BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

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

BZA Appeal No. _____

Hearing: _____
ANC 6A

APPLICATION FOR USE VARIANCE

This is an application of William T. and Norma G. Byrd ("Applicants") to allow use of 714 10th Street, NE, Lot 0072, Square 0912, 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.

The property acquired for this purpose is located at 714 10th Street, NE, Lot 0072, Square 0912 (the Subject Property). After purchasing the Subject Property, the Applicants learned that the District of Columbia had provided incorrect information about the zoning, and that the property was in a R-4 Zoned District rather than a C2B District. The Applicants request variance relief from the Board of Zoning Adjustment (the "BZA" or "Board") to permit use of the Subject Property as office space. This request for a use variance is submitted pursuant to 11 DCMR § 3103.2.

FACT SUMMARY

In July 2002, the Applicants retained the assistance of real estate agent LaJuan Poole of Fairfax Realty, to locate a mixed-use property to house their consulting business. The Applicants instructed Ms. Poole that they were only interested in purchasing a property in the District of Columbia that was zoned "mixed-use" and that was in a HUB Zone.

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

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

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

BZA
Case No. 16989
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 16989
EXHIBIT NO. 3

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

Two weeks prior to settlement, while obtaining an application for a Certificate of Occupancy of (C of O), the Applicants 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.

Also prior to settlement, the Applicants 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 the Applicants by Anthony Appraisers after the application for the C of O was rejected.

At the time of purchase, 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.

The Applicants purchased the Subject Property for $299,000.00. The Applicants obtained a mortgage of $239,200.00 after making a down payment of $60,000.00. The terms of the Applicants' 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.

Within two (2) weeks of purchasing the Subject Property, the Applicants returned to DCRA to submit an application for a C of O. Once again the Applicants were given a copy of the same "Property Information" printout, showing the Subject Property zoned as C2B. However, after DCRA received and reviewed the C of O application, the Applicants were told that the Subject Property was zoned R5D and the Applicants were referred to the Board of Zoning Adjustment (BZA) for further clarification.

At the BZA, the Applicants were told that the Subject Property was zoned R4.

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

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Photographs (Exhibits F, G, H and I) of the property and street views are provided in support of this application for a variance.

ARGUMENT

The Applicants hereby request a use variance, pursuant to 11 DCMR § 3103.2 to permit use of the Subject Property, 714 10th Street, NE, as an office for their consulting business.

The Applicants first argue that the District of Columbia is estopped from denying them a C of O for the use of the Subject Property as office space.

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).

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,

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.

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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 RELIEF REQUESTED MEETS THE REQUIREMENTS OF 11 DCMR § 3103.02

The Zoning Restriction on the Subject Property Creates a Financial Hardship for the Applicants.

The Subject Property was purchased for use as office space for the small business owned by the Applicants. The Applicants purchased the Subject Property based upon incorrect information disseminated by the District of Columbia government. The Applicants have no other use for the Subject Property other than as office space for their consulting business. The Applicants cannot apply for use of the Subject Property as a "home-based business" because the Applicants already have a "home based business" license to operate their business out of their permanent residence in the District of Columbia. The Applicants did not purchase the Subject Property with the intention of living in the Subject Property. The leases on the offices currently occupied by the Applicants' business expire at the end of December 2002. The Applicants do not have the financial resources to buy another building. The Applicants do not have the option of leasing the Subject Property.

Without the variance, the Applicants will not be able to consolidate the operations of their consulting business in one facility, will suffer a substantial financial loss, will not be able to focus on growing their business base within the District of Columbia, and may not be able to continue to operate within the District of Columbia. The alternative of leasing the Subject Property as a residential property and leasing other office space is not financially practical.

Granting the Application Will Not Be of Substantial Detriment to the Public Good.

The business to be conducted in the Subject Property is a management consulting business. The business will have only seven (7) employees, including the Applicants.

The extent of extra traffic will be minimal. Clients do not generally visit the business. Meetings are routinely held at clients' offices. Because there will only be office work occurring, there will be no additional deliveries beyond mail and infrequent FedEx or UPS deliveries. There is one off-street parking space in the rear of the Subject Property.

There will be no increase in noise. Office activity will occur between 8:30 AM and 5:00 PM, Monday through Friday. When residential neighbors are most likely to be at home, in evenings and on weekends, the Subject Property will not be in use.

The impact on the neighborhood will be positive. A use of the Subject Property during the time that most residents are away at work will provide additional security to the neighborhood. The Applicants will gladly receive FedEx and UPS deliveries on behalf of

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neighbors during the business day, and will arrange for delivery to neighbors or pick-up by neighbors at their convenience.

Granting the Application Will Not Be Inconsistent with the General Intent and Purpose of the Zoning Regulations and Map.

The use of the Subject Property as office space will not impact the street scene. The Subject Property is within approximately 100 feet of a C2B District. The storefronts of the C2B are visible from the front of the Subject Property. The photographs, Exhibits H and I, show views of the Subject Property with H Street, NE in the background.

The photographs show that, first, the commercial scenery of H Street is visible from the front of the Subject Property, and second, the Subject Property could easily appear to be "town house" office space. The commercial buildings along H Street influence the street scene. Furthermore, directly behind the Subject Property is a seven (7) story apartment house that also dominates certain views from the street. The utilization of the Subject Property as office space will not be inconsistent with the neighborhood and surroundings.

The Subject Property is on the division line between the commercial area and the residential area. Standing in front of the Subject Property, one can see the commercial buildings on H Street, NE. Therefore, there will be little impact on this portion of the neighborhood.

Moreover, in this unique instance, the equities of the situation must be taken into account. The Applicants purchased the Subject Property based upon affirmative representations by the District of Columbia government to lawfully use the Subject Property as office space. Given the minimal intrusion created by a management consulting business, this Board should determine that a use variance is justified.

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

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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	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/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.

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EXHIBIT A

PROPERTY INFORMATION

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

APN:	0912-0000-0072	Tax Code:	02	Use:	TOWNHOUSE/ROWHOU
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:	04-042T	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:

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:	

SITE INFORMATION

Zoning:	C2B	Acres:	A0.04
County Use:	011	Lot Area:	1,528
# Bldgs:		# Res Units:	

Legal Blk/Bldg:

Legal Lot/Unit:

Legal Desc:

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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
108 CENTER STREET NORTH
VIENNA, VA 22180
OFFICE 703-319-0500 FAX 703-319-0600

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EXHIBIT C

Summary Appraisal Report

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 09020418

Property Description

Property Address 714 10th St NE | City WASHINGTON | State D.C. | Zip Code 20002-3734
Legal Description LOT: 0072 BLOCK/SQUARE: 0912 | County DISTRICT OF COLUMBIA
Assessor's Parcel No. TAX ID# 0912/0072 | 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 108 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	50 Low	NEW	One family 85	☒ 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%)	1.2M Predominant		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
Site area 1,528 SQ. FT. | Corner Lot ☐ Yes ☒ No
Specific zoning classification and description C2B COMM BUS CTR-MED/HIGH DENSITY
Zoning compliance ☒ Legal ☐ Legal nonconforming (Grandfathered use) ☐ Illegal ☐ No zoning
Highest & best use as improved: ☒ Present use ☐ Other use (explain)

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	☒	☐

Topography BASICALLY LEVEL
Size AVERAGE SIZE
Shape RECTANGULAR
Drainage APPEARS ADEQUATE
View RESIDENTIAL
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. 1100010030B

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		727
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.

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Valuation Section

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 09020418

ESTIMATED SITE VALUE	= $	120,000
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
INDICATED VALUE BY COST APPROACH	= $	315,200

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 REMAINING ECONOMIC LIFE IS 70 - 5 (65 YRS.)

ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	714 10th St NE WASHINGTON	1218 DUNCAN PLACE NE WASHINGTON		1608 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		$ 230.35		$ 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.		1,790 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		FWA/CAC	
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 PER TAX RECDS	5/30/1995 121,000 PER TAX RECDS	1/24/1996 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. MAGNOTTI
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

10/23

Metropolitan Regional Information Systems, Inc. Page:

Date: 10/03/(

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) 547-6692Abs 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		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 Trct/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:	Walls:	

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

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EXHIBIT D

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

Building and Land Regulation Administration
Office of the Zoning Administrator

November 26, 2002

Bill Byrd
5804 Manchester Place, N.W.
Washington, D.C. 20011

Re: 714 10th Street, N.E.
Square: 912 Lot(s): 072
(First and Second Floors)
Zoned: R-5-D

Dear Mr. Byrd:

Your certificate of occupancy application #45025 filed to use the subject premises as "Office Space" is disapproved due to the need for Board of Zoning Adjustment approval The property for purposes of zoning is classified as R-5-D which does not allow your proposed use. You may, however, request a variance from the use provisions (DCMR Title 11, Section 330.5) of the R-5-D Zone. The variance must be obtained through a public hearing before the Board of Zoning Adjustment.

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.'"

12/23

EXHIBIT E

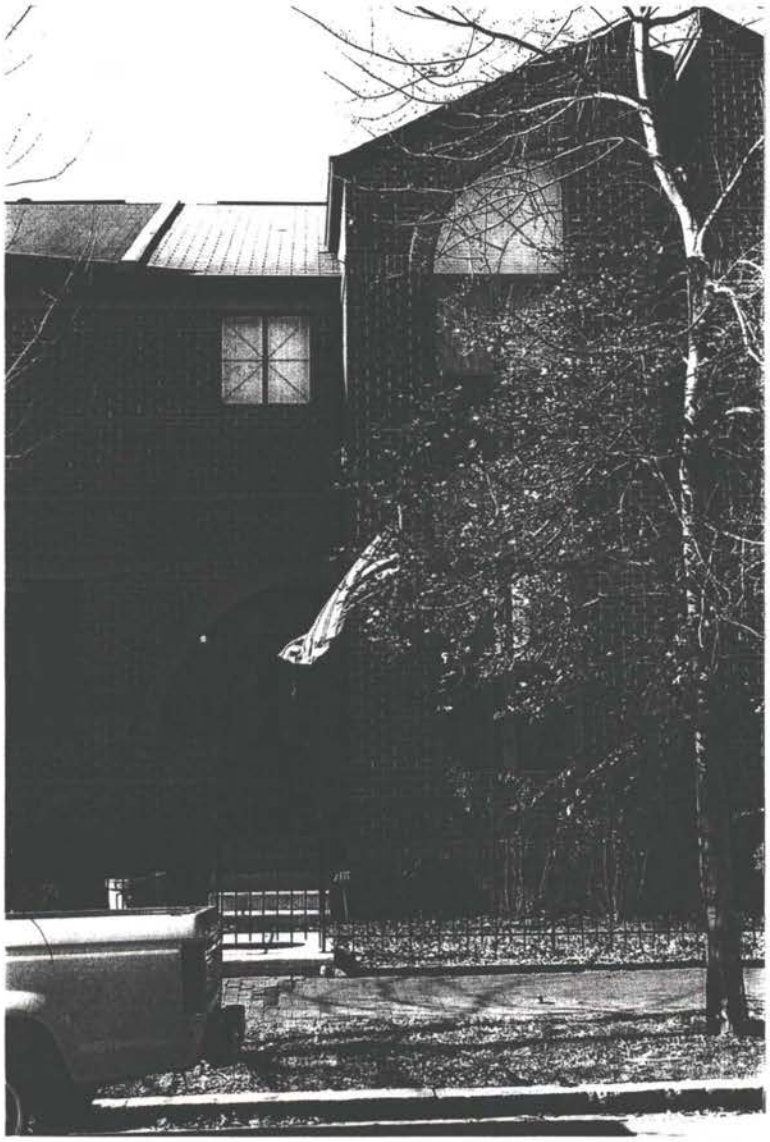
This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when requesting special approval. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Robert W. Kelly
Zoning Administrator

RWK/XM/ee

13/23



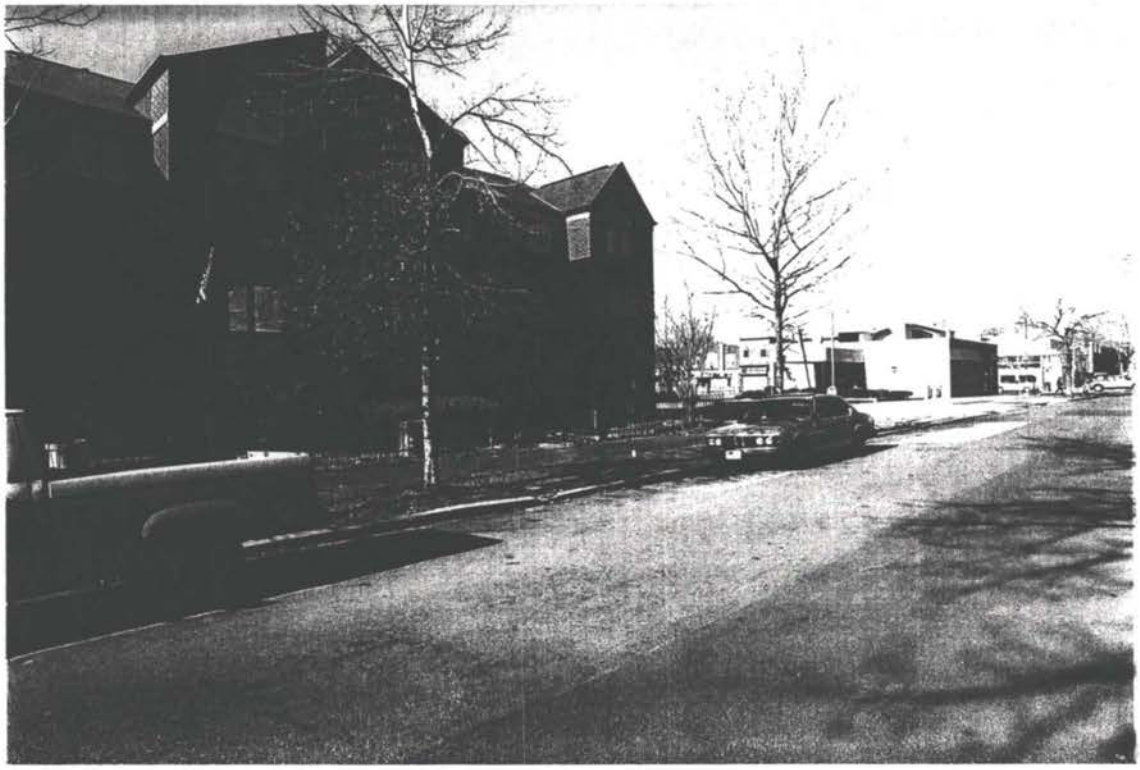
14/23

EXHIBIT F



15/23

EXHIBIT G



16/23

EXHIBIT H



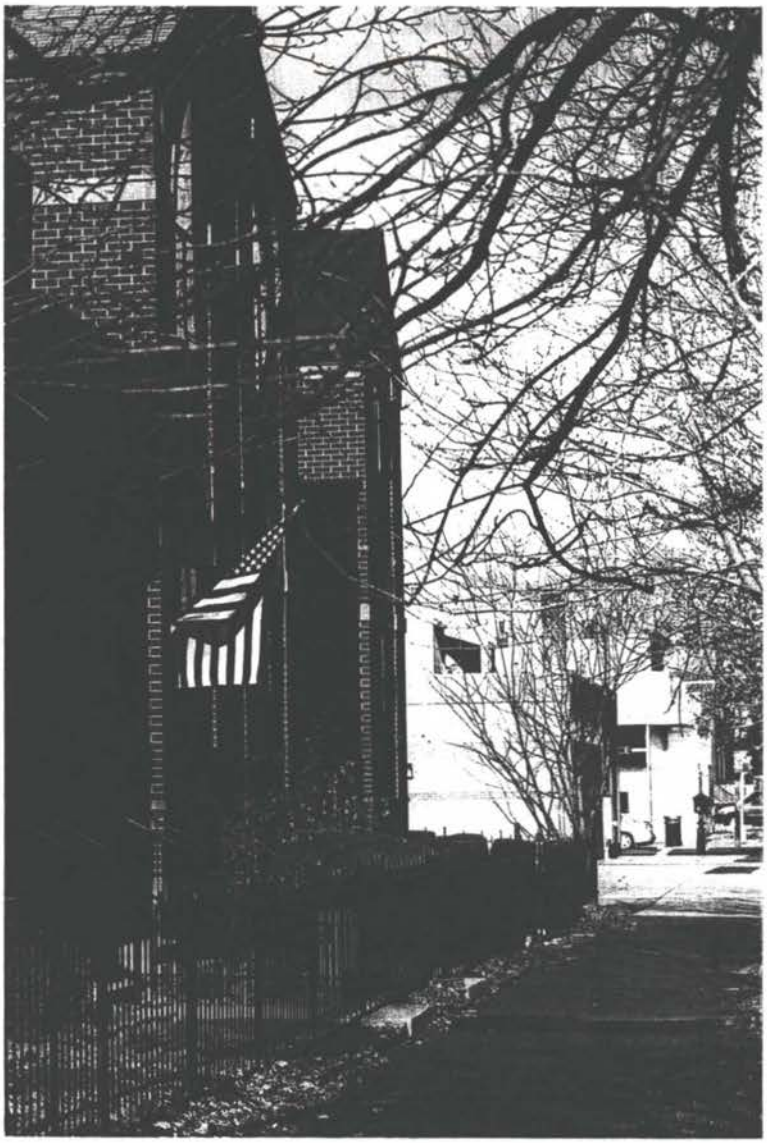
17/23

EXHIBIT I



18/23

EXHIBIT J



19/23

EXHIBIT K

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._____

Hearing: _____
ANC 6A

AUTHORIZATION TO ACT AS REPRESENTATIVE

Pursuant to the Board of Zoning Adjustment's Rules of Procedure, William T. Byrd and Norma G. Byrd, the owners of 714 10th Street, N.E., Washington, D.C., authorize Benny L Kass, Esq., Richard P. Schmitt, Esq. and the law firm of KASS, MITEK & KASS, PLLC to represent them in an application for a use variance for 714 10th Street, N.E., Washington, D.C.

William T. Byrd

Norma G. Byrd

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20/23

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._____

Hearing: _____
ANC 6A

AUTHORIZATION TO ACT AS REPRESENTATIVE

Pursuant to the Board of Zoning Adjustment's Rules of Procedure, William T. Byrd and Norma G. Byrd, the owners of 714 10th Street, N.E., Washington, D.C., authorize Benny L Kass, Esq., Richard P. Schmitt, Esq. and the law firm of KASS, MITEK & KASS, PLLC to represent them in an application for a use variance for 714 10th Street, N.E., Washington, D.C.

William T. Byrd

Norma G. Byrd

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2/1/23

Formatted for AVERY 5161 & 5261 Labels

VIRGINIA COLES
0718 10TH ST NE
WASHINGTON, DC 20002

MARVIN E COLES
0716 10TH ST NE
WASHINGTON, DC 20002

WILLIAM T BYRD
714 10TH ST NE
WASHINGTON, DC 20002-3734

RODNEY T LITTLE
0712 10TH ST NE
WASHINGTON, DC 20002

STEFANI P BAKER
0710 10TH ST NE
WASHINGTON, DC 20002

P D HATCH
0708 10TH ST NE
WASHINGTON, DC 20002

MARY E DILWORTH
0706 10TH ST NE
WASHINGTON, DC 20002

MARIE C BROWN
0704 10TH ST NE
WASHINGTON, DC 20002

RICHARD L RINDSKOPF
0702 10TH ST NE
WASHINGTON, DC 20002

MARY K FANERELLA
0700 10TH ST NE
WASHINGTON, DC 20002

CARLOS W REEDER
0910 G ST NE
WASHINGTON, DC 20002

G LAWRENCE
1001 H ST NE
WASHINGTON, DC 20002-3743

GEORGE'S PLACE LLC
1001 H ST NE
WASHINGTON, DC 20002

GEORGE E MURPHY
5425 OLD TEMPLE HILL RD
TEMPLE HILLS, MD 20748

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WASHINGTON, DC 20002

MARGARETA G WILLIAMS
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WASHINGTON, DC 20002

L M WATTS
8905 KEEWATIN RD
LANHAM, MD 20706

NADINE JONES
0709 10TH ST NE
WASHINGTON, DC 20002

N C BOYD
9320 CORSICA DR
BETHESDA, MD 20814

LARRY D ROLLINS
0715 10TH ST NE
WASHINGTON, DC 20002

22/23

JAMES L NABINETT
0717 10TH ST NE
WASHINGTON, DC 20002

ELIAB TARKGHEN
0725 10TH ST NE
WASHINGTON, DC 20002

ANWAR SALEEM
1017 H ST NE
WASHINGTON, DC 20002

BIRGIT H KORNBLUM
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WASHINGTON, DC 20002

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WASHINGTON, DC 20016

B DELLARIO
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WASHINGTON, DC 20002

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ET AL
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1654 K ST NE
WASHINGTON, DC 20002

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WASHINGTON, DC 20002

NOELLE JOSWICK
723 10TH ST NE
WASHINGTON, DC 20002-3733

23/23