BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of
William T. Byrd &
Norma G. Byrd
714 10th Street, N.E.

BZA Appeal No.16989

Hearing: March 18, 2009
ANC 6A

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APPLICANTS' PRE-HEARING STATEMENT

This is an application of William T. and Norma G. Byrd ("Applicants") to allow use of 714 10th Street, NE, Lot 0072, Square 0912, (the "Property") as office space by their management consulting business, Business Promotion Consultants, Inc. (BPC). BPC is a DC-based, minority-owned business with offices in the home of the Applicants at 5804 Manchester Place NW; in Forestville, Maryland at 4005 Penn Belt Place; and in Baltimore, Maryland at 26 West 25th Street. The Applicants sought to purchase a mixed-use property for the consolidation of BPC's operations.

This application for a use variance became necessary because of the failure of the District of Columbia Government to correctly list the zoning on the Property

The Applicants relied upon information provided by their real estate agent and the property appraiser, who in turn relied upon information from the District of Columbia and commercial services as to the zoning of the Property.

The Applicants acted in the best of faith at all times. The applicants made a sizeable investment because of the actions of the District of Columbia. The Applicants find themselves in the position of owning property which they cannot use because of affirmative statements made by the District of Columbia. The Applicants are entitled to a use variance because of the actions of the District of Columbia.

The District of Columbia Is Estopped to Deny the Use Variance.

The applicability of estoppel against the District of Columbia in a zoning context was considered and applied in the case of Saah v. District of Columbia Board of Zoning Adjustment, 433 A2d 1114 (D.C. Ct. App. 1981). A copy of the decision is attached.

The Court of Appeals, at 433 A2d 1114, 1116, identified the elements which must be shown to raise an estoppel. They are:

1. that a party, acting in good faith,

2. on affirmative acts of a municipal corporation,

BZA
Case No. 16989
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 16989
EXHIBIT NO. 20

3. makes expensive and permanent improvements in reliance thereon, and

4. the equities strongly favor the party seeking to invoke the doctrine.

All elements are met in this application. The Applicants acted in good faith. The Applicants, or people the Applicants retained, made inquires as to the zoning. The real estate agent, the appraiser, and the Applicants were all given similar information that the Property was zoned mixed-use, C2B.

The District of Columbia is the entity that disseminates the information as to the zoning of lots. The Applicants went and made inquiry at the government office charged with issuing certificates of occupancy and were given a printout showing that the Subject Property was zoned C2B (Exhibit B). That was an affirmative act by the District of Columbia. The appraiser and the real estate agent obtained information about the Subject Property from commercial services which obtained the information regarding the zoning of the Subject Property from the District of Columbia government.

In reliance upon the information from the real estate agent, the appraiser and DCRA, the Applicants purchased the Subject Property for commercial use. The Applicant's paid $ 60,000.00 plus signed a loan agreement for $ 239,200.

The equities in this case strongly favor the Applicants. The Applicants have acted in the best of faith. The proposed use, as office space, is not incompatible with a residential area where the Subject Property is a matter of feet away from a C2B District. The C2B District follows H Street, NE. The investment in money has been considerable. The Applicants, because of the unique circumstances of this case should not suffer loss.

The BZA Has Granted Relief in a Similar Fact Situation.

The appeal of Bundy Development Corporation, Application No. 16730, involved a similar fact situation where a property purchaser was led by the District of Columbia to believe that the zoning was R-5-D when in fact it was R-5-C. A copy of the Board's decision is attached. While the term "estoppel" is not used, the decision states Bundy was given "misleading and/or incorrect information" by the District of Columbia.

Further, the Board observed that the Square in the Bundy application included other zoning. In the matter at hand, the subject Square 0912, includes C-2-B and R-5-D zoning.

Therefore, there is precedent for what the Board is being asked to do in this matter.

Opposition by Neighbors Should Not Affect this Matter.

The Applicants and the neighbors are in this situation because of actions by the District of Columbia government.

The neighbors and ANC may oppose the application. However, that should not preclude the Applicants from obtaining the relief to which they are entitled under the holding in Saah v. District of Columbia Board of Zoning Adjustment, 433 A2d 1114. Mistakes are made by the government and citizens are affected to greater or less degrees In this matter, the BZA should be part of the solution by granting the use variance.

The Applicants are willing to agree to conditions on the granting of the use variance, including a restriction on the length of time which the variance may last.

Respectfully submitted,

Richard P. Schmitt # 256024
Benny L. Kass # 025155
Kass, Mitek & Kass, P.L.L.C.
1050 17th Street, N.W., Suite 1100
Washington, D.C. 20036
(202) 659-6500
Attorney for Applicants

Certificate of Service

I hereby certify that the APPLICANTS' PRE-HEARING STATEMENT was sent postage prepaid on the 4th day of March, 2003 to David McGettigan, Office of Planning, 801 North Capitol Street, N.E. , Suite 4000, Washington, D.C. 20002, the Chairperson of ANC 6A, and to member Cody Rice, 310 9th Street, NE, Washington, DC 20002, and to Robert Kelly, Zoning Administrator, Department of Consumer and Regulatory Affairs, 941 North Capital Street, NE, Suite 2000, Washington, DC 20002.

Richard P. Schmitt

District of Columbia Court of Appeals.

John SAAH, Petitioner,
v.
DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT, Respondent.

No. 80-88.

Argued April 16, 1981.
Decided July 29, 1981.

Applicant for zoning variance petitioned for review of a decision of the District of Columbia Board of Zoning Adjustment denying plaintiff variance that would permit him to retain a structure which exceeds maximum allowable percentage of occupancy. The Court of Appeals, Kelly, J., held that the Board of Zoning Adjustment, having approved but later cancelled applicant's building permit, was **estopped** from denying the variance sought by applicant.

Reversed and remanded.

West Headnotes

[1] Zoning and Planning 762
414k762 Most Cited Cases

Elements that must be shown in order to raise an **estoppel** against enforcement of a zoning regulation are that a party, acting in good faith, on affirmative acts of a municipal corporation, makes expensive and permanent improvements in reliance thereon, and the equities strongly favor the party seeking to invoke the doctrine.

[2] Administrative Law and Procedure 791
15Ak791 Most Cited Cases

Given the expertise of an administrative agency, the Court of Appeals is generally bound by agency's decision if it is supported by, and in accordance with, reliable, probative and substantial evidence in the whole record, and the agency's conclusions flow rationally from its findings.

[3] Administrative Law and Procedure 796
15Ak796 Most Cited Cases

Where administrative agency's final decision rests on a question of law, reviewing court has the greater expertise, and the agency decision is therefore accorded less deference.

[4] Zoning and Planning 488
414k488 Most Cited Cases

Board of Zoning Adjustment, having approved but later cancelled building permit to convert single-family dwelling into three apartments on grounds that structure exceeded maximum lot occupancy applicable in that zone, was **estopped** from denying owner's application for a variance where owner had undertaken construction in reliance upon issuance of permit, cost of complying with regulations was substantial, and public's interest in enforcement of lot occupancy restriction was minimal in that owner exceeded maximum lot occupancy by less than five percent.

***1114** Donald Cefaratti, Jr., Washington, D.C., for petitioner.

Leo N. Gorman, Asst. Corp. Counsel, Washington, D.C., with whom Judith W. Rogers, Corp. Counsel, and Charles L. Reischel, Deputy Corp. Counsel, Washington, D.C., were on the brief, for respondent.

Before KELLY, FERREN and PRYOR, Associate Judges.

***1115** KELLY, Associate Judge:

In this case we are called upon to review a decision of the Board of Zoning Adjustment denying petitioner a variance that would permit him to retain a structure which exceeds the maximum allowable percentage of lot occupancy. We hold that the zoning authorities, having approved, but later cancelled petitioner's

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building permit, are **estopped** from denying the variance sought. Therefore, we reverse, and remand for disposition of petitioner's application in accordance with this opinion.

I

Petitioner is the owner of improved property located at 1521 Church Street, N.W., within an R-5-B District. He purchased this property on March 15, 1978, at which time the lot contained a single family dwelling consisting of two stories and a basement, with a certificate of occupancy, issued July 22, 1952, permitting use of the second floor as a tenement house. On May 9, 1978, a building permit was issued allowing petitioner to renovate the structure to include three apartments. Construction was proceeding according to plan when, in September of 1978, the rear half of the building collapsed. Petitioner was then advised by a structural engineer to replace the original masonry walls above the first floor. New plans were prepared for the renovation, and new building permits were sought from the city government. On September 8, 1978, two permits were issued to petitioner: the first was for an "addition to a three story apartment house brick/frame as per applicant's plan and plat," and the second permit covered revision of the permit originally issued on May 9, 1978. Petitioner again began construction.

More than two months later, on November 17, 1978, the two permits were cancelled and petitioner was directed to cease work on the ground that approval for the permits had been erroneously granted. The problem, which, if it had been discovered in September, would have precluded approval of the plans in the form in which they were submitted at that time, was that the structure exceeded, by 123.91 square feet, the maximum lot occupancy of 60% applicable in the R-5-B zone.[FN1] The reason the permits had been approved in September was that in computing the area covered by the proposed structure, a passageway alongside the east side of the first floor of the building was not taken into account. The passageway is not enclosed at either end; however, the second and third floors project over the passageway and abut the western wall of the building next door. The maximum lot occupancy for petitioner's property is 1,254 square feet. Before renovation the structure covered 1,037 square feet; when the new construction is included, adding the projection over the passageway, the structure covers an additional 340.91 square feet. Thus, the total lot occupancy is then 1,337 square feet, or somewhat less than 65%. The Board found that at the time the permits were cancelled the renovation was 60% complete.

FN1. District of Columbia Zoning Regulation s 3303.1.

On November 30, 1978, the Corporation Counsel, in a memorandum to the Acting Chief of the Zoning Regulations Division, stated that the "circumstances establish sufficient elements of an **estoppel** to require the District Government to set aside the direction to cease work, pending timely application for an area variance." In Corporation Counsel's view, not all elements of an **estoppel**, in particular reasonable reliance, had yet been established, and a formal hearing was thought to be necessary to make that determination.

On December 8, 1978, petitioner was informed by letter that the order to cease work was lifted, provided (1) an application for an area variance was filed by December 15, and (2) a revision permit was secured authorizing construction of a rear-entry way not shown on the original plans. Petitioner made timely filing of the application for an area variance on December 15, 1978, and, after several hearings before the Board of Zoning Adjustment, the application was denied on January 4, 1980.

***1116** II

Although the doctrine of equitable **estoppel** has traditionally not been favored when sought to be applied against a government entity, see Note, Equitable **Estoppel** of the Government, 79 Colum.Law Rev. 551, 552-54 (1979), it is accepted that in certain circumstances an **estoppel** may be raised to prevent enforcement of municipal zoning ordinances. District

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of Columbia v. Cahill, 60 U.S.App.D.C. 342, 54 F.2d 453 (1931); see Wieck v. District of Columbia Board of Zoning Adjustment, D.C.App., 383 A.2d 7, 11 (1978); A. Rathkopf, The Law of Zoning and Planning, ch. 67, s 2 (4th ed. 1980).

[1] The elements that must be shown in order to raise an **estoppel** against enforcement of a zoning regulation are: (1) that a party, acting in good faith, (2) on affirmative acts of a municipal corporation, (3) makes expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor the party seeking to invoke the doctrine. Wieck v. District of Columbia Board of Zoning Adjustment, supra, at 11. Furthermore, we held in Nathanson v. District of Columbia Board of Zoning Adjustment, D.C.App., 289 A.2d 881, 884 (1972), that reliance by the party must be justified.

[2][3][4] The Board concluded that in this case some, but not all, of the above elements were present. Given the expertise of an administrative agency, we are generally bound by its decision if it is supported by, and in accordance with, reliable, probative and substantial evidence in the whole record, and the agency's conclusions flow rationally from its findings. Stewart v. Board of Zoning Adjustment, D.C.App., 305 A.2d 516 (1973). However, where the agency's final decision rests on a question of law, the reviewing court has the greater expertise, and the agency decision is therefore accorded less deference. See Gordon v. District Unemployment Compensation Board, D.C.App., 402 A.2d 1251, 1254 (1979); B. Mezines, J. Stein & J. Gruff, Administrative Law s 51.01 (1977); F. Cooper, State Administrative Law, vol. 2, at 706-07, 721-22 (1965). Based upon the facts established in this case we hold the Board erred in concluding the elements of an **estoppel** were not present.

III

The affirmative act of the District of Columbia, upon which petitioner relied in constructing the building, was the issuance of the permits on September 8, 1978. There is no allegation that the plans that were approved on that day were submitted in bad faith. Respondent does contend that petitioner failed to establish that he made expensive and permanent improvements relying upon the issuance of the permits. We disagree. The Board specifically found that "(a) s of November 17, 1978, approximately 60% of the building had been completed." (Finding No. 13). That is a substantial portion of the total project and, even without documentary evidence indicating the precise amount of money expended up to that point, the Board's finding must be considered sufficient to satisfy the requirement of expensive repairs of a permanent nature, given that petitioner had undertaken a major reconstruction of the building, including replacement of masonry walls above the first floor. Furthermore, although neither side has referred to it, there was the unchallenged testimony of petitioner that he had expended "over $225,000 building that building" and that the cost of complying with the regulations would be "about $110,000."

Respondent argues petitioner's reliance upon the permits in beginning work was not justified. In Nathanson v. District of Columbia Board of Zoning Adjustment, supra, we held **estoppel** was not available to a party who sought to prevent enforcement of a condition that a 42 inch masonry wall be constructed even though the building permit issued for construction of the storage facility did not mention the wall. We rejected the assertion that reliance on the building permit was justified, since the party had had actual notice of the condition when a preliminary order granting a special exception was issued six weeks earlier. Recently, we held in ***1117**Interdonato v. District of Columbia Board of Zoning Adjustment, D.C.App., 429 A.2d 1000 (1981), that petitioners could not have justifiably or reasonably relied upon a Board order which they were fully aware was under appeal and therefore not yet final.

In the instant case, it can at most only be argued that petitioner, or his architect, should have known that the project, as presented in September, exceeded the maximum lot occupancy. However, the same can be said for the official who approved the plans, and we will not go so far as to decide that any of them were negligent in failing to discover the problem at that time. In hindsight, there is no question that the portion of the upper floors which extends over the passageway must be included in calculating the percentage of the lot

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occupied by the structure.[FN2] Nevertheless, we do not consider petitioner's reliance upon approval of the permit applications to have been unjustified.

FN2. We accept the Board's finding No. 26 that the definitions of "percentage of lot occupancy" and "building area" contained in s 1202 of the Zoning Regulations make it obvious that "the area on the east side of the subject lot covered by the building at the second and third stories must be included in the percentage of lot occupancy."

The final element of **estoppel** that must be considered is whether the equities strongly favor petitioner. We are certain that they do. Petitioner has expended significant amounts of money and effort on this project, both at the construction site and before the Board. If the Board were not **estopped** from enforcing the maximum lot occupancy in this case, petitioner would be compelled to undertake substantial reconstruction and perhaps dismantle the entire building. Equity, which will not require a wasteful act, will not permit such a result where the public's interest in enforcement is only minimal,[FN3] as it is here, where petitioner exceeds the maximum lot occupancy by less than 5%.

FN3. Although **estoppel** is judicially disfavored in zoning cases because of the important public interest in the enforcement and integrity of Zoning Regulations, Interdonato v. District of Columbia Board of Zoning Adjustment, supra, we are satisfied the injury to the public in this case will be minimal. At the hearings before the Board, the objections raised to petitioner's structure related to its effect on the property next door. We decide only that the Board of Zoning Adjustment is **estopped** from enforcing the regulation, and do not reach the question of the effect of the **estoppel** on a claim made by a neighboring landowner. See Goto v. District of Columbia Board of Zoning Adjustment, D.C.App., 423 A.2d 917, 925 n.15 (1980).

Therefore, for the above reasons, we hold the Board of Zoning Adjustment is **estopped** from denying petitioner's application for a variance permitting the structure at 1521 Church Street to exceed by 123.91 feet the maximum percentage of lot occupancy.

Reversed and remanded.

433 A.2d 1114

END OF DOCUMENT

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property being zoned for commercial use, not residential use. The (higher) cost of the appraisal was also based on the condition that the Subject Property would have a commercial, not residential use.

13. Within two (2) weeks of purchasing the Subject Property, we returned to DCRA to submit an application for a C of O. Once again we were given a copy of the same "Property Information" printout, showing the Subject Property zoned as C2B.

14. However, after DCRA received and reviewed the C of O application, us were told that the Subject Property was zoned R5D and us were referred to the Board of Zoning Adjustment (BZA) for further clarification.

15. On November 26, 2002, we received a letter (Exhibit E) from the Zoning Administrator denying our request for a C of O.

16. We have no other use for the Subject Property other than as an office for our business.

17. We do no own any rental property and acquiring residential property was not the intent of the purchasers.

I affirm under penalties of perjury that the above statements are true and correct to the best of my knowledge.

_____

Norma G. Byrd

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16730 of Bundy Development Corporation, pursuant to 11 DCMR § 3103.2 for variances from the floor area ratio requirements under section 402, and the height limitations under section 400, to allow the construction of an apartment house in the R-5-C District at premises 1320 13th Street, N.W. (Square 243, Lot 26).

HEARING DATE: **June 19, 2001**
DECISION DATE: **July 10 and 31, 2001 (Bench Decision)**

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit No. 6).

The Board received a request for party status from Edward R. Reed and Robert A. Lawrence (Exhibit No. 30). Messrs. Reed and Lawrence indicated that after meeting with the applicant's representative, their concerns were addressed. The request was withdrawn. (Exhibit No. 49).

The applicant indicated that zoning relief is needed because, unbeknown to her, the D.C. Zoning Commission rezoned the property from R-5-D to R-5-C. The applicant stated that because the rezoning was unknown, the project was fully designed based on the R-5-D zoning requirements; approvals were received from the D.C. Historic Preservation Review Board; complete plans and drawings were prepared by an architect and consulting engineers; and an application for a building permit was submitted to the Department of Consumer and Regulatory Affairs, and the application fee paid.

The site is located in the Logan Circle neighborhood of Ward 2, in the Logan Circle Historic District. The 5,435 square foot site is irregularly shaped. Immediately to the north and south of the site are three-story town houses; a 90-foot apartment building is under construction at the southern end of the block; and across the street, the height of the Iowa Apartment Building is between 80 and 90 feet.

The applicant proposed to construct a five-story, plus cellar, building that would consist of 19 condominium apartment units. The building was designed to the R-5-D standards, a floor area ratio (FAR) of 3.5, and a height of 75 feet. The applicant reduced the height of the building from 75 feet to a maximum of 68 feet, at the public hearing. The building is to contain 19,201[1] square feet. Six below-grade parking spaces are proposed. The project's revised building plans are located at Exhibit No. 58.

[1] **The Office of Zoning requested that the applicant identify the size of the building. On August 24, 2001, the applicant provided the information by telephone.**

The following chart summarizes the pertinent zoning data:

Zoning Classification	Allowed R-5-D	Allowed R-5-C	Provided	Variance From R-5-C Requirements
Height	90'	60'	68'	8'
Floor Area Ratio	3.5	3.0	3.5	.5
Gross Floor Area	19,022 sq. ft.	16,305 sq. ft.	19,201 sq. ft.	2,896 sq. ft.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 2F, and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to this application, submitted written statements on the application. In the ANC's last submission to the Board, dated July 13, 2001, the ANC supported the applicant's revised plans to construct the residential building to a height of 68 feet; although it continued to support the R-5-C zoning of the site (Exhibit No. 64).

By correspondence dated June 13, 2001, the Office of Planning (OP) recommended that the application be denied (Exhibit No. 44). OP's rationale for recommending denial of the application was:

- The Zoning Commission rezoned the area in the general vicinity of the site after extensive effort, which began in 1997. The property was originally zoned R-5-D, but as a result of the rezoning, Case No. 97-7, the site was rezoned to R-5-C. If the application were to be approved, it would impair the intent and purpose of the rezoning.

- The zoning certification the applicant received from the Office of Zoning was correct. The zoning of the site did not change, technically, until almost four months after the applicant closed on the property.

- The cost that the applicant incurred prior to learning that the site is zoned R-5-C does not create a practical difficulty.

- If the building were to be constructed at the height prescribed by the R-5-D zoning requirements, it would be inconsistent with the surrounding properties and thus defeat the purpose of the Zoning Commission down-zoning the properties in the neighborhood.

- The purpose of the rezoning was to provide a gradual stepping down in height and density from Downtown to the Logan Circle area.

By correspondence dated February 22, 2001, the D.C. Historic Preservation Review Board (HPRB) indicated that it found the project's revised conceptual design consistent with the purposes of the preservation law (Exhibit No. 7).

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR §§ 3103.2, 402 and 400. No residents of the community appeared at the public hearing in opposition to this application.

The Board determined that:

- The zoning certification that the applicant received was technically correct; however, misleading and/or incorrect information was given to the applicant.
- The record contained overwhelming neighborhood support for the project.
- Advisory Neighborhood Commission 2F supported the application and was given the "Great Weight" to which the commission is entitled.
- The applicant reduced the height of the building from 75 feet to 68 feet to make it more compatible with the R-5-C zoning of the site.
- The site is located in the Logan Circle Historic District and therefore the applicant must comply with the design requirements of the Historic Preservation Review Board.
- The site is irregularly shaped and does pose some development constraints.
- The subject Square 243 contains R-5-B, R-5-C, and R-5-E zoning. The project is not inconsistent with the residential character of the neighborhood.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3103.2, 402 and 400, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested 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. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITION:**

The building shall have a height of 68 feet. (The Board allows for minor flexibility of design so that the project can reasonably accommodate the architectural embellishments and complement the fenestration and cornice lines of the buildings to the south; thus where appropriate, the building shall not exceed 75 feet.)

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-1-1 (Geoffrey H. Griffis, Anthony J. Hood, and Sheila Cross Reid to approve; Anne Mohnkern Renshaw opposed to the motion; David Levy not hearing the case, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this Order.

FINAL DATE OF ORDER: September 10, 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of
William T. Byrd &
Norma G. Byrd
714 10th Street, N.E.

BZA Appeal No.16989

Hearing: March 18, 2003
ANC 6A

AFFIRMATION

I, Norma G. Byrd do hereby depose and sayeth as follows.

1. That I am over 18 and competent to make this affidavit.

2. That I and my husband William T. Byrd purchased and now own the property known as 714 10th Street, NE, Lot 0072, Square 0912 (the Subject Property).

3. That in July 2002, we retained the assistance of real estate agent LaJuan Poole, of Fairfax Realty, to locate a mixed-use property to house our consulting business, Business Promotion Consultants, Inc.

4. We instructed Ms. Poole that we were interested in purchasing a property in the District of Columbia that was zoned "mixed-use" and that was in a HUB Zone.

5. That after viewing several properties recommended by Ms. Poole, we signed a contract of sale on a North Capital Street property which was zoned C2A. The contract was made void when we learned that improvements had been made to the property, after the contract was ratified, which were in violation of the DC fire code.

6. Ms. Poole then showed us 714 10th Street, NE and confirmed that the property was zoned C2B. Ms. Poole showed us a printout titled "Public Record" (Exhibit A)[1] which

[1] The copy attached as the exhibit was sent to us after their application for a Certificate of Occupancy was rejected. The Real Estate agent sent it in response to our request for a copy of the documentation she previously showed us regarding the agent's source of information about the zoning of the Subject Property.

described the property as zoned C2B.

7. On September 14, 2002, we made an offer to purchase the Subject Property for $299,000.00. The offer was accepted and settlement occurred on October 15, 2002.

8. Two weeks prior to settlement, while obtaining an application for a Certificate of Occupancy of C of O), William T. Byrd also obtained a "Property Information" printout (Exhibit B) on the Subject Property from the Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs (DCRA), Room 2300, 941 North Capital Street, NE. The Property Information printout further confirmed that the Subject Property was zoned C2B.

9. Prior to settlement, we paid for and obtained an appraisal of the Subject Property in order to obtain a commercial mortgage loan. The appraisal was performed by Kevin R. Hallums, Sr. and Michael Magnotti of Anthony Appraisers. The appraisal showed the Subject Property was zoned C2B. A copy of the cover and the first two pages of the appraisal are attached as Exhibit C. Also attached as Exhibit D is a copy of a "Public Record" sent to us by Anthony Appraisers after the application for the C of O was rejected.

10. Before the purchase, we visited the Subject Property and observed that the owner/occupant was using the Subject Property as both a residence and office from which he operated the HUB Zone certified, home based business, WEB N LLC.

11. We purchased the Subject Property for $299,000.00.

12. We obtained a mortgage of $239,200.00 after making a down payment of $60,000.00. The terms of the our mortgage, deed of trust and property insurance are based on the

property being zoned for commercial use, not residential use. The (higher) cost of the appraisal was also based on the condition that the Subject Property would have a commercial, not residential use.

13. Within two (2) weeks of purchasing the Subject Property, we returned to DCRA to submit an application for a C of O. Once again we were given a copy of the same "Property Information" printout, showing the Subject Property zoned as C2B.

14. However, after DCRA received and reviewed the C of O application, us were told that the Subject Property was zoned RSD and us were referred to the Board of Zoning Adjustment (BZA) for further clarification.

15. On November 26, 2002, we received a letter (Exhibit E) from the Zoning Administrator denying our request for a C of O.

16. We have no other use for the Subject Property other than as an *office for our business.*

17. We do not own any rental property and acquiring residential property was not the intent of the purchasers.

I affirm under penalties of perjury that the above statements are true and correct to the best of my knowledge.

Norma G. Byrd

Metropolitan Regional Information Systems, Inc.

Tax ID#: 0912//0072 **** PUBLIC RECORD ****

Tax ID#: 0912//0072 County: DC
PROPERTY ADDRESS: 714 10TH ST, NE , WASHINGTON, DC 20002-
Incorporated City: WASHINGTON DC Legal Subdiv/Neighborhood: OLD CITY #1
OWNER: GILBERT A ROBLES, Phone #: (202) 547-6592 Abs Owner: N
MAIL ADDRESS: 714 10TH ST, NE , WASHINGTON, DC 20002-
LEGAL DESCRIPTION:

Mag/Dist #:	Lot: 0072	Block/Square: 0912	Tax Map: 0912	0072
Elec Dist: 6	Legal Unit #:	Grid:	Map: 39-L	
Section:	Blk Suffix:	Subdiv Ph:	Addl Parcel Flag/#: /	
Map Suffix:	Suffix:	Parcel:	Sub-Parcel:	

TOTAL TAX BILL: $1,344	State/County Tax:	City Tax: $1,344	Tax Levy Yr: 2002
Front Foot Fee:	Spec Tax Assmt:	Refuse:	Tax Rate: 0.96
Tax Class: 1/T	Homesid/Exempt Status: 1	Exempt Class:	Mult. Class:

ASSESSMENT

Year Assessed	Total Tax Value	Land	Improvement	Land Use	Taxable Assessment
2000	$140,000	$14,516	$125,484	$	State: $
Previous	$140,000	$14,516	$125,484	$	Municipal: $
Early	$140,000	$14,516	$125,484	$	City: $

DEED	Deed Liber:	Deed Folio:	Deed Type:	
Transfer Date	Price	Grantor	Grantee	

PROPERTY DESCRIPTION

Year Built: 0	Zoning: C2B	Census Tract/Blck: /	Irregular Lot:
Square Feet: 1,528	Acreage: 0.04	Land Use: Residential	
Property Class: 011	Plat Liber/Folio: /	Property Card:	
Zoning Desc: COMM BUS CTR-MED/HIGH DEN		Quality/Grade: EXCLLNT QUALIT	
Prop Use: RES SINGLE FAMILY ROW		Condition: AVERAGE	

STRUCTURE DESCRIPTION

	Section 1	Section 2	Section 3	Section 4	Section 5
Construction					
Story					
Area					
Ext Wall: Brick/Stone		Roofing:		Foundation:	
Stories: 2	Units:		Style:		Year Remodeled: 0
Total Building Area: 1,509		Living Area:		Base Sq Ft	Model/Unit Type: TOWNHOUSE
END					
Rooms: 0	Bsmt Type:		Fireplaces: 0		Garage Type:
Bedrooms: 0	Bsmt Tot Sq Ft:		Fireplace Type:		Garage Sq Ft:
Full Baths: 0	Bsmt Fin Sq Ft:		Attic Type:		Gar Constr:
Half Baths: 0	Bsmt Unfin Sq Ft:		Attic Sq Ft:		Garage Spaces:
Baths: 0	Air Cond:				
Gas:	Heat: Gravity		Sewer:	Fuel:	
Electric:	Water:		Underground:	Wells:	

© 2001 Metropolitan Regional Information Systems, Inc.:
Information is believed to be accurate, but
should not be relied upon without verification.

EXHIBIT A

INFORMATION

1) Property: 714 10TH ST NE, WASHINGTON DC 20002-3734 C001

APN:	0912-0000-0077	Tax Code:	02	Use:	TOWNHOUSE/ROWHO
County:	DISTRICT OF COLUMBIA, DC	Prop Tax:	$2,156.00	Total Value:	$140,000
Census:	84.02	Tax Yr:	1999 Delinq:	Land Value:	$14,516
Map Pg:	04-0427	Exemptions:		Imprv Value:	$125,484
Neighborhd:				Assd Yr:	1999
Subdivision:	OLD CITY NO 1			% Improve:	89%
Phone:	202/547-6592			Owner Vest:	/ /
Owner:	ROBLES GILBERT A				

Mail: 714 10TH ST NE; WASHINGTON DC 20002-3734 C001

Ownership Transfer = Date: Doc #: Type:

SALE & FINANCE INFORMATION

	LAST SALE	PRIOR SALE
Record/Sale Date:	06/04/1990	06/04/1990
Sale Price/Type:	$45,000	FULL
Liber/Folio:	90-31672	
Deed Type:	DEED	
1st Mtg Amt/Type:	$2,780,000	
Rate/Type/Term:	/ /	
Lender:	AMERICAN SECURITY BK	
2nd Mtg Amt/Type:		
Rate/Type/Term:	/ /	
Title Company:		
Seller:	DC REDEVELOPMENT LAND AGENCY	
New Construction:		

Other Last Sale Info = # Parcels: Type 2: MULTI Pend:

SITE INFORMATION

Zoning:	C2B	Acres:	0.04
County Use:	011	Lot Area:	1,528
# Bldgs:		# Res Units:	

Legal Blk/Bldg:

Legal Lot/Unit:

Legal Desc:

IMPROVEMENTS

Gross Area:	
Bldg/Liv Area:	1,528
Bsmt Area:	
$/SF:	$29
Bedrms:	
Ttl Baths/Fixt:	
Yr Built/Eff:	
# Stories:	
Fireplace/#:	
Ext Wall:	BRICK
Int Wall:	
Roof Type:	
Roof Matl:	
Roof Frame:	
Roof Shape:	
Heat Fuel:	
Heat Type:	
Parcel Fuel:	
Floor Cover:	
Air Cond:	

UNIFORM RESIDENTIAL APPRAISAL REPORT



Property Location:	714 10th St NE LOT: 0072 BLOCK/SQUARE: 0912 WASHINGTON, D.C. 20002-3734
Borrower:	BYRD
Client:	PACIFIC GUARANTEE MORTGAGE 8230 BOONE BLVD VIENNA, VA 22182
Effective Date:	10/2/02
Prepared By:	KEVIN R HALLUMS, SR.

ANTHONY APPRAISERS

105 CENTER STREET NORTH

VIENNA, VA 22180

OFFICE 703-319-8500 FAX 703-319-8500

EXHIBIT C

Valuation Section — **UNIFORM RESIDENTIAL APPRAISAL REPORT** — File No. 09020418

ESTIMATED SITE VALUE	= $	120,000	Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property): COST APPROACH IS DEVELOPED UTILIZING LOCAL BUILDER COSTS. APPROACH ESTIMATES ARE "REPLACEMENT COSTS" NOT "REPRODUCTION COSTS". LAND VALUE ESTIMATE IS BASED UPON APPROPRIATE LAND SALES OR LAND TO IMPROVEMENT RATIOS FROM COUNTY ASSESSMENTS. PHYSICAL DEPRECIATION IS CALCULATED USING THE EFFECTIVE AGE/LIFE METHOD.
ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:			
Dwelling 1,479 Sq. Ft. @ $ 130.00	= $	192,300	
Sq. Ft. @ $	=		
2 COV PORCH	=	5,000	
Garage/Carport Sq. Ft. @ $	=		
Total Estimated Cost New	= $	197,300	
Less Physical / Functional / External			
Depreciation 14,087	= $	14,100	
Depreciated Value of Improvements	= $	183,200	
"As-is" Value of Site Improvements	= $	12,000	******ESTIMATED REMAINING ECONOMIC LIFE IS 70 - 5 (65 YRS.)
INDICATED VALUE BY COST APPROACH	= $	315,200	

ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	714 10th St NE WASHINGTON	1218 DUNCAN PLACE NE WASHINGTON		1606 EAST CAPITOL STREET NE WASHINGTON		414 10TH STREET NE WASHINGTON	
Proximity to Subject		0.30 miles		0.87 miles		0.29 miles	
Sales Price	$ 299,000		$ 314,501		$ 299,000		$ 335,000
Price/Gross Living Area	$ 202.16	$ 244.94		$ 230.33		$ 259.69	
Data and/or Verification Source	INSPECTION TAX RECORDS	MRIS/VISUAL TAX RECORDS		MRIS/VISUAL TAX RECORDS		MRIS/VISUAL TAX RECORDS	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-)$ Adjust.	DESCRIPTION	+(-)$ Adjust.	DESCRIPTION	+(-)$ Adjust.
Sales or Financing Concessions		CONVENTIONAL MARKET		CONVENTIONAL MARKET		CONVENTIONAL MARKET	
Date of Sale/Time		C: 4/02 S: 5/02		C: 4/02 S: 5/02		C: 4/02 S: 6/02	
Location	OLD CITY #1	OLD CITY #1		OLD CITY #1		OLD CITY #1	
Leasehold/Fee Simple	FEE SIMPLE	FEE SIMPLE		FEE SIMPLE		FEE SIMPLE	
Site	1,528 SQ. FT.	1,086 SQ. FT.		1,799 SQ. FT.		1,513 SQ. FT.	
View	RESIDENTIAL	RESIDENTIAL		RESIDENTIAL		RESIDENTIAL	
Design and Appeal	INT - ROW	INT - ROW		INT - ROW		INT - ROW	
Quality of Construction	AVERAGE	AVERAGE		AVERAGE		AVERAGE	
Age	10 YR	100 YRS.	NO ADJ	102 YRS.		89 YRS.	NO ADJ
Condition	AVERAGE	AVERAGE		AVERAGE		AVERAGE	
Above Grade Room Count	Total 5 / Bdrms 2 / Baths 2.5	Total 5 / Bdrms 2 / Baths 1.5	4,000	Total 5 / Bdrms 2 / Baths 2	-2,000	Total 5 / Bdrms 2 / Baths 2	2,000
Gross Living Area	1,479 Sq. Ft.	1,284 Sq. Ft.	+4,900	1,298 Sq. Ft.	+4,500	1,290 Sq. Ft.	0
Basement & Finished Rooms Below Grade	NONE / N/A	NONE / N/A		NONE / N/A		FULL / 2 RM	-10,000 / -6,000
Functional Utility	AVERAGE	AVERAGE		AVERAGE		AVERAGE	
Heating/Cooling	STANDARD	STANDARD		STANDARD		FWAC/AC	
Energy Efficient Items	STANDARD	STANDARD		STANDARD		STANDARD	
Garage/Carport	NONE	NONE		NONE		1 CAR GARAGE	-6,000
Porch, Patio, Deck, Fireplace(s), etc.	2 COV PORCH / NONE	NONE / 1 FIREPLACE	1,000 / -3,000	PATIO / 1 FIREPLACE	NO ADJ / -3,000	NONE / NONE	
Fence, Pool, etc.	MISC UPGRADES	MISC UPGRADES		MISC UPGRADES		MISC UPGRADES	
KITCHEN	MODERN	MODERN		MODERN		MODERN	
Net Adj. (total)		☒ + ☐ - $	6,900	☐ + ☒ - $	500	☐ + ☒ - $	20,000
Adjusted Sales Price of Comparable		Net 2.2 % Gross 4.1 % $	321,401	Net 0.2 % Gross 3.2 % $	298,500	Net 6.0 % Gross 7.2 % $	315,000

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): THE COMPARABLES SELECTED FOR THIS REPORT ARE ALL SETTLED PROPERTIES WITHIN THE SUBJECT'S MARKET AREA. THE COMPARABLES UTILIZED IN THIS REPORT ARE CONSIDERED TO BE THE BEST AVAILABLE AT THE TIME OF THE INSPECTION AND ARE GOOD INDICATORS OF MARKET VALUE.

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Date, Price and Data Source, for prior sales within year of appraisal	NO PRIOR SALE WITHIN ONE YR	5/30/1995 121,000 PER TAX RECDS	1/26/1996 80,000 PER TAX RECDS	12/2/1999 185,250 PER TAX RECDS

Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: THE SUBJECT IS CURRENTLY UNDER CONTRACT FOR SALE PENDING THE FINAL ESTIMATE OF VALUE.

INDICATED VALUE BY SALES COMPARISON APPROACH = $ 310,000

INDICATED VALUE BY INCOME APPROACH (If Applicable) Estimated Market Rent $ /Mo. x Gross Rent Multiplier = $

This appraisal is made ☒ "as is" ☐ subject to the repairs, alterations, inspections or conditions listed below ☐ subject to completion per plans & specifications.

Conditions of Appraisal: REASONABLE ADJUSTMENTS HAVE BEEN MADE FOR THOSE ITEMS THE MARKETPLACE DEEMS APPROPRIATE. NO CONDITIONS OR REQUIREMENTS.

Final Reconciliation: MOST CONSIDERATION HAS BEEN GIVEN TO THE MARKET DATA APPROACH TO VALUE IN ARRIVING AT THE FINAL VALUE ESTIMATE AND IS SUPPORTED BY THE COST APPROACH. THE INCOME APPROACH HAS NOT BEEN DEVELOPED DUE TO A LACK OF VERIFIABLE DATA IN THE MARKET PLACE.

The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 439/Fannie Mae form 1004B (Revised 1993).

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF 10/2/02 (WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE $ 310,000

APPRAISER:	SUPERVISORY APPRAISER (IF REQUIRED):
Signature: Kevin R. Hallums, Sr.	Signature:
Name: KEVIN R. HALLUMS, SR.	Name: MICHAEL A. MAGNOZZI
Date Report Signed: October 02, 2002	Date Report Signed: October 03, 2002
State Certification # / State	State Certification # / State
Or State License # RA10529 / State DC	Or State License # RA322 / State DC

☐ Did ☒ Did Not Inspect Property

Form UA2 — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

Summary Appraisal Report
Property Description

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 09020418

Property Address 714 10th ST NE | City WASHINGTON | State D.C. | Zip Code 20002-3734
Legal Description LOT: 0072 BLOCK/SQUARE: 0913 | County DISTRICT OF COLUMBIA
Assessor's Parcel No. TAX ID# 0913/0072 | Tax Year 2002 | R.E. Taxes $ 1,344 | Special Assessments $ N/A
Borrower BYRD | Current Owner ROBLES | Occupant: ☒ Owner ☐ Tenant ☐ Vacant
Property rights appraised ☒ Fee Simple ☐ Leasehold | Project Type ☐ PUD ☐ Condominium (HUD/VA only) | HOA $ N/A /Mo.
Neighborhood or Project Name OLD CITY #1 | Map Reference ADC 16 F1 | Census Tract 11001-0084.02-0
Sale Price $ 299,000 | Date of Sale 9/14/02 | Description and $ amount of loan charges/concessions to be paid by seller NONE NOTED
Lender/Client PACIFIC GUARANTEE MORTGAGE | Address 8230 BOONE BLVD SUITE 200-B, 1ST FLOOR, VIENNA, VA 22182
Appraiser KEVIN R HALLUMS, SR. | Address 106 CENTER STREET NORTH, VIENNA, VA 22180

Location	☒ Urban	☐ Suburban	☐ Rural	Predominant occupancy	Single family housing PRICE $(000)	AGE (yrs)	Present land use %		Land use change		
Built up	☒ Over 75%	☐ 25-75%	☐ Under 25%	☒ Owner	90	Low NEW	One family 95		☒ Not likely	☐ Likely	
Growth rate	☒ Rapid	☐ Stable	☐ Slow	☐ Tenant	1.5M	High 100+/-	2-4 family 5		☐ In process		
Property values	☒ Increasing	☐ Stable	☐ Declining	☒ Vacant (0-5%)	[illegible]	Predominant [illegible]	Multi-family 5		To:		
Demand/supply	☒ Shortage	☐ In balance	☐ Over supply	☐ Vac (over 5%)	250-325	80	Commercial 5				
Marketing time	☒ Under 3 mos.	☐ 3-6 mos.	☐ Over 6 mos.				VACANT				

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood boundaries and characteristics: THE SUBJECT'S MARKET AREA IS BOUNDED BY: H STREET NE TO THE NORTH, SOUTHEAST/SOUTHWEST FREEWAY TO THE SOUTH, STADIUM ARMORY TO THE EAST AND 2ND STREET TO THE WEST.

Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):
THE OVERALL GENERAL APPEARANCE AND MARKET APPEAL OF THE HOMES WITHIN THE SUBJECT NEIGHBORHOOD IS CONSIDERED TO BE AVERAGE TO GOOD. SCHOOLS, SHOPPING AND RECREATIONAL FACILITIES ARE ALL LOCATED WITHIN A REASONABLE DISTANCE.

Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time -- such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):
ALTHOUGH SOME NEIGHBORHOODS ARE FLUCTUATING, MUCH OF THE SUBURBAN WASHINGTON MARKET HAS BEEN INCREASING IN VALUE OVER THE PAST COUPLE YEARS. SELLERS TYPICALLY ARE PAYING VERY LITTLE, IF ANY IN CLOSING COSTS. DUE TO THE INCREASED DEMAND, SUPPLY HAS FALLEN SOMEWHAT. ATTRACTIVE INTEREST RATES ARE READILY AVAILABLE WITH CONVENTIONAL, VA, AND FHA THE PREVALENT LOAN TYPES. MOST HOMES IN THIS AREA SELL AT APPROXIMATELY 100% OR OVER THE ASKING PRICE.

Project Information for PUDs (if applicable) -- Is the developer/builder in control of the Home Owners' Association (HOA)? ☐ Yes ☒ No
Approximate total number of units in the subject project N/A | Approximate total number of units for sale in the subject project N/A
Describe common elements and recreational facilities: N/A

Dimensions PLAT NOT AVAILABLE AT THE TIME OF THE INSPECTION | Topography BASICALLY LEVEL
Site area 1,528 SQ. FT. | Corner Lot ☐ Yes ☒ No | Size AVERAGE SIZE
Specific zoning classification and description C2B COMM BUS CTR-MED/HIGH DENSITY | Shape RECTANGULAR
Zoning compliance ☒ Legal ☐ Legal nonconforming (Grandfathered use) ☐ Illegal ☐ No zoning | Drainage APPEARS ADEQUATE
Highest & best use as improved: ☒ Present use ☐ Other use (explain) | View RESIDENTIAL

Utilities	Public	Other	Off-site Improvements	Type	Public	Private
Electricity	☒		Street	ASPHALT	☒	☐
Gas	☒		Curb/gutter	GRANITE	☒	☐
Water	☒		Sidewalk	BRICK	☒	☐
Sanitary sewer	☒		Street lights	BRICK	☒	☐
Storm sewer	☒		Alley	IN REAR	☒	☐

Landscaping TYPICAL FOR NEIGHBORHOOD | Driveway Surface CONCRETE
Apparent easements NONE OBSERVED
FEMA Special Flood Hazard Area ☐ Yes ☒ No | FEMA Zone X | Map Date 11/15/1985 | FEMA Map No. 11000100030B

Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): THERE WERE NO VISIBLE ADVERSE EASEMENTS OR ENCROACHMENTS THAT WOULD AFFECT THE MARKETABILITY OF THE SUBJECT.

GENERAL DESCRIPTION		EXTERIOR DESCRIPTION		FOUNDATION		BASEMENT		INSULATION	
No. of Units	ONE	Foundation	CONC.MASONRY	Slab	NONE	Area Sq. Ft.	NONE	Roof	☐
No. of Stories	2 STORY	Exterior Walls	BRICK	Crawl Space	NONE	% Finished	N/A	Ceiling	ASSUM ☒
Type (Det./Att.)	ATTACHED	Roof Surface	COMP SHING	Basement	NONE	Ceiling	N/A	Walls	ASSUM ☒
Design (Style)	TOWN -ROW	Gutters & Dwnspts.	ALUM/ALUM	Sump Pump	NONE	Walls	N/A	Floor	☐
Existing/Proposed	EXISTING	Window Type	DBL HNG	Dampness	NONE OBSERVED	Floor	N/A	None	☐
Age (Yrs.)	10 YR	Storm/Screens	THERMAL/SCRN	Settlement	NONE OBSERVED	Outside Entry	N/A	Unknown	☐
Effective Age (Yrs.)	5	Manufactured House	NO	Infestation	NONE OBSERVED				

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement												NONE
Level 1	X	1	1	1					.5	X		737
Level 2								2	2			752

Finished area above grade contains: 5 Rooms; 2 Bedroom(s); 2.5 Bath(s); 1,479 Square Feet of Gross Living Area

INTERIOR	Materials/Condition	HEATING		KITCHEN EQUIP.		ATTIC		AMENITIES		CAR STORAGE:	
Floors	HWD,VIN/AVG	Type	FWA	Refrigerator	☒	None	☐	Fireplace(s) #	☐	None	☐
Walls	DRYWALL/AVG	Fuel	GAS	Range/Oven	☒	Stairs	☐	Patio	☐	Garage	# of cars
Trim/Finish	WOOD/AVG	Condition	AVERAGE	Disposal	☒	Drop Stair	☒	Deck	☐	Attached	
Bath Floor	VIN,CER/AVG	COOLING		Dishwasher	☒	Scuttle	☐	Porch COV FR/RR	☒	Detached	
Bath Wainscot	CER/AVG	Central	CAC	Fan/Hood	☒	Floor	☐	Fence IRON/WOOD	☐	Built-in	
Doors	WOOD/AVG	Other	NONE	Microwave	☐	Heated	☐	Pool	☐	Carport	
		Condition	AVERAGE	Washer/Dryer	☒	Finished	☐			Driveway	1 CAR

Additional features (special energy efficient items, etc.): SUBJECT PROPERTY IS A ATTACHED ROW HOUSE OF NEWER CONSTRUCTION AS COMPARED TO THE MKT AREA OF 100+/- YRS. SUBJECT FEATURES: COV REAR AND FRONT PORCH AND REAR 1 CAR PKG. ENERGY EFFICIENT ITEMS APPEAR

Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.: THE SUBJECT APPEARS TO HAVE RECEIVED AVERAGE TO GOOD INTERIOR AND EXTERIOR MAINTENANCE. NO ADVERSE CONDITIONS WERE OBSERVED. TYPICAL DEPRECIATION IS DUE TO NORMAL WEAR AND TEAR OVER THE CHRONOLOGICAL AGE OF THE SUBJECT.

Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property.: NO ADVERSE EASEMENTS OR ENCROACHMENTS WERE NOTED THAT WOULD AFFECT THE MARKETABILITY OF THE SUBJECT.

Form UA2 — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

Metropolitan Regional Information Systems, Inc.

Tax ID#: 0912//0072 — **** PUBLIC RECORD ****

Tax ID#: 0912//0072 County: DC
PROPERTY ADDRESS: 714 10TH ST, NE , WASHINGTON, DC 20002-
Incorporated City: WASHINGTON DC Legal Subdiv/Neighborhood: OLD CITY #1
OWNER: GILBERT A ROBLES, Phone #: (202) 547-6692 Abs Owner: N
MAIL ADDRESS: 714 10TH ST, NE , WASHINGTON, DC 20002-
LEGAL DESCRIPTION:

Mag/Dist #:	Lot: 0072	Block/Square: 0912	Tax Map: 0912	0072	
Elec Dist: 6	Legal Unit #:	Grid:	Map: 39-L		
Section:	Blk Suffix:	Subdiv Pt:	Addl Parcel Flag/#: /		
Map Suffix:	Suffix:	Parcel:	Sub-Parcel:		
TOTAL TAX BILL: $1,344		State/County Tax:	City Tax: $1,344		Tax Levy Yr: 2002
Front Foot Fee:		Spec Tax Asmt:	Refuse:		Tax Rate: 0.96
Tax Class: 1/T		Homestd/Exempt Status: 1	Exempt Class:		Mult. Class:

ASSESSMENT

Year Assessed	Total Tax Value	Land	Improvement	Land Use	Taxable Assessment
2000	$140,000	$14,516	$125,484	$	State: $
Previous	$140,000	$14,516	$125,484	$	Municipal: $
Early	$140,000	$14,516	$125,484	$	City: $
DEED	Deed Liber:	Deed Folio:		Deed Type:	
Transfer Date	Price	Grantor		Grantee	

PROPERTY DESCRIPTION

Year Built: 0	Zoning: C2B	Census Tract/Block: /	Irregular Lot:
Square Feet: 1,528	Acreage: 0.04	Land Use: Residential	
Property Class: 011	Plat Liber/Folio: /	Property Card:	
Zoning Desc: COMM BUS CTR-MED/HIGH DEN		Quality/Grade: EXCLLNT QUALIT	
Prop Use: RES SINGLE FAMILY ROW		Condition: AVERAGE	

STRUCTURE DESCRIPTION

	Section 1	Section 2	Section 3	Section 4	Section 5
Construction:					
Story:					
Area:					
Ext Wall: Brick/Stone		Roofing:		Foundation:	
Stories: 2	Units:		Style:		Year Remodeled: 0
Total Building Area: 1,509		Living Area:		Base Sq Ft:	Model/Unit Type:
TOWNHOUSE END					
Rooms: 0	Bsmt Type:		Fireplaces: 0		Garage Type:
Bedrooms: 0	Bsmt Tot Sq Ft:		Fireplace Type:		Garage Sq Ft:
Full Baths: 0	Bsmt Fin Sq Ft:		Attic Type:		Gar Constr:
Half Baths: 0	Bsmt Unfin Sq Ft:		Attic Sq Ft:		Garage Spaces:
Baths: 0	Air Cond:				
Gas:	Heat: Gravity		Sewer:	Fuel:	
Electric:	Water:		Underground:	Walls:	

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Information is believed to be accurate, but
should not be relied upon without verification.

EXHIBIT D