

March 6, 2015

Honorable Lloyd Jordan, Chair
Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW, Suite 200S
Washington, DC 20001

Filed Via the IZIS System
To Be Added To The File For Case 18952

Dear Chair Jordan:

We are opposed to the application (Case No. 18952) of Daniel Fields for a variance from the use provisions under Section 201.1 to permit a four-unit apartment house in the R-1-B District at 7100 Blair Road, NW (Square 3189, Lot 800).

We have lived at our home, 7106 Piney Branch Road, NW (Square 3174, 0822), since 1975. We also own a vacant lot at the corner of Piney Branch Road, NW and Dahlia Street, NW (Square 3189, 0804). The lot is in the same square as 7100 Blair. Both lots are within 200 feet of 7100 Blair.

The lot is too small to be buildable. We were given the lot by the previous owner in 2008, maintain it, and pay the property taxes, about \$180 per year. We have also spent thousands of dollars on tree removal there. We accepted the lot and have spent a considerable sum of money on it because we want to keep the site as open/green space and want to ensure that the low-density, single-family character of our community is protected.

We are active in the community. One of us (Sara Green), was the Advisory Neighborhood Commissioner for 4B01 for about a dozen years on and off since the early 1980's, with her last term ending on December 31, 2014. She also served as Secretary and Chair during that time. Richard Holzsager served on the boards of North Washington Neighbors, Inc. (Neighbors Incorporated) and the Takoma, DC Neighborhood Association and is a moderator of a Takoma DC website (Yahoo Groups).

Here are the reasons why we believe the Board of Zoning Adjustment should reject the application:

1. The application does not fit 11 DCMR Section 3103.2.

Mr. Fields argues that the regulation permits the conversion of a single-family home into apartments when there is a "hardship." In his December 22, 2014 letter to the Board, he states that he has an "extreme hardship...I am facing imminent financial ruin if I cannot legally obtain a license to rent, and by extension refinance my property."

However, the regulation does not provide for economic hardship. The hardship described in the regulation is based on the characteristics of the property "by reason of exceptional narrowness, shallowness, or shape of specific property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition..."

None of the problems detailed in the regulation are present. This property is perfectly suited for use as a single-family home. It was built for this purpose and is surrounded by single-family homes.

2. Granting the variance is a detriment to neighborhood stability and character.

The regulation requires that a variance should not be granted if there is a "substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The zoning regulations also state that "the R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes." In addition, they state that the R-1-B zone is defined as "matter of right development of single-family residential uses for detached dwellings."

The application is not in the best interests of maintaining the stability and historic character of our neighborhood which is part of the Takoma Park Historic District.

The Comprehensive Plan for the National Capitol addresses the need to protect low-density neighborhoods in Policy LU-2.1.5, "Conservation of Single-Family Neighborhoods." The policy states that the city should "protect and preserve the District's stable, low-density neighborhoods and ensure that their zoning reflects their established low density character."

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3. No documents provided to show apartment use before 1958.

In his December 22, 2014 letter, Mr. Fields states that a provision in the law, 2000.4, "provides for properties historically and lawfully operated and occupied before 1958 to be 'continued' to operate as such."

However, he presents no evidence that 7100 Blair Road, NW has been used for apartments since 1958.

In fact, we have two witnesses, both current neighborhood residents, who will attest that the house was occupied as a single-family home in the early 1960s.

4. The applicant constructed four apartments while holding a Basic Business License for a one-family rental.

In his December 22, 2014 letter, Mr. Fields states that years ago he was informed by a DCRA employee that he could renovate the property into four apartments. He writes, "I have done absolutely everything I thought I could do to no longer operate the property illegally like the prior owner did without an occupancy permit....I've been as patient and respectful of the process as I can. I went to DCRA to make sure it was legal to renovate the property in the 4-unit apartment house configuration that it was in, tens [sic] years ago before applying for permits to do the same."

However, the Basic Business License that Mr. Fields holds is for a one-family rental. (License Number 500514901365, effective until December 31, 2015).

Also, we could find no records of building permits for the property other than for permits for exterior work, a fence, and new basement windows.

The house is divided into four, finished apartments. By order of the Bankruptcy Court of the District of Maryland it will be auctioned on April 1, 2015. The web site operated by firm, Tranzon Auction, (Case 12-27190, Property No. FX7246) features photographs of the completed construction, clearly showing four apartments. Every inch of the interior of the building appears to be newly constructed.

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5. The property was condemned. It has long been vacant and blighted and the exterior remains poorly maintained.

Mr. Fields obtained the property in 2004. Prior to 2004 and since, it was frequently vacant, in very poor condition, and looked abandoned. Windows were broken, the steps, front porch and wood columns were rotted and close to collapse.

On September 14, 2007, the Board for the Condemnation of Insanitary Buildings sent the applicant a show-cause notice. Several hearings were held. The property was not cleared by the Department of Consumer and Regulatory Affairs as inspected and in-compliance with the building code until four years later, October 20, 2011.

The exterior of the property is still in poor condition.

We ask that the Board of Zoning Adjustment deny the application.

Sincerely,



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