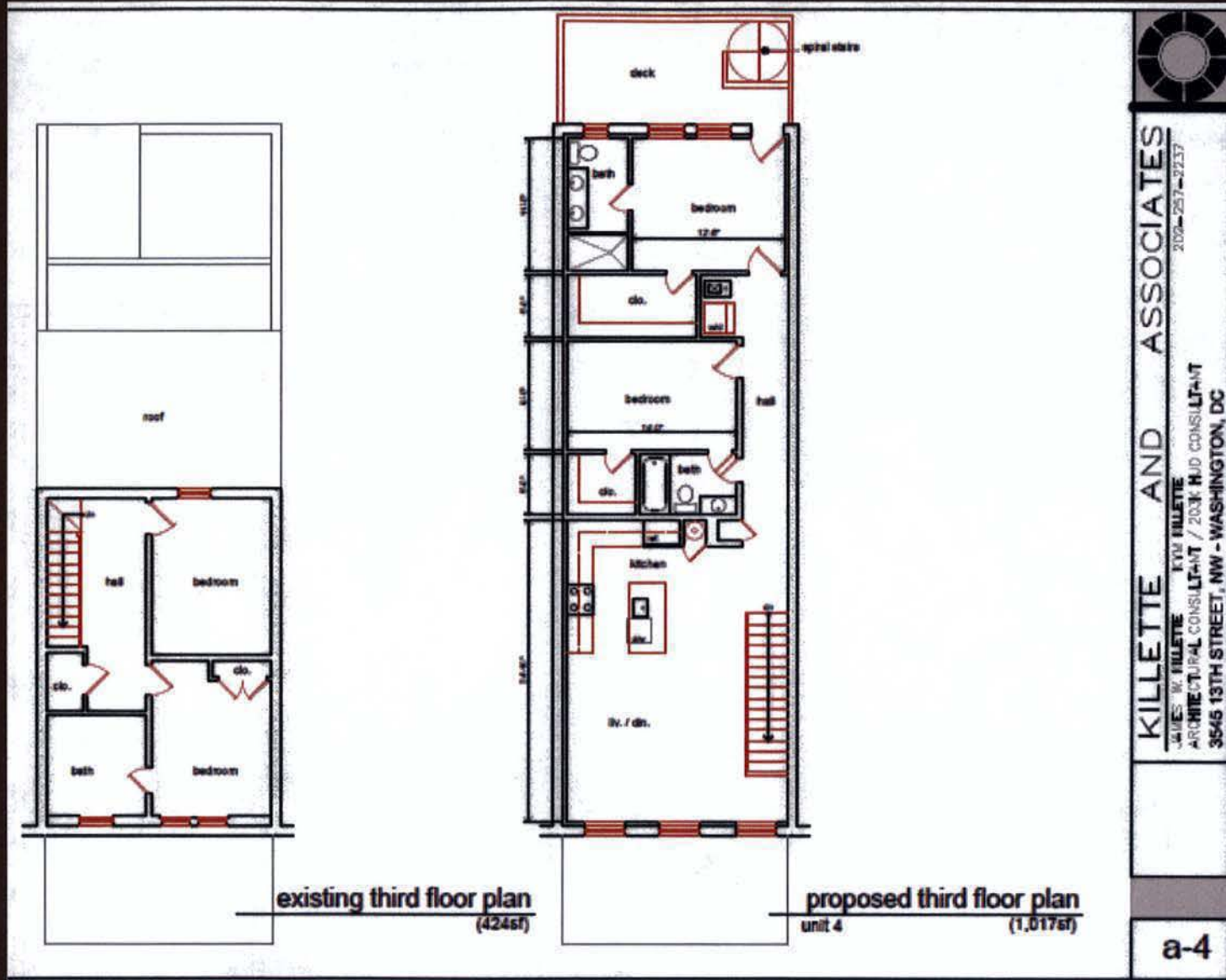
Cellar Plans



1st Floor Plans



2nd Floor Plans



3rd Floor Plans

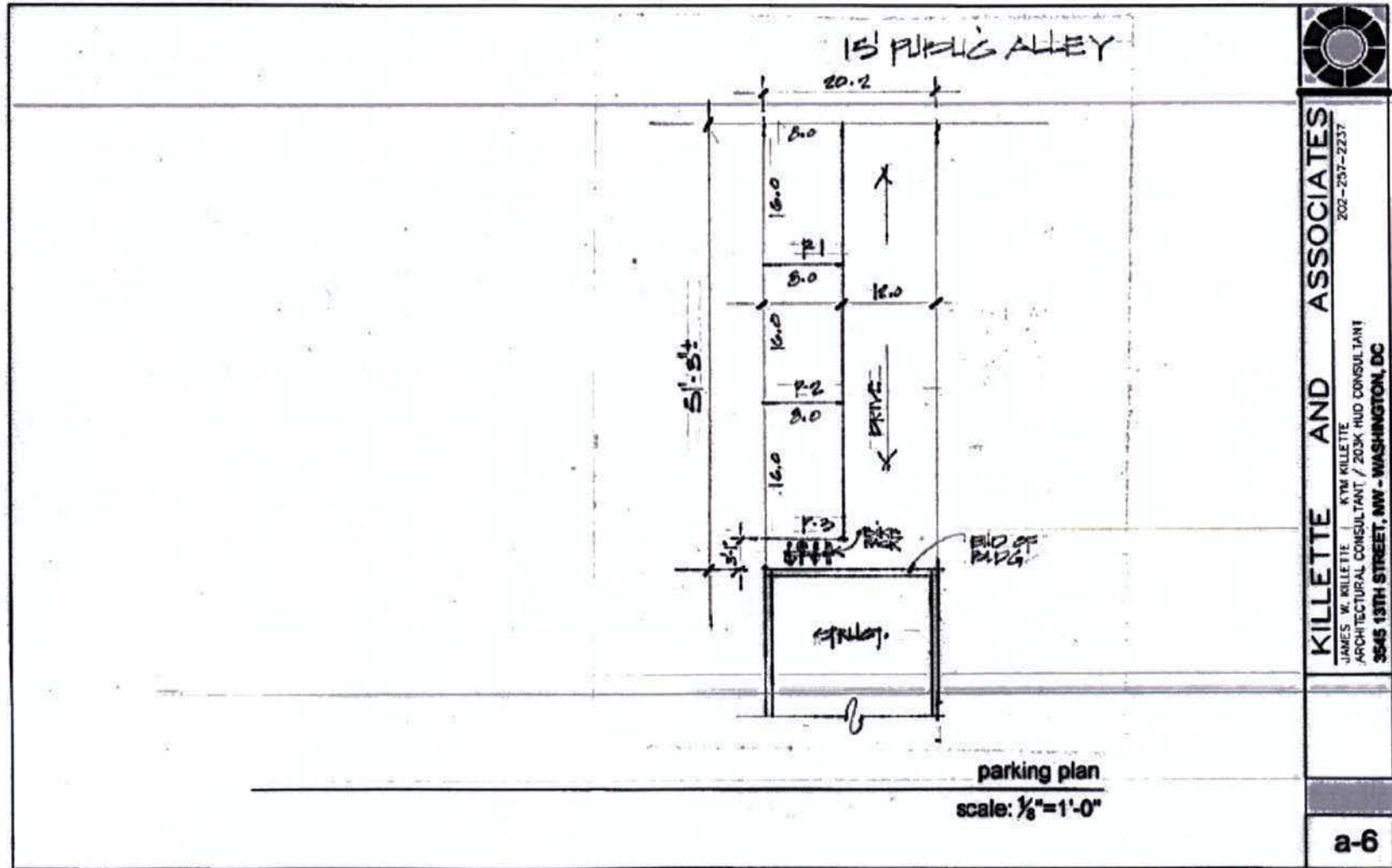
Dilapidated Garage



After Removal of Garage



Alternative Parking Plan



Permeable Paver (Sample)



Community Outreach

- Attended **April 10** ANC 1A Meeting (No vote)
- Letters of support
- DDOT issued Letter of No Objection
- Attended **May 8** ANC 1A Meeting (5-0-5 to deny)
- Applicant worked with Architect to:
 - ▣ Provide Alternative Parking Plan
 - 3 spaces provided (1 required; 2 initially proposed)
 - Bike rack facilities
 - ▣ Utilize Permeable Pavers
- Attended **July 10** ANC 1A Meeting (6-4-2 to deny)
 - ▣ SMD Representative voted in support

Financial Feasibility



- ❑ Developing any project that fully complies with all zoning requirements would not be economically feasible (only 1.4% ROI).
- ❑ Investment required is substantial due to the existing condition of the Property

Financial Feasibility (cont.)

- Profit/Loss Analysis submitted to the Board shows the infeasibility of alternatives.
 - ▣ Budget approved by United Bank
 - ▣ Sales prices supported by MRIS Comps
- Compliance with lot area requirement would result in a practical difficulty.
 - ▣ Banks would not lend on such a limited margin

Estimated Sales Prices are on High End

- The Applicant's estimated sales prices are a fair estimate
- The average price per sq. ft. of the 6 highest MRIS Comps for similar nearby properties sold within the last year is \$499
- Even if the sales prices were based on a \$499 price per sq. ft., the Applicant would show a financially infeasible project
- The sales prices used in the Applicant's P&L are substantially similar to the sales prices based on a \$499 price per sq. ft.

Applicant's Comps are More Accurate

- = Richard Klugman's Comps
4 = Applicant's Comps

- Applicant's Comps are close to the Property and a more accurate comparison to future sales values.
- Mr. Klugman's Comps are far from the Property and much closer to the Metro.
- Many of Mr. Klugman's Comps are active listings and have not yet been sold.



Natural Division into 4 Units

The Property naturally divides into four units



Dilapidation of Lower Level

Unexpected
dilapidation in
the lower level
of property
discovered
after purchase
of the Property

- ☐ Mold
- ☐ Water Infiltration
- ☐ Structural Damage













Existing vs. Proposed Use

- Existing Use: 2-unit Flat
 - ▣ Being used for nonresidential purposes
- Matter-of-Right Use: 3-unit apartment
- Proposed Use: 4-unit apartment

Zoning Relief Sought

- Lot area requirement (§401.3)
 - ▣ Existing: 2936 sq. ft.
 - ▣ Proposed: 2936 sq. ft.
 - ▣ Required: 900 sq. ft./unit
- An applicant need only show a small amount of practical difficulty when the degree of variance relief requested is small. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

Deviation Requested in Small

- Requested deviation: Only 18%
- Lot Area Cases in R-4 District & Deviation
 - ▣ Case #18562: 58% deviation
 - ▣ Case #18448: 50% deviation
 - ▣ Case #17779: 44% deviation
 - ▣ Case #18312: 31% deviation
 - ▣ Case #18115: 33% deviation

Variance: 3-Prong Test

- Confluence of Factors
 - ▣ Inefficient layout & unique history of existing structure
 - ▣ 2nd floor stairwell not compliant with the building code
 - ▣ Deteriorated condition
- Economic Infeasibility
 - ▣ *Downtown Cluster*, 675 A.2d 484 (D.C. 1996):
 - 6% return for MOR project insufficient
 - 9% return was a reasonable return
 - ▣ *1444 Fairmont Partners, LLC*, BZA Case No. 18163-A
 - 15% return was a reasonable return
- No Detriment to the Public Good or Inconsistency with the Zoning Plan

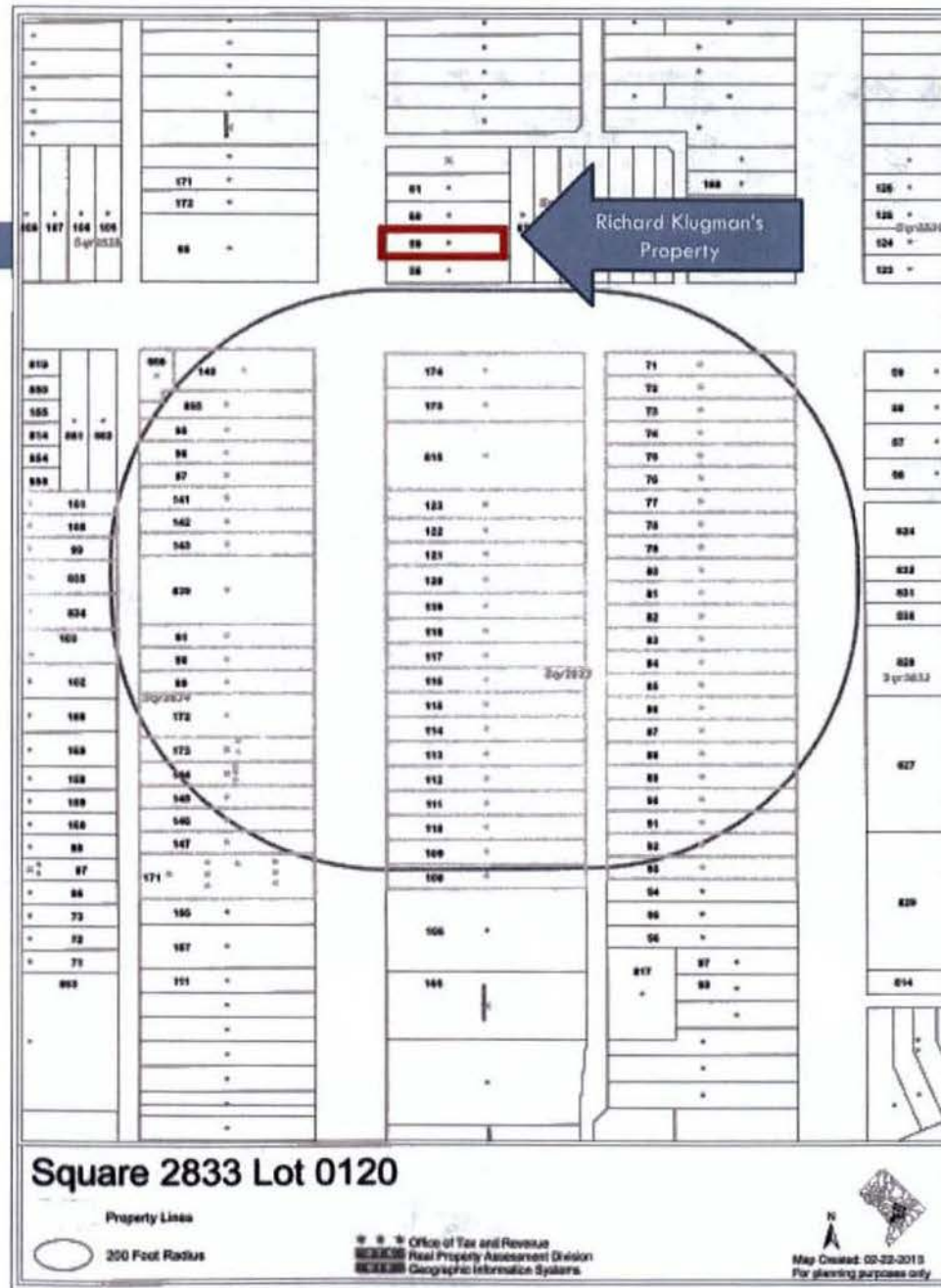
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200 ft Radius Map



No “Geographical Nexus”

Google 3545 13th Street Northwest, Washington, DC

Get directions My places

3545 13th St NW, Washington, DC 20010

3603 13th St NW

Add Destination - Show options

GET DIRECTIONS

Walking directions are in beta.
Use caution - This route may be missing sidewalks or pedestrian paths.

Suggested routes

13th St NW 253 ft.

Walking directions to 3603 13th St NW, Washington, DC 20012

3545 13th St NW
Washington, DC 20010

1. Head north on 13th St NW toward Otis Pl NW
Destination will be on the right

3603 13th St NW
Washington, DC 20012

Save to My Maps

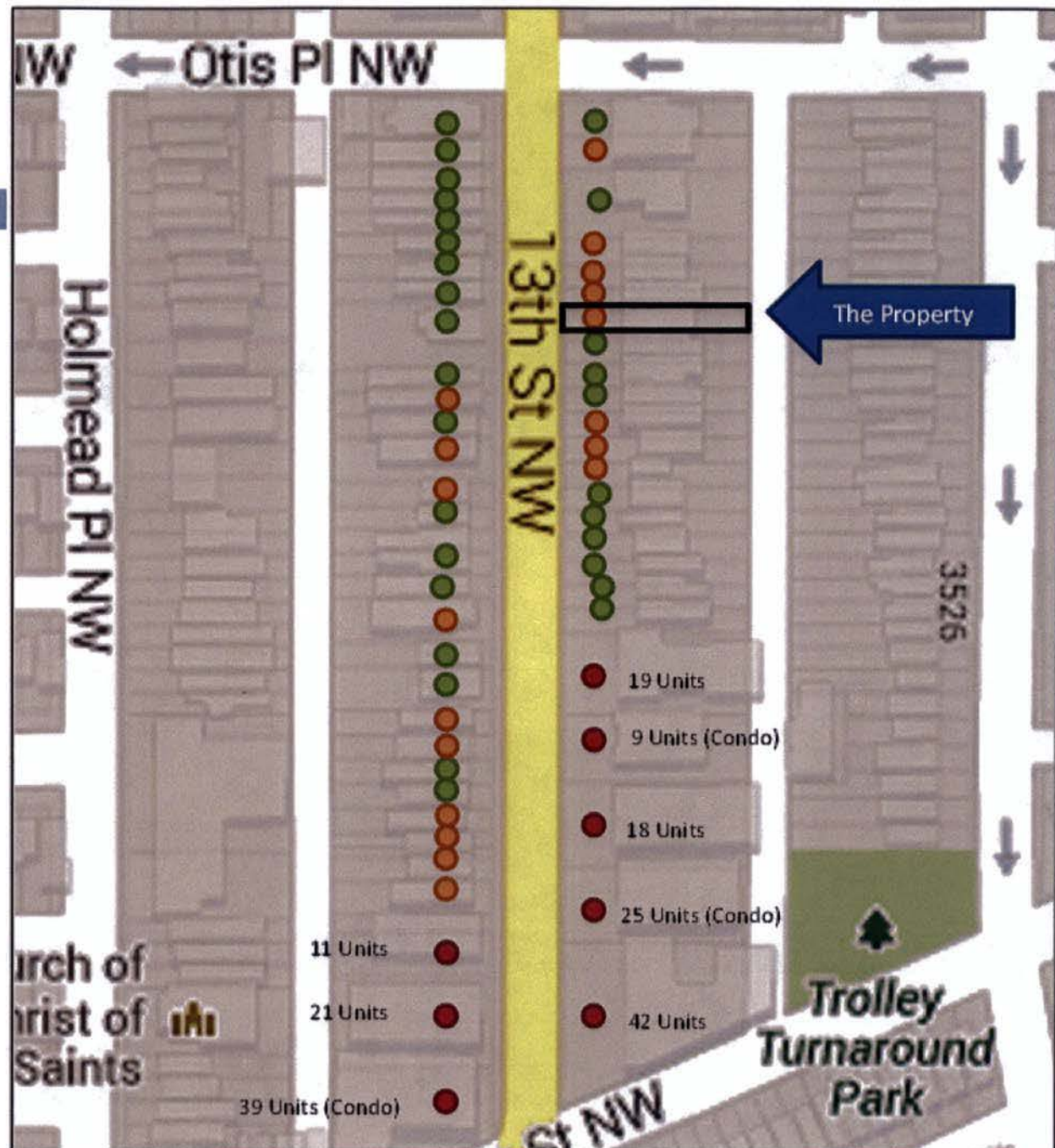
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events

REAL ESTATE COMPS



Applicant's proposed project is in Harmony with the character of the 3500 Block of 13th Street NW

Single Family: ●
2-4 Units: ●
5+ Units: ●





Klugman's Property (3603 13th St)



Klugman's Property (3603 13th St)



Applicant's 3609 13th Street NW

