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November 4, 2005

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV -4 PM 3:10

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: BZA Case No. 17392
1700 Q Street, N.W. (Square 156, Lot 264)
Revised application for special exception and variance for a home occupation

Dear Mr. Griffis:

Enclosed is a revised application and statement of justification in the subject case. We are no longer asking for a variance to change the use, but rather a special exception from the home occupation regulations to permit 33 per cent of the building to be devoted to office use, and a variance from the home occupation regulations to permit up to five employees who do not live in the building.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosures
cc: Babak Movahedi

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17392
EXHIBIT NO. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17392
EXHIBIT NO. 21

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17392

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION (REV)

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought (Area Variance / Use Variance / Special Exception)	Section No(s).
1700 Q St. N.W.	156	264	DC/R-5-B	SP Exc. + Use Variance for home occupation	203.4(b) 203.10(c)

Present use(s) of Property:	SINGLE FAMILY RESIDENCE W/ HOME OCCUPATION
Proposed use(s) of Property:	OFFICE FOR HOME OCCUPATION + SF RESIDENCE
Owner of Property:	BABAK MOVAHEDI **Telephone No:** 202-234-8114
Address of Owner:	1700 Q St. N.W. Wash DC. 20009

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: see attached

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Estimated construction cost	$	**Advisory Neighborhood Commission Single-Member District(s)**	2B07
Date:	Nov. 4, 2005	**Signature:**	Stephen Gell Applicant*

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	STEPHEN N. GELL, P.C.				
Address:	5th Fl 1101 30th St. N.W. Wash. D.C. 20007				
Phone No.:	202-625-8311	**Fax No.:**	703-522-5503	**E-Mail:**	SGELL@HIS.COM

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

REVISED STATEMENT

OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR SPECIAL EXCEPTION AND VARIANCE

PURSUANT TO SECTIONS §§ 203.4 (b), 203.10(c), 3104 and 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

1700 Q Street, N.W.

(Square 156, Lot 264)

BZA Case No. 17392

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting the Revised Application of Babak Movahedi, 1700 Q Street, N.W. (Square 156, Lot 264) (hereinafter "Applicant") for a special exception from Section 203.4 (b) of the DC Zoning Regulations, which limits the home occupation to the larger of 250 square feet or 25% of the gross floor area not including the basement. The applicant also seeks a variance from Section 203.10(c) which limits the number of non-resident employees to two persons and provides that they may not be co-practitioners of the profession. Applicant proposes to limit the number of non-resident employees to 5 and to use approximately 33% of the floor area for the business.

DESCRIPTION OF THE APPLICANT

Babak Movahedi, Esq., purchased the building at 1700 Q Street in 2001. He is an attorney who specializes in Real Estate Settlements and wishes to use his residence as an office for Dupont Title & Settlements, LLC, of which he is the principal, pursuant to Section 203.7(j) of the Zoning Regulations. Mr. Movahedi is very active in his local community, currently as commissioner for ANC 2B07.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property is a four-story structure located at the Southwest corner of 17th and Q Street, N.W. on a lot containing approximately 1075 square feet. The house is very large, containing nearly 3,000 square feet above the basement level.

B. Area Surrounding the Property

The adjacent areas are characterized by medium-high density commercial uses and moderate density residential uses. The Northwest, Northeast, and Southeast corners are all designated D/DC/C-2-B commercial districts. It is a very active corner with numerous retail establishments, including 12 restaurants and night spots within a block of the subject property.

C. Zoning History and Use History

The subject property is on the Southwest corner of 17th and Q Streets, N.W. in the DC/R-5-B Zone District which is a moderate-density residential zone in the Dupont Circle Overlay Zone. The building was built as a residence in 1890.

D. Historic Preservation

The subject property is a contributing building in the Dupont Circle Historic District.

REASONS IN SUPPORT OF A SPECIAL EXCEPTION FOR INCREASED AREA

A. A special exception is warranted if it is

> ...in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property... §3104.1

B. No Adverse Effects

The special exception seeks to increase the floor area used for business purposes from 25 per cent to 33 per cent. It will not be seen from outside the building. Moreover, the portion of the business area which exceeds the permitted 25 per cent of the floor area above the basement is the dining room of the residence which is used occasionally for business purposes.

REASONS IN SUPPORT OF A VARIANCE FOR NUMBERS OF EMPLOYEES

A. Compliance with D.C. Zoning Regulations

The Applicant wishes to have up to five employees who do not live in the building. This would require a variance from Section 203.10(c). We believe all the tests for a variance are met.

Uniqueness

The property is a corner property with no rear yard and no access to the interior alley. Three windows at the rear of the structure, one on each floor, look out on a building a few feet away.

Extraordinary or exceptional situation or condition creating a hardship

Exceptional conditions creating a hardship can be found in the long, narrow design of the building, absence of rear access and rear views, limited light, and proximity to the noise on 17th Street. These conditions make the building unsuitable for residential use. There is literally no room in the house that is free from the noise at the busy intersection of 17th and Q Streets. This is particularly bothersome at night when the noise makes sleeping difficult, if not impossible. Whereas, other buildings on the block have bedrooms at the rear, away from the noise of the commercial strip, this corner building can offer no such relief.

The noise from the active street and the size of the building combine to create a hardship to any owner. The building contains nearly 4,000 square feet, including the basement, which makes it extraordinarily large for a single family residence, yet it could not be used by a family or group of singles without severe detriment to the quality of life.

Moreover, the cost of purchase, upkeep, and taxes cannot be justified under the unique conditions of this corner unless some alternate or additional use could be made of the property. We had earlier requested a change to a commercial use. Some neighbors have strongly urged Mr. Movahedi to maintain the building as a residence but expressed support for an expanded home occupation. For his part, Mr. Movahedi loves the neighborhood and is willing to continue to use the building as his principal residence despite the adverse conditions. He is willing to use only 33 per cent of the building, above the basement, for the title company and maintain the 67 per cent for his principal residence. It is a compromise worked out with the community which represents a great deal of "give and take" on both sides.

The Applicant's home occupation is a title and settlement business which needs the participation of five employees who do not live on the premises to be successful. A title business needs specialists in law, title research, document preparation, pre- and post-closing coordination, and marketing. Moreover the purchase and maintenance costs of this size house require sufficient business activity and income to permit the owner to have a reasonable use of the premises.

B. No Adverse Effects

The use of the building as a home occupation for a title insurance office will neither add to the noise nor change the mixed commercial/residential character of the neighborhood. Neighbors we have spoken to have been very supportive of this variance. Over 74 of the neighbors had already signed a petition of support for the earlier application which sought to change the use of the building from residential to commercial use. We have no doubt that even more people would support the current proposal for a home occupation use.

C. Home Occupation

The various rules governing home occupations found in Section 203.4 of the Zoning Regulations (22 DCMR §203.4) will be observed:

(a) The home occupation shall be clearly secondary to the use of the dwelling unit for residential purposes.
(b) Special exception requested for percentage of the area used for the home occupation.
(c) N/A
(d) Variance requested for numbers of employees.
(e) The residential character and appearance of the dwelling unit and lot will be maintained
(f) There will be no interior structural alteration
(g) – (j) N/A
(k) There will be no more than two vehicles used in the practice of the home occupation.

(l) Off-site validated parking will be provided for customers and employees at the Colonial Parking Garage at 1616 P Street, N.W., so that there will be far less than the eight trips permitted daily, if any.

(m) Closings will be scheduled so that there will be no more than eight clients or customers on the premises in any one hour period, as permitted by zoning regulations. In fact, rarely will there be more than one per day.

(n) N/A

Finally, there will be only one sign and it will meet the requirements of §203.5.

D. Comprehensive Plan

The Generalized Land Use Map of the Office of Planning designates this property within a mixed use category which combines

> "Medium –density Residential" including "multiple-unit housing and mid-rise apartment buildings", as well as "low and moderate density housing"; with
>
> "Low-density Commercial" including "shopping and service areas that are generally low in scale, character, and activity and that provide a limited range of retail goods and services..."

The proposed use falls squarely within the desired uses advanced in the Generalized Land Use Map.

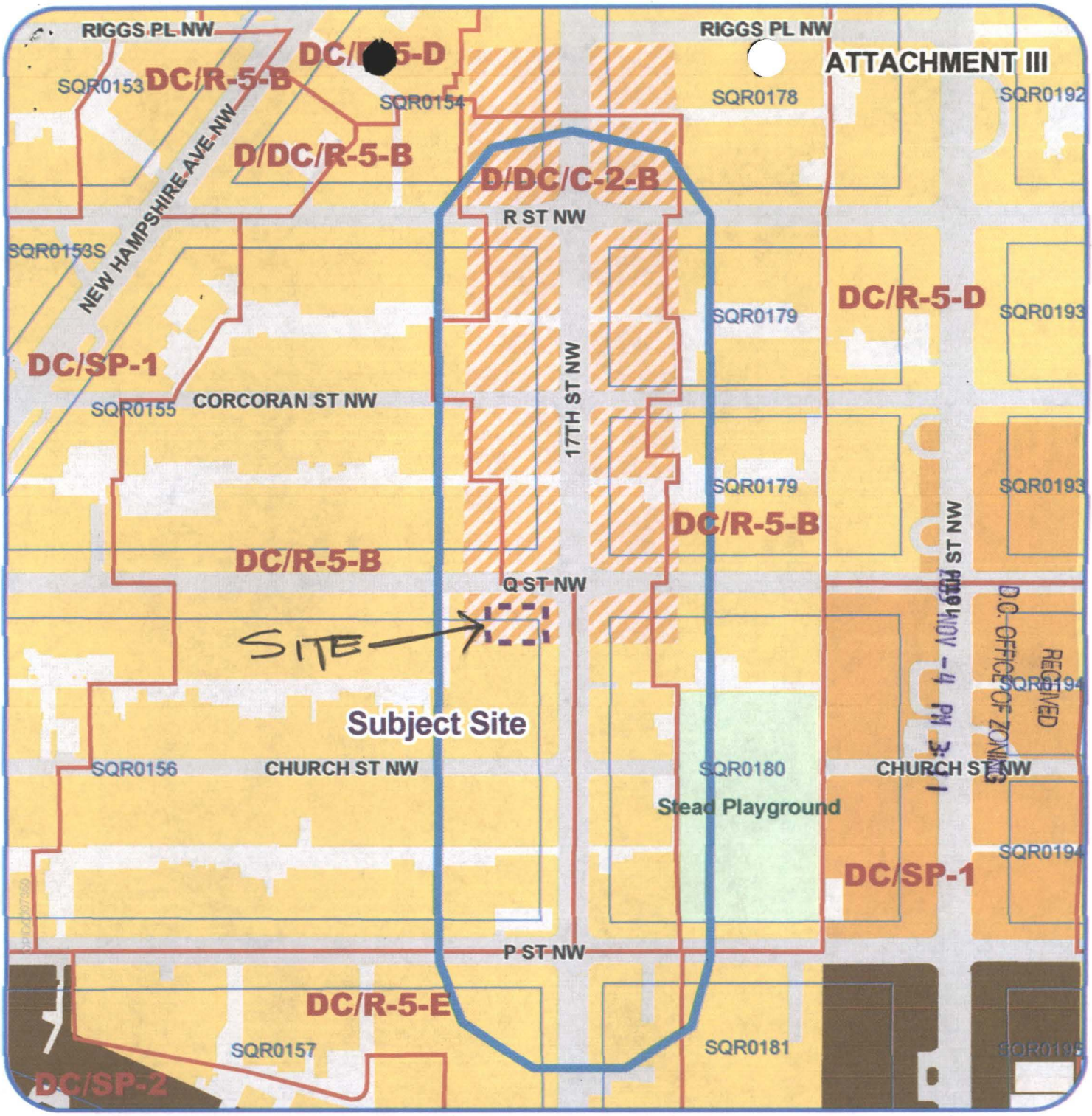
CONCLUSION

The Applicant should be granted the special exceptions and variance to enable him to use the subject building as a home occupation. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,



Stephen N. Gell, Esq.



BZA Case 17392
1700 Q Street NW - Comp Plan Land Use Map

N

1:2,500

Legend

- Zoning Districts
- 2003 reStoreDC Main Street
- DC Parks
- **Landuse Types (with mixed uses)**
- Comm'l Low / Res'l Med
- Residential-Moderate Density
- Residential-Medium Density
- RHD
- Commercial-LowDensity
- Commercial-Moderate Density

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.