EXHIBIT C: **Zoning Administrator's Memorandum**

BZA
Case No. 16800
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO.16800
EXHIBIT NO.7

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

May 21, 2001

Richard Gordon, Jr.
808 G Street, S.E.
Washington, D.C. 20003

Re: 1913 13th Street, S.E.
Square: 274 Lot(s): 128
(Bsmt., 1st, 2nd and 3rd Floors)
Zoned: R-4

Dear Mr. Gordon:

Your certificate of occupancy application #804148 filed to use the subject premises as an "Apartment Building – 4 Units" cannot be approved at this time. Occupancy records indicate that the last authorized use of the subject premises is "Rooming House less than five roomers" #47706, dated 4/8/57. The building, for purposes of zoning, is located in the R-4 Zone District. The Zoning Regulations (DCMR Title 11, Section 330.5(c)), allow that a building located in the R-4 zone may be converted to an apartment building, as a matter-of-right, under the following conditions:

1. The building(s) must have existed prior to May 12, 1958; and,
2. The premises must meet the lot area requirements of Section 401.3 (900 sq.ft. per apartment unit).

Prior to approval of your application, you must provide proof that these conditions will be met. Proof of the lot area must be provided by a D.C. Surveyor's Building Plat, which may be obtained in Room 2700, 941 North Capitol Street, N.E.

If you are unable to meet these conditions, you may petition the Board of Zoning Adjustment and request a variance from the use provisions (Section 330.5(c)) of the R-4

Zone. The Board has authority to grant variances under provisions of DCMR Title 11, Section 3103.2 which reads as follows:

> "As set forth in D.C. Code, Section 5-424(g)(3), 'Where by reason of exceptional narrowness, shallowness or shape of a specific piece of 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 of a specific piece of property, the strict application of any regulation adopted under D.C. Code, Sections 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without 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.'"

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when requesting special approval. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Michael D. Johnson
Zoning Administrator

MDJ/TB/ee