

**Applicant Statement-Burden of Proof
Variance Application
DCRA BZA Case No. 21335**

TO: DC Office of Zoning
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street NW Suite 200S
Washington, DC 20001

DATE: June 23, 2025

SUBJECT: Special Exception and Area Variance to Validate 3rd Dwelling Unit in
existing 3-Unit Building
2016 1st Street, NW (Square 3116, Lot 0011)

I. INTRODUCTION

Ms. Pamela Wilson, the owner of property located at 2016 1st Street, NW (the “Applicant”), hereby submits the enclosed request to validate an existing 3-unit, three-story brick apartment building at 2016 1st Street, NW (Square 3116, Lot 0011) (the “Property”). This request includes three components: a special exception to permit an additional residential unit, a variance to waive the ratio of lot area to dwelling units, and a special exception to reduce the minimum parking requirement.

This request is necessary due to the property’s non-conforming status within the RF-1 Zoning District, which limits the maximum number of dwelling units to two (2) units under Subtitle U §301.1(b), but which may be converted to a 3-unit building pursuant to Subtitle U §320.2 in combination with an area variance from Subtitle U §320.2(c). The existing parking area at the rear of the building is constrained to its existing size; as it cannot be expanded, the Applicant is also requesting a special exception from Subtitle C §701.5 pursuant to Subtitle C §703.2, for a reduction in the number of required vehicle parking spaces.

The Applicant inherited the Property from her brother, Michael Wilson, who died in 2019 after a long battle with progressive and debilitating Multiple Sclerosis. Mr. Wilson bought the property in 1985. The Applicant has no personal knowledge of Mr. Wilson’s original vision or his management of the building. In fact, she had never even visited the building until around 2016 when it became clear that Mr. Wilson was struggling to manage his affairs. At the time, he had a company managing the rental property for him. When the Applicant visited the Property, she saw a 3-unit property, and she assumed that was what it had always been.

Soon after the inheritance in 2020, there was a serious fire in the building. As a result, the building was reconstructed in its existing configuration as a 3-unit rental property. It was not until the Applicant attempted for many months to obtain a Certificate of Occupancy (C of O) for the building after the reconstruction, that she discovered that the Property was only zoned for two dwelling units. Therefore, the Applicant is now seeking this relief to legally validate the third unit and obtain a Certificate of Occupancy.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the special exception relief pursuant to 11 DCMR Subtitle X §901.1, Subtitle U §320.2, and Subtitle C §703.2, and the variance from Subtitle U §320.2(c) pursuant to Subtitle X Chapter 10 §1001.3(g).

III. DESCRIPTION AND HISTORY OF THE PROPERTY AND SURROUNDING AREA

A. Chain of Title. DC Land Records appear to only go back as far as 1921, and chain of title as far back as 1945. An Indenture was recorded February 1, 1945, where James E. Markham, an Alien Property Custodian for the US, seized property from an Italian national and conveyed the lot to Louis Sacks. Chain of title was traced from Louis Sacks through Pamela Wilson, the Applicant.

B. History of Subdivision. The history of Bloomingdale is described in the attached document referred to as “Exhibit 1.” It tracks the property from the Beale Estate in the early 1880s to the creation of Moore & Barbour’s Addition, which is the subdivision where the lot is located. Based on Page 15, it seems that the tract where the property was located was developed around 1899. The rest of Exhibit 1 discusses the various architects that built homes on 1st St, NW. Though this historical document did not specifically mention the 2000 block, it appears that 2016 1st St NW was likely built sometime around the early 1900s. Tax records for the Property indicate that it was constructed in 1908.

C. Description and History of the Property. The Property is located in the Bloomingdale Historic District. It is situated on .04-acre interior lot improved with a three-story row building constructed in 1908. The building fronts on First Street, and further east, directly across First Street is Crispus Attucks Park. Adjacent to the west, south and north are a mixture of other row houses, flats and apartment buildings.

The building includes 2,859 square feet of rentable space with three separate meters, comprised of a one-bedroom unit, a one-bedroom unit with a den and a two-bedroom unit. As a result of the reconstruction after the fire, which was completed in 2023, each of the units has energy efficient HVAC systems, new high efficiency washer and dryers, waterless tank water heaters, new luxury laminate flooring, stainless steel appliances, and quartz counter tops. There is also a new roof, new electrical wiring, and new plumbing. The contractor that completed the reconstruction obtained Building Permit #B2206546 for a 3-unit building, which further reinforced the Applicant’s belief that the Property was a legitimate 3-unit building. See, Building Permit #B2206546 attached herein as Exhibit #2 and permitting history attached herein as “Exhibit # 3” The units all have front and rear alley access including patio deck spaces on the second and third floors. There is space to park two cars with access from the alley in the rear of the building. This parking area, though physically capable of holding two smaller vehicles side by side, are best used as tandem spaces due to the dimensions of the existing concrete driveway and the orientation of the access gates.

Michael Wilson obtained the first known C of O for the Property on November 15, 1999. The C of O was issued for the following purpose(s): “Flat 2 Units, ONE UNIT 2nd FLR, ONE UNIT 3RD FLR.” A copy of the C of O is attached as “Exhibit 4.” Almost a decade earlier, in 1989, Mr. Wilson applied for a special exemption to change a nonconforming use from a dry-

cleaning business on the first floor to a home improvement office (attached as “Exhibit 5”). The application was approved by the DC Board of Zoning Adjustment (BZA). Again, none of this was known to the Applicant until research was completed for this application. A representative of Historic Preservation had mentioned that the first-floor unit may have originally been a dry cleaner. An excerpt from “The History of Bloomingdale,” prepared by Prologue DC for the Bloomingdale Historic Designation Coalition supports the belief that the first-floor unit had been a commercial entity:

The initial phase of rowhouse development in Bloomingdale was concentrated in the blocks closest to Florida Avenue. These are the first rows of houses built in Bloomingdale. They were built by Emily Beale’s son George N. Beale, who established the high quality of residential building that characterizes Bloomingdale. The First Street row includes the first of many distinctive corner buildings, a number of which were built for stores on their ground level.

Evidently, sometime in the early 2000s, the first-floor unit, which was originally commercial, and then zoned as a home office, began to be used as a dwelling unit. For the last 20-25 years, this third first-floor unit, operated and was known as an apartment in the community until late 2020 when the building was severely damaged by fire. Building Permit #B2206546 was approved and issued to allow the 3rd unit to be re-constructed, along with the rest of the building. The Applicant’s research into permit records – a permitting history is attached as “Exhibit 3” – has not revealed a date during which the building underwent construction for conversion of the unit, which is consistent with the Applicant’s belief that the current layout is the same that has existed for over a century.

The Applicant in this case inherited the property in 2020 in its current configuration, 20 years or more since it first began to be used as a three-unit property.

IV. NATURE OF RELIEF SOUGHT

Washington, DC is home to numerous properties that have existed for decades but must continually change their use to fit the needs of the District – and it is to the benefit of the District when those properties are able to do so with limited renovations or construction on to the existing property. In recognition of this, the Zoning Ordinance provides in Subtitle U, §320.2 that an existing residential building may be converted into an apartment house by special exception, subject to certain criteria. Subtitle X, §1001.3(g) provides that if a property under consideration for a conversion by special exception pursuant to U §320.2 has fewer than 900 square feet of land area per dwelling unit, then an area variance may be sought to relieve the criterion for land area.

The existing building contains three residential units. Two of these are permitted as a matter of right in the RF-1 Zone District. The Applicant is requesting approval of a special exception to validate the 3rd dwelling unit subject to Subtitles X §901.1 and U §320.2, along with an area variance under Subtitle X §§1000.1 and 1001.3, to permit this special exception despite the limitations of the existing lot size. The Applicant also requests approval of a special exception for a reduction of one parking space pursuant to Subtitle C §703.2, which differs from the parking requirements stated in Subtitle C §701.5. The Applicant is not proposing any changes to the building, either interior or exterior, but rather is seeking this combination of relief mechanisms to validate the existing conditions. In all other respects, the Property will continue to be compliant with Zoning Ordinance standards.

The Board of Zoning Adjustment may grant a special exception if it finds that the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Will meet such special conditions as may be specified in this title.

The Board of Zoning Adjustment may grant a variance if it finds that:

- (1) there is an extraordinary or exceptional condition affecting the property.
- (2) practical difficulties will occur if the zoning regulations are strictly enforced.
- (3) 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 set forth below, the Applicant meets the criteria for approval of the requested special exceptions and variance. The relief, as requested, would allow the 3rd dwelling unit to continue to exist and operate at this location as it has for decades.

V. BURDEN OF PROOF FOR SPECIAL EXCEPTION

Pursuant to Subtitle X §901.1, the Board of Zoning Adjustment is authorized to grant a special exception when a property meets the following three criteria found in Subtitle X §901.2:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Use as a 3-unit residential building is allowed in the RF-1 Zone through conversion of the residential building to an apartment house, as outlined in Subtitle U §320.2. The existing building is and has always had three units. Although there is some evidence that at some point in the building's past the ground floor may have been used as commercial space, the third unit supports functional residential use while maintaining the residential character of the area. Approval of the requested variance will be in harmony with the general purpose and intent of the Zoning Regulations. As indicated above, a stated purpose of the RF-1 Zone is to "[r]ecognize and reinforce the importance of neighborhood character, walkable neighborhoods...preservation of housing stock...low- and moderate-density housing to the overall housing mix and health of the city." See, Subtitle E §101.7. Further, the Residential Flats zones are designed to provide for stable, low- to moderate-density areas suitable for family life and supporting uses. See, Subtitle E §101.7. The proposed conversion preserves existing housing stock – however it came into existence – without any real change to the density of the area.

The purpose of the RF-1 zone is to regulate areas that primarily consist of row houses on small lots. In general, the RF-1 zone permits single-family homes, flats, religious institutions, certain type of schools and certain parking uses as a matter of right. While the RF-1 Zone is primarily intended for single family and two-unit dwellings, the intent of the zone recognizes that there will be limited buildings with more density. See, Subtitle E §100.1, 100.2. As stated above,

several properties in the neighborhood that are also located in the RF-1 zone have more than two units.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The Property has been used for residential purposes for over 20 years without adversely affecting the neighboring properties. Although the current RF-1 Zone District permits up to two dwelling units, this building has operated with three distinct dwelling units for at least two decades. Prior to the Applicant's ownership, the first-floor unit began to be used as a dwelling unit. At the time the Applicant first encountered the property, she had a limited ability to ask questions of her brother, the owner, whose progressive MS during the last few decades of his adult life impacted his cognitive functioning. She then inherited the Property, believing that it was a 3-unit rental building. She continued to operate it in the same manner as she believed he had done, until the building was badly damaged by fire in 2020. The use as a 3-unit residential building is in keeping with the residential character of the neighborhood, as evidenced by the letters from neighbors attached to this Application, stating their support for the proposed conversion.

There is precedent in the neighborhood for rental properties with more than two units. 2016 1st St. NW is located within Square 3116. In the vicinity, there have been several approvals allowing for one and two-unit residential buildings to convert to three-unit buildings, even where doing so required expanding the size of the building or changing its façade.

2034 North Capitol St. NW – on Square 3117, directly to the east of Square 3116 – received a variance to convert an existing building to a three-unit apartment house in 2009 (Case #17991). Like the instant application, that approval also required a variance from the 900-foot rule that is now encoded as Subtitle U §320.2(c).

63 V St. NW – on Square 3118, directly to the northeast of Square 3116 – is an apartment building that was converted to a 3-unit apartment building in 2015 pursuant to a now-outdated rule (Zoning Commission Order No. 14-11, amendment to §336 of the then-governing Zoning Code). The conversion of 63 V St. NW required the construction of a third floor to accommodate the third unit; in contrast, 2016 1st St. NW has always been three distinct units on three floors, and so there is no proposed construction.

In the same year, 64 W St. NW – also on Square 3118 – received a variance to convert an existing single-family home into a three-unit apartment building (Case #19094). Although that conversion maintained the prior building footprint, it required construction that changed the appearance of the building. In contrast, as a result of the peculiar history of the subject property in this case, the property was restored to its condition before it was damaged by fire – restored to the same aesthetic in the neighborhood that it has had for several decades.

Approval of these prior variances allowed for each of the properties to accommodate the moderate increase in housing demand without changing the residential character of the neighborhood – the same purpose the Applicant proposes in this case.

(c) Will meet such special conditions as may be specified in this title.

The conversion of a residential building to an apartment house entails a series of additional conditions laid out in Subtitle U §320.2, as described below.

VI. SPECIAL CONDITIONS FOR CONVERSION OF A RESIDENTIAL BUILDING TO AN APARTMENT HOUSE

Pursuant to Subtitle U §320.2, certain residential buildings may be converted to an apartment house by special exception, pursuant to specific conditions. This requires distinguishing between a “residential building” and an “apartment house.” A “residential building” does not have a specific definition in the Zoning Ordinance; it applies to any building that is used for residential purposes. An “apartment house,” on the other hand, is classified as any building or part of a building in which there are 3 or more residential units, providing accommodation on a monthly or longer basis. The existing building on the Property has long been approved for 2 dwelling units, making it a clearly residential building. With the validation of the 3rd unit, the building then qualifies as an “apartment house,” and so the conversion may be permitted by special exception.

In order to qualify for the special exception laid out in this section, the building must have existed on the lot prior to May 12, 1958. Here, the building was initially constructed in 1908, with no changes to the architecture of the building since then, save for the restoration that was completed after the 2020 fire. Additionally, the building must meet the following criteria:

- (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;**

This application requires no new construction to effectuate the conversion and proposes no expansion. Following the fire to the building, the Applicant had the building restored to its pre-fire condition; this included restoration of all 3 units.

- (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and**

This application proposes only to validate the existing 3rd unit; as such, the additional requirements triggered by a 4th unit are inapplicable.

- (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.**

Subtitle X §1001.3(g) instructs that where a property that otherwise meets the criteria for a special exception under U §320.2, an area variance may be granted to accommodate the limited lot size. The Applicant has included with this application a request for an area variance.

VII. BURDEN OF PROOF FOR AREA VARIANCE

The Board of Zoning Adjustment is authorized to grant a variance when a property meets the following three criteria:

- (a) There is an extraordinary or exceptional situation or condition affecting the property;**

To demonstrate an extraordinary or exceptional condition, or uniqueness, applicants must show that the property has a peculiar physical aspect or other extraordinary situation or condition. *Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082–

83 (D.C. 2016). “The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property.” *Id.* The uniqueness of a property can arise from a variety of factors. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C.1990). “The critical point is that the extraordinary or exceptional condition must affect a single property.” *Id.*

2016 1st Street NW is unique and exceptional in the following ways:

The building has always had three distinct units that cannot be reconfigured into two units. The subject lot was built in 1908, at a time that predates the adoption of ZR16 and the May 12, 1958 Zoning Regulations. It is important to understand the existing structure of the building. If you look at the photo of the front of the building, you will see that there are two doors to enter the building, attached herein as Exhibit 7. You enter the first-floor unit through the left door and walk straight through to the entire space. There is no way to enter the other two units from this space. You enter the other two units through the door on the right. When you enter that door, you go up one flight of stairs to the first unit on that side, which consists of the entire second floor that is seen in the photo. To access the second unit on that side, you go up the first flight of stairs, make a left down a short hallway, and then go up the second flight of stairs. This unit consists of the entire third floor as seen in the photo. Due to the structure of the building, there is no way to convert this building from three to two units; the building was designed so that each unit is architecturally distinct. Therefore, without the zoning variance, the unit on the first floor which you enter through the left door would likely remain vacant.

2016 1st NW was built as 3 units and has always been a 3-unit property. As described above, the Applicant first encountered the Property long after it had begun to be used as 3 residential units. The Applicant has no knowledge of how or why the first-floor unit was converted into a dwelling unit, but is now faced with the current untenable situation of owning a building, of which one-third of the newly-renovated property cannot be used.

Three-unit rental properties are outliers in residential zoning regulations and should be viewed differently than 4-unit and larger properties. 2016 1st Street NW is a small 3-unit building in the neighborhood. Three-unit apartment buildings are distinct from “multifamily” uses – a building qualifies as “multifamily” when it has at least 4 distinct units. Going from 3 to 4 units triggers different treatment and legalities for rentals that are more akin to 2-unit properties than they are to 4-unit properties. For example, the District requires proactive inspections for buildings with 4 units or more, but not for those with 3 units. The Applicant believes that 2016 1st Street is not a multifamily building, but is instead a 3-unit residential building that has existed in its current layout since 1908.

(b) Practical difficulties will occur if the Zoning Regulations are strictly enforced.

Strict application of the Zoning Regulations would result in a practical difficulty for the Applicant. The Applicant maintains that strict compliance with the regulations is extremely burdensome.

In order to prove that an applicant suffers from ‘practical difficulties’ two elements must be proven: (1) compliance with the area restriction would be unnecessarily burdensome; and (2) the practical difficulties are unique to the particular property. *Fleischman v. D.C. Bd. of Zoning*

Adjustment, 27 A.3d 554, 561–62 (D.C. 2011) (citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d at 1170 (quotations and citations omitted)). “Economic use of property has been considered as a factor in deciding the question of what constitutes an unnecessary burden or practical difficulty in variance cases.” *Id.*

The current zoning situation has made any practical use of the Property infeasible, causing the Applicant serious financial hardship. The Property has remained vacant for almost two years after the post-fire reconstruction while the Applicant has pursued getting a C of O and is now seeking this zoning variance. Because the building is vacant, insurance is higher, averaging \$8,000 per year. Total expenses for 2024 were \$45,000 and mortgage payments were \$32,400 with zero income. In 2020, the last year that the building was rented, rental income was \$56,000 and would have been higher in 2025. In frustration with the current situation, the Applicant placed the property for sale but has gotten no reasonable offers because the third unit cannot be rented and a Certificate of Occupancy has not been issued. The current asking price is \$1.1 million. The Applicant’s real estate agent estimates that the price would likely need to be lowered to \$870,000 to get sold as a 2-unit building – a more than 20% reduction in value, which would again be a great financial hardship. “Exhibit 6,” attached, shows a comparison of value between two-unit and three-unit buildings. Ms. Wilson, a native Washingtonian, describes herself as a responsive landlord who maintains the property, knows her tenants, handles tenant issues promptly and has no plans to expand or build higher. Ms. Wilson’s personal connection to the District and the subject property incentivize her to maintain not only the physical aspect of the building, but the aspect of community that comes with working with tenants individually. The current zoning restriction has limited use of the Property to such a degree that it is reaching an untenable point and she may be forced to sell the Property significantly below its true value – value as the 3-unit building it has always been.

There is no way to reconfigure the building to align with the current zoning regulations. Due to the physical structure of the building described earlier, it cannot be reconfigured. It would have to be torn down and rebuilt. The only three alternatives are 1) to rent two units, and leave one vacant, which is a loss of one third of the approximate rental income; 2) sell the building at a significantly reduced price; or 3) seek a zoning change to re-establish the unit as a commercial entity. Ms. Wilson respectfully seeks variance relief as an alternative to these burdensome and expensive options. Further, the building is situated in a residential neighborhood that is not conducive to commercial use – converting the first-floor unit to a commercial use would be expensive and disruptive to the community.

(c) 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.

2016 1st St NW, as a 3-unit rental does not detract from the public good. The Bloomingdale neighborhood consists of a mix of single-family houses, apartment buildings and flats. The Property in its current form as a 3-unit rental, has not drawn complaints from neighbors. In fact, the neighbors on each side of the Property wrote letters in support of the variance. The allowance of a 3rd dwelling unit at this location aligns with the character of the neighborhood and does not negatively impact any other properties in the surrounding area. The Applicant communicated with Brendan Meyer of the Bloomingdale Historic Review Board several times during the reconstruction after the fire to ensure that any exterior work was in keeping with historic

guidelines. As described above, there are multiple other properties in the surrounding area that are also 3-unit buildings.

As stated earlier, this request does not introduce a new use at this location, but rather validates a use that has existed for decades. The existence of the 3rd dwelling unit has resulted in no impacts on light, air, or privacy with respect to adjacent homes, nor has it increased traffic or congestion. Approval of the variance would allow the Applicant reasonable use of the property, without negatively impacting neighboring properties or contributing to congestion.

Not granting the special exception and the associated variance will detract from the public good. If BZA does not grant this relief, it is very likely the unit will remain vacant, negatively affecting the neighborhood. Further, the demand for housing in the District remains high, and the Zoning Ordinance describes that one of the goals of the RF-1 Zone is to “preserve housing stock” – in the instant case, the request before the BZA is to do precisely that. See Subtitle E §101.2(a). Thus, allowing the variance will contribute more to the public good than denying it.

VIII. SPECIAL EXCEPTION TO REDUCE PARKING REQUIREMENT

The Property is situated so that the current configuration of parking spaces is best used as tandem spaces. The Zoning Ordinance provides that, where there are 2 or fewer dwelling units, the parking standards may be met with tandem spaces. In a building with 3 dwelling units, parking spaces may not be tandem spaces. Pursuant to Subtitle C §701.5, the building would then require two spaces that are not tandem spaces. With the conversion of the third unit, the Applicant therefore requests a special exception to reduce the minimum number of parking spaces from 2 spaces to 1 space under Subtitle C §703.2 and Subtitle X §901.1. The Applicant intends to maintain tenant access to the existing parking area, but only 1 of the existing spaces may count toward the parking minimum.

The BZA may grant a Special Exception pursuant to Subtitle X §901.1 when the following standards are met, as found in Subtitle X §901.2:

(a) The proposed special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

As detailed in greater depth above, the proposed special exception will bring an existing use into conformance, and the RF-1 zone contemplates that some buildings in the zone may have more than 2 units. This is true of the surrounding neighborhood, which shows a similar density and multiple 3-unit buildings. Thus, the proposed special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The proposed parking reduction does not reduce tenants’ existing access to parking on site, but rather validates the existing layout to suffice for the existing units.

(b) The proposed special exception will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The existing property has operated as a multi-unit rental building for approximately two decades, without disturbance to the neighbors. Rather, neighbors in this case have written in support of the project.

(c) The proposed special exception will meet such special conditions as may be specified in this title.

While the Property is able to hold up to two cars, the cars would need to park in tandem spaces. Subtitle C §703.2 provides that the BZA may grant a full or partial reduction in the number of required parking spaces in a special exception upon the satisfaction of any *one* of several circumstances in the section. Qualifying circumstances relevant to this application include:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The Property is situated on a block of similarly-sized parcels. It is not feasible to obtain nearby property solely for the purpose of adding a single parking spot.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Property is served by the Green Line, via the Shaw/Howard Metro Station, approximately a 15-minute walk from the Property.

(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;

The Property is designed to accommodate residents in 3 units, and has adequately done so for two decades; the Applicant proposes here to provide the same parking access to future tenants as to past tenants. Each apartment is a single bedroom unit, leading to a reduced demand for parking access.

(g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;

Aside from the existing street parking, the rear parking area includes a concrete driveway sized for two tandem spaces that would continue to serve the Property's tenants.

Subtitle C §703.2(c), (d), (f), and (h-j) are omitted from this section, as they are not pertinent to this application.

IX. OUTREACH TO ANC

Pursuant to Subtitle Y § 300.8(1) the Applicant has contacted the local Advisory Neighborhood Commission ("ANC") 5C as well as nearby neighbors to seek their feedback on this application. The Applicant met with the members of her ANC zoning committee and got valuable feedback which enabled her to strengthen her application and proposed testimony. She and Ms. Scudder will present their case to the ANC in July.

X. TESTIMONY SUMMARY

The Applicant, Ms. Pamela Wilson, and her representative, Ms. Traci Scudder, will provide testimony at the hearing.

XI. CONCLUSION

For the reasons stated above, Applicant satisfies the variance and special exception requirements to allow the third dwelling unit that exists at the subject location to proceed with its current layout. The Applicant has demonstrated that the property has exceptional conditions, that the requested relief will not adversely affect the public good, and that the proposal complies with the criteria set forth in the Zoning Regulations. The Applicant respectfully requests that the Board grant approval of the variance and both special exceptions.

Respectfully Submitted,

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