

## Exhibit A

### Failure to Establish Uniqueness

#### Numerous Examples of Same Features

*Applicant has failed to present sufficient evidence of an exceptional or extraordinary condition inherent in the property which would satisfy the showing of uniqueness needed to justify a variance. There are four other properties in the immediate vicinity with the same characteristics as those claimed by the Applicant:*

1. **1263 35th St NW**, one block away from 3428 O St NW was also always used for commercial purposes, until it was converted to residential use, despite a prior BZA finding that “the property is not reasonably suited for residential use given the small size of the first floor” (Application No. 13541, BZA Decision September 4, 1981). The owner found that the lower residential taxes on the property versus commercial property rates made for higher financial returns. Exterior of 1263 35th showing shop window:



2. **3400 Reservoir Rd NW** owned by a former ANC representative has the exact same corner door configuration and large shop windows on perpendicular streets and is also residential:





3. **1301 35th St NW** on the very same block with large shop windows on perpendicular streets, similar square footage on first floor and basement was profitably converted from retail to office space (Custom TV Solutions) requiring no variance:



4. On the opposite corner at 1300 35th St NW, the previous bookstore with large shop windows on perpendicular streets now houses an office for Georgetown University:



*Clearly, the extraordinary or exceptional condition claimed by the Applicant does not uniquely affect the single piece of property at 3428 O Street, thereby negating the justification for an area variance.*