

Addendum to Form 120
Supplementary Information for the
Application for a Use Variance of
325 Maryland Avenue, NE
Supplied by Michael and Sarah Henry, Owners

BACKGROUND – EXISTING USE

Our home was granted a building permit on May 25, 1880 for the purposes of constructing a blacksmith shop. Over the years, I have no doubt our home has had many configurations and uses, but in January, my wife (Sarah) and I will have lived there for 14 of its 133 years. When we closed on the house in January of 2000, it was configured as a two flat rental property and we thought it was more than we could afford. However, over time, we have been able to improve our home with the expenditure of hundreds of thousands of dollars spent with an eye toward making it consistent with the overall historic ideal we enjoy on Capitol Hill. Our efforts, done in the context of two large permitted projects, have improved our home to its current state – 3,141 square feet, 5 bedrooms and 3.5 baths.

We have had two children born into our home who are now nearly 9 and 6 years old. On June 28, 2011, my wife started her own business (Sarah T. Henry Photography) which was incorporated in DC and is currently managed out of our home. Our family is growing to the point of needing more outside space and we would like to keep this property, protecting both our time and financial investment.

PAST USES

As the Board knows, researching permits in the District of Columbia is a difficult task. It is necessary to perform a search through District of Columbia governmental offices and the National Archives, as the Archives holds permits from 1877 through 1957. I requested a search for all permits from the records office within the DCRA Building and Land Regulation Administration. There is no record of a certificate of occupancy ever being filed for our home. I have also performed a search of records at the National Archives and between the two offices found several construction permits recorded for our property. While most were for repairs or general improvements to the property, I found that the original building permit for our house (attached, found below the “ORIG. PERMIT” tab) was granted on May 25, 1880 for the purposes of building a blacksmith shop.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18673
EXHIBIT NO. 4

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REQUESTED USE

We have applied for a use variance to enable the use or rental our home as a low-impact office space, limited to professional services and/or a photographic studio. Uses would include the limited activities associated with professional services, such as public policy advocacy (e.g., lobbyist, company or trade association offices), legal and/or a photographic studio, to be operated during normal business hours. We are also requesting the ability to retain our current uses (R-4), in addition to the specific use variance requested within this application.

JUSTIFICATION

Physical Characteristics

The request for a use variance is based upon the current zoning designation (CAP/R-4) creating an economic hardship. We have invested hundreds of thousands of dollars into restoring our Capitol Hill home. We are considering moving to Northwest Washington, DC and hope to retain this property. We have consulted Capitol Hill's leading residential rental realtor, Yarmouth Management, with intent to rent our home in a residential use. During those discussions, it has become clear that renting this property in such a manner is uneconomic – please find a letter from Yarmouth's President attached below the "LETTERS" tab.

The most reasonable use for our home would be to keep it in its current configuration, protecting the historical integrity, and to use or offer it as a professional services rental. Unfortunately, while we are within 45 yards of a commercial zone (CAP/C-2-A), our property lies within CAP/R-4.

Impact

Our goal in requesting this use variance is partially driven by the fact that such a use would have the least impact upon our home and neighbors. If such a use is approved, our low-impact, professional services stipulations would ensure that activities at our home would not create a disproportional nor undue detriment to the public good. Specifically, the office uses we envision would be less impactful on traffic and noise than other uses common on our block. We do not envision any lighting impacts as a result of this application.

Consistency

This application is consistent with the general intent and purpose of the Zoning Regulations and Map. When considering this application, it is important to note that our property/situation is unique for two reasons. First, the fact that we have improved the property to its current state creates an unusual economic dynamic which is specific to this property. The other is specific to the 300 block of Maryland Avenue, NE. Namely, as the attached map depicts, a commercial zone (CAP/C-2-A) forms a crescent around our block and is 65 yards from the front corner of our lot and 45 yards from the rear corner – please find the map below the "USE MAP" tab. In

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addition, we have many houses functioning in a similar capacity as our application would provide – including two immediately across the street from our property.

While reviewing our application, we hope that the Zoning Board considers that the 300 block of Maryland Avenue, NE has a unique make-up. Our block is very close to the significant offices of the Folger Theater/Library, Supreme Court, Library of Congress and Congressional Offices. As a result, our block is largely comprised of apartments, flats and condos – in addition to other properties (some large) already permitted for office and commercial use. In fact, less than half of our block is owner-occupied – based upon Office of Tax and Revenue records, only 45% of owners on our block live within their property. By comparison, the next square, the 100 block of 4th Street, NE (to the south of our block) has a 63% owner-occupancy percentage.

Support

We have consulted with District of Columbia Office of Zoning, Office of Planning (both the offices of Historic Preservation and Development Review) and our individual Advisory Neighborhood Commissioner for 6C. Some have supported our effort and none have said they objected to our rationale or application.

While we have just begun discussing our plans with neighbors, the overwhelming reaction has been positive. For example, please find the attached letter (below the “LETTERS” tab) from Mrs. Jacqueline Lewis. Mrs. Lewis is a neighbor and the owner of the adjacent property to the west of our home. In addition, she has two other properties on our side (south) of the 300 block of Maryland Avenue, NE.

CONCLUSION

Thank you for the opportunity to apply for this variance. Your process is designed to provide home owners an opportunity to use their property in an acceptable manner, but for uses that are not allowed under their current zone status. Most importantly, for reasons outlined above, I believe that granting this tailored request will not be a substantial detriment to the public good, nor will it substantially impair the intent, purpose, and integrity of the zone plan. I sincerely appreciate the opportunity to apply for a limited use variance and hope the Board will approve my request.

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