326 12th St., SE
Washington, DC 20003
February 10, 2003

Board of Zoning Adjustment
441 Fourth St., NW
Suite 210
Washington, DC 20001

D.C. OFFICE OF ZONING
RECEIVED
2003 FEB 12 PM 4:36

Re: Application No. 16980 (301 12th St., SE)

Dear Sir/Madam:

The following is intended to provide a fuller version of the situation concerning the application for a use variance for 301 12th St., SE than provided by the pre-hearing statement submitted on behalf of the owner,
Scott Gillis.

The attorneys for Mr. Gillis state that the property has a unique physical aspect or extraordinary condition. They state that the plot is pie-shaped (a common occurrence found in many residences within the L'Enfant Plan); that the property has no backyard (a condition of nearly every corner house in Capitol Hill), and that the property is afflicted by the "unusual features" of two entry doors. However, many former neighborhood markets (once their conforming use expired) have been successfully transformed into residences. Mr. Gillis need only cross to the next block and look at the strikingly similar property found at 1250 D St., SE.

The attorneys also state that the first floor space does not conform to the D.C Building Code or the Housing Code requirements for a residence. This may be the case. However, it has not stopped Mr. Gillis from renting the property out as a residence for several years until he conceived the use of the property for commercial purposes.

The attorneys state that the space lacks adequate flooring and that major alterations would have to be made to all the utility systems (e.g., heating and cooling, electrical and plumbing) for it to be used in a manner consistent with R-4 zoning. Yet, the repairs mentioned would have to be done for it to be used as an artist's studio. In fact, Mr. Gillis has already made extensive electrical and plumbing upgrades (without a permits causing him to be cited).

The property, bought as an investment, represents no hardship. It is residential and its non-conforming commercial use long expired (in 1978). It is common practice for investors to buy properties that need renovation, and it is disingenuous to state now that those renovations represent an undue expense. Mr. Gillis purchased the property in for $175,182 in 1994 and it is currently assessed for $453,560. Obviously, Mr. Gillis is in an enviable position financially.

BZA
Case No. 16980
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO. 16980
EXHIBIT NO. 45

Finally, it should be noted that Mr. Gillis, through his agent Mr. Berkowitz, misled neighbors and the ANC by stating Mr. Gillis was entitled to use the property as a grocery store and that a conversion to an artist's studio represented an improvement for the block. On that basis, the ANC voiced its approval of an exception from one non-conforming use to another. However, since this is not the issue, the ANC's recommendation should be set aside in your deliberations.

Because we wish to preserve the residential fabric of our neighborhood, I urge you to deny Mr. Gillis' application.

Sincerely,

Alan Wiesenthal

Alan Wiesenthal