STATEMENT IN SUPPORT OF AN APPLICATION FOR AREA VARIANCE TO INCREASE THE FAR OF 3421 14TH STREET, N.W. TO BE USED FOR GENERAL OFFICE USE

The property (Exhibit A and E) is located in the Columbia Heights neighborhood and is zoned C2A. The buildings from the 3200 blocks through the 3400 block of 14th Street, N.W. on both the east and west sides of the street are currently used primarily for commercial purposes, i.e. offices, retail establishments and service facilities.

The buildings on the east side of the 3400 block of 14th Street. N.W., (Exhibit B) contain a variety of retail and service uses at the street level and office uses on the upper floors. At this time the adjacent properties consist of a Hispanic Church on the corner to the direct north at 14th and Newton Streets, A church auxiliary center beside it, then a vacant shell (plagued with vagrants, drunks and various elicit activities) directly abutting 3421 14th Street to the left. Abutting 3421 14th Street, N.W. to the south is the Columbia Heights Community Development Center, which occupies two buildings, both 3419 and 3417. The remainder of the block is occupied with similar types of uses.

Directly across the street on the west side of the street is the Columbia Heights Fire Station (Exhibit C), which occupies the entire block. Directly north of the fire station is the Giant Food Store (Exhibit D).

The property was purchased by the owner approximately 14 months ago with the intent of using it for his offices and renting out the other space to residential tenants. However, after engaging a real estate broker who tried unsuccessfully for several months to obtain a residential tenants because of the commercial location of the property directly across from the fire station and other security issues, he is now attempting to the obtain the necessary zoning relief to enable him to lease the space for office use.

The burden of proof for an area variance under DCMR 3403.1 requires that there be a unique or exceptional condition within the property or circumstance that will result in a practical difficulty for the applicant to comply with existing zoning regulations provided that granting relief will not cause substantial detriment to the public good nor impair the intent, purpose and integrity of the zone plan or zone map.

BZA
Case No. 16761
Exhibit No. 8

Board of Zoning Adjustment
District of Columbia
CASE NO.16761
EXHIBIT NO.8

Sec. 771.2

The applicant requests relief from Section 771.2 of the zoning regulations to increase the nonresidential FAR from 1.5 to 2.5.

Under Section 771.2, the allowable FAR for a C2A is 2.5 with the non-residential FAR limited to 1.5 FAR. The lot size is 1, 980 s.f. which allows an FAR for the subject property of 4,950 s.f. of which the maximum commercial use would be 2,970 s.f. Because the building has a total of 4,427 s.f, this would ***require*** that 1,457 s.f. be used for residential.

This property is unique due to it being much larger than the other properties on the block because of the extra addition added to the rear some years ago making it nonconforming. This addition causes there to be square footage that **must** be used for residential under the current zoning requirements. This situation is one that no other property has to comply with and causes a practical difficulty upon the owner of this property due to the fact that this is a commercial strip and is compounded with other factors that are extremely unattractive to residential tenants.

This property does meet the burden of proof under the required test because:

1. It is unique in that it is the only building on the block with the an extra addition (Exhibit F) thus making it unattractive for any residential use in that there is no yard parking provided.

2. The practical difficulty is contained in the fact that the property is located directly across the street from the Columbia Heights Fire Station which makes it very unattractive for any residential occupancy.

3. The granting of the variance does not adversely affect neighboring properties in regard to traffic, parking, noise, light or air. Fourteenth Street, N.W. is a major thoroughfare serviced by Metro bus and the property located roughly one block from the Columbia Heights Metro Station. The office uses are to be primarily small one to four person service businesses and it is hoped that many employees will come from the community and will, therefore walk to work. For visitors not electing to take the Metro rail or Metro bus, there is ample parking provided on 14th Street and the side streets.

   The owner has tried unsuccessfully for several months to obtain residential tenants so as to comply with the existing C2A zoning, however, due to the noise generated by the fire engines at all hours of the night or day, combined with the fact that this neighborhood is in transition with several drunks and vagrants who loiter and pan handle on the street in front of and on the side of the subject property as well as across the street from the property in a little bench seating area

at the north end of the fire station. Consequently, prospective residential tenants are afraid to live there. This situation is so bad that several times the real estate agent trying to show the property arrived with customers and has had to shoo the drunks found sleeping on the stoop and in the yard. This situation is particularly bad on weekends when there is much more of this type of activity. In addition, before rehabilitation commenced on the building, the owner and/or agent would have to pick up syringes, condoms and crack vials left by druggies who would break the boards down to get inside. Currently, there is still a vacant building next door that appears to be used for illegal activities. Moreover, throughout the period of rehabilitation, crews hired to work on the building complained about coming to work in the morning to find that these people had gone into the building to use it for a bathroom or for prostitution. The owner had to direct the workers to nail everything tightly shut each night to keep them out.

Therefore, it is believed that rather than create adverse impact, granting this variance will help to alleviate some of the negative influences in which this community is currently impacted by converting a run down boarded up building into a property that will contribute to the positive health and welfare of the neighborhood.

4. Granting the variance will not tend to impair the intent and integrity of the zoning regulations and the zoning map.

Pursuant to the foregoing, the applicant respectfully requests that based on the evidence presented for the relief requested that the Board of Zoning Adjustment finds that the burden of proof has been met and that the variance can be granted.