1119 S. Carolina Avenue, SE
Washington, DC 20003-2205
16 March 2003

BZA Case: 16980

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Ms. Jerrily R. Kress
D.C. Board of Zoning Adjustment
441 Fourth Street, NW
Washington, DC 20001

Dear Ms. Kress:

This letter follows up on my letter of 23 December 2002 concerning application 16980. At that time I opposed the request of the applicant for a special exception for a change of non-conforming use at 301 Twelfth Street, SE. I stated that the property had not been used as a grocery store at least since 1977. (The applicant has filed certificates of occupancy for a grocery store more recent than 1977. Those uses were never actually put into effect. There were at least two attempts to restore the property to grocery store use, but the renovations were never completed. The issuance of the certificates gave permission for the use, but does not establish that the use actually took place, which it did not.)

I also stated that the property should be returned to the residential use for which the property is zoned, unless the applicant could meet the burden of proof required for a use variance, which is that the strict application of the zoning regulations would create a hardship. I have read the revised application requesting a use variance rather than a special exception. It is my opinion that the applicant has met the burden of proof. The property was never designed for residential use, and does not have a kitchen. The changes that would be required for residential use, such as the addition of a kitchen, would constitute a hardship. I therefore do not oppose the use variance.

The current low-impact use as a studio for the production of musical instruments is better for the structure and the neighborhood than the previous disuse of the first floor of the building. I will support the granting of the use variance for an artist studio if it is subject to the conditions that have now been offered by the applicant's attorney to ensure that the noise and traffic impact are negligible and that toxic or polluting chemicals may not be used.

Strict application of the zoning regulations would constitute a hardship. The current and proposed use is consistent with the interests of the community. I support the granting of the variance subject to the conditions offered by the applicant's attorney.

Yours truly,

Robert McClenon

BZA
Case No. 16980
Exhibit No. 53

Board of Zoning Adjustment
District of Columbia
CASE NO. 16980
EXHIBIT NO. 53