

BOARD OF ZONING ADJUSTMENT
AREA VARIANCE APPLICATION
APPLICANT'S STATEMENT

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1341 Irving Street NW; Square 2848, Lot 815
Rashid Salem (Applicant)

I. Introduction.

Rashid Salem (the "Applicant") is the owner of the property and improvements located at 1341 Irving Street, NW, Washington, D.C., Square 2848, Lot 815 (the "Property"). The improvements on the Property include a three-story row dwelling fronting on Irving Street, N.W. (the "Building"). The Building is currently vacant and in an advanced state of decay, and has been vacant for several years. The Applicant is proposing to completely renovate the existing Building, construct a rear addition, and to convert the previous one-family or 2-unit flat use into a 4-unit apartment house. The Property is less than 400 feet from the Columbia Heights Metrorail Station, and about 400 feet from the busy center of the Columbia Heights neighborhood. The structure and addition, as proposed, will support four separate living units, one on each floor - including the lower, cellar level. Each unit will have a living space over 1,300 square feet, and will include two bedrooms. The footprint of the structure will occupy sixty percent of the Property's land area, and the Applicant is requesting an area variance from lot occupancy to be able to provide rear balconies for the upper three units.

The Property, as noted in photos attached to the provided plan set, has suffered significant neglect and has been vacant for some time. A restoration and conversion of the Property essentially requires developing the Property in such a way as to result in four separate 2-bedroom condominium units. Such a configuration is more compatible with the transit-oriented development taking place along the 14th Street corridor in this area, and is compatible with the desires of condominium purchasers in Columbia Heights.

In order to accomplish the Applicant's vision for restoration of the Property, the Applicant is requesting area variance relief in two areas: (i) from the minimum lot restrictions for conversions in the R-4 zone district pursuant to §401.3; and (ii) from the lot occupancy requirements pursuant to §403.2.

II. Requested Relief

The Property's land area is approximately 2,472 square feet. The land area amount required to produce four separate living units would be 3,600 square feet. For three units, the land area

would have to be 2,700 square feet. Therefore, the Applicant is requesting area variance relief to convert to a 4-unit apartment house. The Building's footprint, except for the proposed balconies, will remain within the maximum permitted lot occupancy percentage, and the Applicant is requesting area variance relief for the balconies. The advanced state of deterioration of the Property makes a matter-of-right renovation an unnecessary burden on the Applicant, and the proposed configuration of units is very compatible with the surrounding neighborhood. Also, the provision of four compatible condominium units, using the same square footage that is permitted as a matter-of-right, results in no additional living space or additional occupants, but is merely a more compatible and efficient configuration for this Property and this community.

III. Variance Relief.

A. The Application Satisfies the Burden of Proof for Area Variance Relief.

To satisfy the burden of proof for a variance, the Applicant must demonstrate three elements: (1) exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or exceptional topographical conditions or other extraordinary or exceptional situation or condition; (2) such condition results in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; and (3) 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. (D.C. Code § 6-641.07(g)(3)(11 DCMR 3103.2).

The stricter "undue hardship" standard applies to requests for use variances while the lesser "practical difficulty" standard applies to requests for area variances. *Palmer v Board of Zoning Adjustment* 287 A.2d 535 (D.C. 1972). The requested relief here is for *area* variances.

(1) Exceptional Conditions or Situations.

The Building on the Property is in need of significant, structural renovation, in a neighborhood in which most structures are in excellent shape and have been recently renovated. The large size of the existing building – three full stories and a large basement/cellar – in an area which is largely defined by smaller condominium and rental units housing single persons or smaller families, makes renovation as a 2-unit flat practically difficult.

In its pre-hearing statement, the Applicant will submit detailed information on the cost and risk associated with the proposed restoration and other items that demonstrate this Property's extraordinary condition.

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(2) Practical Difficulty.

The Property's exceptional conditions described above makes strict compliance with §401.3 and §403.2 an unnecessary burden, or practical difficulty. Due to the need for structural repairs and updating to the existing structure, and the location of the Property, restoring the Property will be a practical difficulty without the requested relief.

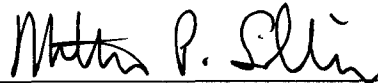
(3) No Substantial Detriment to the Public Good or the Zone Plan.

The provision of a 4-unit apartment house will be very compatible with the surrounding neighborhood, and the restoration of what is currently a neighborhood eyesore -- among surrounding, high-quality structures -- will be a benefit to the neighborhood. The Property is less than four hundred feet from the Columbia Heights Metrorail station, as well as all of the pedestrian-friendly amenities in Columbia Heights. Re-purposing a large, old, row dwelling such as this into a 4-unit configuration that perfectly fits the current demographic for the Columbia Heights community, is also a great benefit to the neighborhood. If approved, the proposed configuration will not increase the number of bedrooms that would otherwise be provided, and will not increase overall density beyond what is permitted as a matter-of-right (except for the balconies), and in that respect represents a minor deviation from the Zoning Regulations which will not substantially impair the intent, purpose, and integrity of the zone plan.

IV. Conclusion.

For the reasons stated above, this application meets the requirements for area variance approval, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

Date: 10/3/11

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