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Subj: **Re: BZA Application No. 18667 - 45 Franklin St NE**  
 Date: 11/12/2013 8:38:12 P.M. Eastern Standard Time  
 From: [DDSDC1@aol.com](mailto:DDSDC1@aol.com)  
 To: [arthur.jackson@dc.gov](mailto:arthur.jackson@dc.gov)

Dear Mr. Jackson I have updated my Burden of Proof for the Variance I am seeking under Section 3103.2 for 45 Franklin Street, N.E. BZA Application No. 18667 for your review and comment. St.Elmo W. Crawford Jr.

Burden of Proof For Variance : 45 Franklin St. N.E. Washington, D.C. 20002

1. The property was build in 1932 as a medical/dental office prior to the effective date of the current Zoning Regulations.
2. It is the only property constructed in the area with this purpose and with two separate entrances and exits. One on Michigan Avenue for the dental office and one on Franklin Street for the residence upstairs. This is a corner house with five parking spaces close to the dental office entrance on the property.
3. The dental office has been continuously used for this purpose for over 57 years and most of the patients are residents of the neighborhood and immediate members of the community. Discontinued use of the building as a dental office would create a hardship for the many patients who presently use this dental office for their dental services. List of patients in immediate neighborhood is available.
4. The dentist who is intends to purchase the building and practice has secured a commercial loan from the Bank of America because the bank cannot give a residential loan for a mixed use property and has required a use variance prior to settlement scheduled for December 11th, 2013. Letter from Bank Officials is available. Hardship for the owner if sale is not made possible. Three other banks were approached and had the same requirement for loan approval.
5. The purchasing dentist although he will not live in the house because he has just purchased a residence close by does intend for his Father to live in the residence upstairs to the dental office and this will allow him to watch over his elderly father with multiple health issues while he is working in the dental office downstairs of the residence. Hardship if purchasing dentist is required to seek health care assistance and housing for his father elsewhere.
6. The physical characteristics of the property will not be changed in shape, size, topography, or soil. The structure will remain in its present state without exception.
7. The granting of this application will not be of any detriment to the public good. It will not affect traffic, noise, lighting, or parking.
8. The granting of this application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map as the use of the property will limited to the use of the premises as a single - family member dwelling and dental office.

Sincerely, St.Elmo W. Crawford Jr.

BOARD OF ZONING ADJUSTMENT  
 District of Columbia

in a message dated 10/28/2013 11:37:44 A.M. Eastern Standard Time, [arthur.jackson@dc.gov](mailto:arthur.jackson@dc.gov) writes:

CASE NO. 18667  
 EXHIBIT NO. 21

Board of Zoning Adjustment  
 District of Columbia  
 CASE NO.18667  
 EXHIBIT NO.21

**BURDEN OF PROOF FOR VARIANCE**  
**45 Franklin Street, N.E.**  
**Washington, D.C. 20002**

**Regarding Section 3103.2**

- 1. The physical characteristics of the property will not be changed in shape, size, topography, or soil. The structure will remain in its present state without exception.**
- 2. The granting of this application will not be of detriment to the public good. It has been a dental office for over 40 years and has served the community and neighborhood as a health care provider making access to dental care convenient to the neighborhood and community. There will be no impact on traffic, lighting, or noise.**
- 3. The granting of this application will NOT be inconsistent with the general intent and purpose of the Zoning Regulations and Map. The dental office will only occupy the ground floor of the building on the Michigan Avenue side with separate entrance and the residential appearance and residential area upstairs will remain the same.**