Application of Luleadey K. Jembere and Samson Gugsa, pursuant to the provisions of DCMR Title 11, DCMR § 3103.2, for variance relief from Section 200 to allow continued use of an existing two family detached dwelling, not meeting the single family requirements in the R-1-B Zone and also variance relief from Section 2116.4 of DCMR 11 because the existing off street parking is located between the front building wall and the front lot line at premises 3101 35th Street, N.E. Washington DC 20018 (Square 4325, Lot 15).

Nature of relief sought:-This is an application of Luleadey K. Jembere and Samson Gugsa and requests that the Board of Zoning Adjustment (BZA) approve the following:-

- Variance relief from Section 200 of DCMR 11 to permit continued use of an existing two family detached dwelling, not meeting the single family requirements in the R-1-B Zone.
- Variance relief from Section 2116.4 of DCMR 11 because the existing off-street parking is located between the front building wall and the front lot line.

The property that is the subject of this application is 3101 35th Street NE, Washington DC, 20018 (Square 4325, Lot 15) ("Property").

How we get to where we are now: - My husband and I recently bought the subject property located at 3101 35th Street NE, Washington DC 20018 in June 2015 with the intent to rent it out. As our first home in the District together as newly married couples, we were very excited about the location of the property and the way it was structured. The property is relatively new - built in 2004 and has been used and structured as a two family detached dwelling with two separate electric and gas meters, two kitchens, two furnace, two AC units and two water boilers. Duct work for each of the units is individually configured. Unit one is a two level including the first floor and the basement and unit two is on the second (top) level. Each of the levels are 1,248 sqft. The property was very neatly structured and has been used as a two unit dwelling. We also fell in the love with the large lot, which is relatively bigger than most single family dwellings in the neighborhood. The lot contains 7,526 sqft of land area.

After we purchased the property, we decided to rent both of the units to tenants through the Housing Choice Voucher Program. We started the process by advertising our property with the DC Housing Authority. We found two tenants (each with approved vouchers by the DC Housing Authority) who were ready to move in by November 1st, 2015. Both of the units passed inspection and almost finalized the landlord-tenant agreement with the housing authority. In the meantime (while waiting for the November 1st move-in date), we decided to start the application process to get our first business license.

We came to the Department of Consumer and Regulatory Affairs (DCRA) office and started the application process for business license which requires a certificate of occupancy. In due process, what we found out from DCRA was very shocking to us. We found out that our property does not conform to the zoning regulation. We were informed that the only way to resolve this and get a business license is through application for variance with the Board of Zoning Adjustment. We took the initiative to go the legal route to rent out the property and started the BZA application. Even though the financial burden of paying the monthly mortgage without the help of rental income is really tough, we put our tenants on hold until after the zoning issue is resolved.

Practical and financial difficulty from strict application of the zoning regulation:-

- *Relief from Section 200 of DCMR 11* - The subject property is located in the R-1-B zone which would only allow the development of single family residential uses for detached dwellings. Our property has been used and structured from the very beginning as a two family detached dwelling with two separate electric and gas meters, two kitchens, two AC units/furnace, two water boilers and two separately configured duct work.

The conversion to single family dwelling (to comply with the zoning regulation) is not just a matter of knocking down walls and connecting the two units by removing the internal entrance doors and frames. It would be a complete gut out from the scratch to consider such transformation to single family dwelling. If it was a single family home at some point in the past, it would just require the removal of a wall and few minor modifications. Removing the gas and water pipes that serve the kitchens and bathrooms is exceedingly costly and hugely inefficient for first time DC home buyers like us. Since the transformation of the house to single family would drastically affect the layout, we need to remove the entire plumbing system and start all over again. The same logic applies to the heating system since two separate boilers have already been installed for each of the units. The cost of rewiring the electricity supply to one fuse box control panel is really high and inefficient. Construction work to remove AC unit and duct work would be exceedingly difficult and expensive. Last but not least, redecorating the house to unify the interior style is going to be another challenge for us as the two units are totally separated from one another and no internal entrance door exists between the two units. In addition to all the logistics and structural challenges, the cost of hiring certified architects to draw up the plans, qualified electricians to examine and rewire the whole house and licensed contractors to carry out the work is beyond affordable for us. Besides, even if we end up converting the house to single family and remove one of the kitchens, it would not really make sense for a single family house to have 11 bedrooms, 5 bathrooms and two huge living rooms spaces. The time, money and effort involved in renovating and converting such a large house is beyond imaginable for newly married couples like us who are striving to save money to start a new family.

- *Relief from Section 2116.4 of DCMR 11*:- The existing off-street parking is located between the front building wall and the front lot line. Even though the side setbacks (10 feet on the left and 12 feet on the right) meet the zoning requirement, the irregular shape of the lot would make ingression and egression extremely difficult if we comply with the zoning requirement. The lack of an alley on either side of the building would make it totally impossible for us to relocate the parking space. In addition, the existence of the AC unit and electric meters on the sides of the building would create inefficient parking layout on the property. The existing parking space which is between the front building and the front lot line results in a more efficient use of the land and better landscaping – maximizing the parking space for the two units. The existing parking space (approximately 900 sqft) accommodates ample parking space (4 parking spaces) which is more than enough for a two family dwelling. In addition, the existing location results in safer ingress and egress from the back of the building.

Unique and exceptional situation of the property:-

- *Relief from Section 200 of DCMR 11*:- The comparatively large size of the lot and the building is something that is rare in the neighborhood. Compared to other single family dwellings in the neighborhood, the lot area of this property is relatively big. It is an end unit property (bounded by R-5-D condominiums to the south and park to the east) and contains 7,526 square feet of land area, while most of the neighboring single family dwellings contain approximately 4,500 square feet of land area. The gross floor area ("Building") is 1,248 sqft and is relatively bigger than the neighborhood properties by about 600 sqft. The large size of the building and the lot does not affect the lot occupancy ratio requirement. The lot occupancy ratio is 17% and this is way below the 40% lot occupancy requirement of the zoning regulation.

- *Relief from Section 2116.4 of DCMR 11*: The property's irregular shape and topography is an exceptional condition that makes it practically difficult for us to comply with the required parking location. The shape (more like a trapezoid-with irregular dimensions) gets narrower as you move from the back of the building to the front lot line. The front lot line is 35 feet across the 35th street and there is an abrupt 22 feet wider space in the middle of the lot where the building starts. In terms of elevation changes, there is also a 5 feet grade change in the center of the lot where the building starts.

Impact on the neighboring properties:-

We looked at the neighborhood around this property to see if the existing property has any impact on the neighborhood.

- *Relief from Section 200 of DCMR 11*:- To the south, the property is adjacent to large apartment buildings. It is right next to R-5-D zoned condominiums. To the east, it is bounded by (adjacent to) a public park (Fort Circle Park – which is R-5-A zone). The rest of the surrounding area to the north and the west consists of single family dwellings of various styles and designs. The property is not located in the middle of an R-1-B zone neighborhood and the chances of affecting privacy of the neighborhood is very minimal. In addition, there are many services, such as grocery stores and other retails within ¼ mile and a short walk to the property. The presence of an already existing condominium building and a park adjacent to the property and also its close proximity to a commercial zone will not make much of a difference to the neighborhood. Besides, the property has been used and rented out as a two family residential property in the past and therefore we believe that continuing the use of the property without any modification will not change the character of the neighborhood.

- *Relief from Section 2116.4 of DCMR 11*:- The existing parking location would not really change the character of the neighborhood and has no adverse impact on the neighboring properties. No additional traffic should result from this relief because the use already exists in the neighborhood for the past 10 years. The relocation of the parking space to the side of the building and the lack of appropriate alley would tighten the space with the neighboring property. The required parking space elsewhere on the same lot except to the front of the building would result in an unusual layout and would have more adverse impact on one of the neighboring properties.

Therefore, due to the above mentioned circumstances, exceptional situations and no adverse impact on the neighborhood, the strict application of complying with single family and parking relocation requirement would result in a practical difficulty for us to comply with the zoning regulation.