16936

MEMORANDUM

RE: Application to the Board of Zoning Adjustment regarding 2829 Connecticut Avenue, N.W., Suite 103

"Explanation Pursuant to Subsection 3103.2 regarding the exceptional circumstances of this case."

This memorandum provides an explanation pursuant to Subsection 3103.2 for unit 103 at 2829 Connecticut Avenue, N.W.

The Provision has 3 prongs:

(1) The physical characteristics of the property: a. make it difficult for the owner to use the property in compliance with the zoning regulations, b. create financial hardship for the owner in using the property consistent with the Zoning Regulations.

(2) Granting the application will not be of substantial detriment to the public good - i.e. traffic, noise, etc.

(3) Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

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Board of Zoning Adjustment
District of Columbia
CASE NO.16936
EXHIBIT NO.26

Here are our comments on each of the three prongs:

(1) The physical characteristics of the property: a. make it difficult for the owner to use the property in compliance with the zoning regulations, b. create financial hardship for the owner in using the property consistent with the Zoning Regulations.

The fact is that Unit 103 has been used as an office approximately since 1965 (ever since the building was built). From the very beginning the unit had been occupied by the same Psychiatrists, and it was arranged and equipped like any other office. There was never any medical equipment. The contents were desks, chairs, and book shelves. That has remained the same approximately since 1965. In fact, most of the furniture and interior decoration probably had remained unchanged since 1965, which probably explains why the unit was on the market for so long before I purchased it.

The unit is located on the first floor of a condominium building. There are three offices on this floor. Thus, if someone wishes to visit the unit, he/she must first go to the main entrance of the building (which is actually on the second floor), enter the building, walk up several stairs, and then either take the elevator or stairway to go downstairs.

Thus, it is really not suitable for a regular medical clinic (and has never been used as such), because people who are really sick, frail, or have difficulty walking could hardly reach the office (unless they rang the door bell, informed the clinic, and then went around the building to the back entrance, which is closer to the entrance of the office and has only one step-up).

Furthermore, the building has mostly residential units. There is hardly any commercial use that generates more traffic than a medical office.

Thus, the residents certainly appreciate a more general office use, which generates far less traffic in terms of unknown people arriving at the parking lot, entering and leaving the building. In addition, in terms of security, it will dramatically increase the security of the building by having fewer extraneous people enter the building.

Furthermore, to permit only the use as "medical clinic" is not only difficult to achieve because of the location on the (lower level) first floor, it would also create hardship for me as the owner. When I purchased the unit, I was assured that any commercial use of the unit is permitted, and I found that information confirmed by the building management and in the Condo Rules. Thus, I acted in reliance on that information and only later found out that the occupancy permit was for a "clinic" and that it would take substantial effort to obtain the proper occupancy permit.

(2) Granting the application will not be of substantial detriment to the public good - i.e. traffic, noise, etc.

All residents in the building are probably very pleased with the reduced pedestrian and car traffic, since the psychiatrists who occupied the unit previously saw many patients every day. At times, up to 4 psychiatrists were seeing visitors in the unit, and the number of extraneous people entering and leaving the building must have been considerable.

At this point, the number of visitors is very limited, and thus the "normal office" use certainly promotes the "public good."

Finally, several residents have received free legal advice from me, and have benefitted from legal and other information I have provided to them. I would estimate that about every second day a resident (or a friend of a resident) enters to ask a legal question or seek some advice.

(3) Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations, since the intent is to permit small offices that serve the community and enable citizens to have their offices close to their residences (in my case, I commute in just a few minutes from my home to my office). It also helps to decentralize the center of the City, thus reduces commuter traffic, congestion, and increases security for the city (which in the case of Washington DC is an important consideration, as the 11th of September 2001 showed).

Thank you for your consideration of our request!