



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use 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).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR Zoning Regulations from which relief is being sought
1018 (Rear) Irving Street NW	2851	0837	R-4	Use Variance	2507.1
1018 (Rear) Irving Street NW	2851	0837	R-4	Use Variance	330.4
1018 (Rear) Irving Street NW	2851	0837	R-4	Area Variance	2001.3
1018 (Rear) Irving Street NW	2851	0837	R-4	Area Variance	2507.4

Present use(s) of Property: Automotive Repair

Proposed use(s) of Property: Mixed Use (5 Unit Apartment & Office)

Owner of Property: Alleyoop LLC Telephone No: 202.421.6776

Address of Owner: 753 Fairmont Street NW, #1, Washington, DC 20001

Single-Member Advisory Neighborhood Commission District(s): 1A-11

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

Pursuant to 11 DCMR § 3103.2, for variance from the restrictions governing the use and alteration of alley lots under § 2507 (height & use), variance from the non-conforming structures provision under § 2001.3 for an exist. building not meeting the lot occupancy requirement (§ 403), variance from the use provisions under § 330.4, to allow the construction of an addition to an existing structure for a mixed-use (Office & 5 Apartments) building in a R-4 zone at 1018 (Rear) Irving Street NW (Square 2851, Lot 837).

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date: 5 February 2013 Signature*:  ALLEYOOP, LLC

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

Name: Greg Gardner, Alleyoop LLC E-Mail: greg@sevenfivethree.com

Address: 753 Fairmont Street NW #1, Washington, DC 20001

Phone No(s): 202.421.6776 Fax No.: none

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

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

FOR OFFICIAL USE ONLY

Case No. 18511

BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO. 18511

EXHIBIT NO. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.18511
EXHIBIT NO.24



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1018 (Rear) Irving Street NW	2851	0837	R-4

Single-Member Advisory Neighborhood Commission District(s): 1A-11

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☒ §3103.2 - Use Variance	☒ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections	2507.1 & 330.4	2001.3 & 2507.4	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

Owner's Signature	Greg Gardner, Alleyoop LLC
Agent's Signature	Chris Landis, Alleyoop LLC
Date	2/5/2013
D.C. Bar No.	
or	Architect Registration No. 100497*

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation _____
Signature	Date

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

Case No. 18511

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8 1/4" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	5901 sq ft	3000 sq ft	-	5901 sq ft	NO CHANGE
Lot Width (ft. to the tenth)	52.7 feet	18 feet	-	52.7 feet	NO CHANGE
Lot Occupancy (building area/lot area)	69%	-	60 %	69 %	NO CHANGE
Floor Area Ratio (FAR) (floor area/lot area)	0.69	-	N/A	1.83	1.14
Parking Spaces (number)	0	3	-	6	+ 6
Loading Berths (number and size in ft.)	0	0	-	0	NO CHANGE
Front Yard (ft. to the tenth)	2.4 feet	N/A	-	2.4 feet	NO CHANGE
Rear Yard (ft. to the tenth)	24.8 feet	20.0 feet	-	24.8 feet	NO CHANGE
Side Yard (ft. to the tenth)	0 ft	N/A	-	0 ft	NO CHANGE
Court, Open (width by depth in ft.)	N/A	N/A	N/A	N/A	NO CHANGE
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	NO CHANGE
Height (ft. to the tenth)	18.5 feet	-	12.4 feet	39.5 feet	+21.0 feet

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



Square 2851, Lot 0837

ZONING VARIANCE BURDEN OF PROOF (Revision 1)

The owner, Alleyoop LLC, seeks a variance from the restrictions governing the use and alteration of alley lots under § 2507.1 & 2507.4 (use & height), variance from the use provisions under § 330.4, variance from the non-conforming structures provision under § 2001.3 for an existing building not meeting the lot occupancy requirements (§ 403), to allow the construction of an addition to an existing structure for a mixed-use (office & 5 residential apartments) building in a R-4 District at premises 1018 (Rear) Irving Street NW (Square 2851, Lot 837).

We are seeking to build two (2) additional stories of multi-family residential on top of the existing one story building (currently being used as an Automotive repair business). The existing first floor would then be devoted to Office use, and residential parking for the residents of the building. In all there will be five (5) residential units and one (1) Office.

USE OF AN ALLEY LOT

This project seeks variance relief from § 2507.1 that states that a structure should not be converted or remodeled for human habitation except for use as a single-family dwelling. This project proposes to add additional stories to the existing building and convert the structure to a mixed use, office and multi-family residential building, within the confines of the existing building footprint.

1) The Physical characteristics of the property represent an exceptional situation and would require undue hardship to meet the strict application of the zoning code:

The current lot configuration represents an extraordinary condition in relation to the typical alley lot size and frontage. The square footage of land and the frontage on three separate public alleys represents an atypical alley lot within the district. Alley lots are generally much smaller and the majority of them only have one of their property lines that abuts an alley. This alley lot contains 5,901 square feet of land, is bound on three sides (West, South and East) by public alleys, and the fourth side contains a 24.8 ft open rear yard. This rear property line backs up to the rear yard of two lots (historically a public alley, but deeded to the adjacent property owners of 1014-1012 Irving Street NW at some point)¹ which also contain similar rear yard dimensions.

The current building structure and layout is not conducive for conversion to a single-family dwelling. The building is industrial in nature and has for many years been used as automotive repair business, even though it is contained within a residential district. Because of the oils, solvents, and chemicals used in the automotive repair and auto body repair industry; using the existing structure and ground floor space for residential dwelling and habitation is not prudent. Environmental testing has determined some site contamination from solvents and petroleum. The contamination will be dealt with appropriately during construction,

¹ 1959 Sanborn Fire Insurance Maps, See Exhibit D

following the recommendation of a third party Environmental Engineering consultant.

Conversions of the existing building into multiple lots for single-family dwellings would also require significant zoning relief (to include insufficient alley width, excessive lot occupancy, and inability to subdivide the lot due to its lack of street frontage) and/or the demolition of the existing structure.

2) Granting the application will not be of substantial detriment to the public good: Multi-family use on the upper floors will blend into the existing block and most certainly the existing neighborhood. All sides of Square 2851 contain multi-family residences within the confines of existing attached row homes. In fact, lot 825 (3008 Sherman Avenue NW) of this Square there is a Semi-Detached apartment building that contains thirteen (13) dwelling units on a lot smaller than that of this applicant's. Furthermore, the applicants proposed structure will blend easily with the existing neighborhood fabric. Within 300 feet of the applicant's property, there are seven (7) freestanding, or semi-detached, apartment buildings, all within the same R-4 district.

The traffic created by the proposed construction should be substantially less than if the building were to continue to operate under its current use, an automotive repair facility. The automotive repair facility inherently generates multiple automobile visit a day, and typically they would all be unique visitors over the course of a month. The proposed building will contain 4 internal parking spaces dedicated to the residences of the building. The building is also located within 2-1/2 blocks from the entrance to the Columbia Heights Metro Station (Irving & 14th Street NW). These residents, who will be familiar with the alley and may use the available public transportation, should represent a reduced level of automobile traffic than the current use.

By right, the building may also be used to house automobiles. Since we will be dedicating half of the first floor as office space, there is less square footage available to store automobiles. Therefore, the amount of automobile traffic within, and through the alley for the proposed project should also be less than the use allowed by right.

Building residents will keep all garbage containers within the confines of the building or rear yard so as not to impede the circulation of traffic through the alley. With this method, the containers will not run the risk of being left in public space. Rather, containers will be easily serviceable by a commercial waste disposal company from the Northwest alley entrance, which is the widest and most logical point of access.

As part of the remodeling and construction for this project, the proposed building will install lighting fixtures that will increase the alley lighting levels to that of a typical residential street sidewalk. The proposed plan utilizes fixtures specifically designed to direct light only to the public alley, and minimize the accidental lighting

of surrounding properties or homes. This will both be an improvement of the existing light levels, and an improvement on the light pollution from the current utility pole fixtures.

3) Granting the application will not be inconsistent with the general intent and purpose of the zoning Regulations and Map:

The proposed construction has been designed to meet all bulk and dwelling unit/square footage of land requirements for the R-4 zone in which it is located. Although multi-family is not allowed on alley lots, multi-family apartments are allowed in an R-4 zone at a size limited to one (1) apartment per 900 square feet of lot area as a matter of right per § 401.3. For our 5,901 square foot lot, the code allows for six (6) apartment units on the existing lot, yet we are only requesting five (5) apartment units.

BUILDING HEIGHT ON AN ALLEY LOT

This project seeks variance relief from § 2507.4 that states that the height of a structure erected or constructed on an alley lot shall not exceed the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley. Although the building abuts some 15ft alleys, the most restrictive façade of the proposed building abuts a 10ft alley and that existing wall is an additional 2.4 feet away for the alley property line. This project proposes a maximum building height of 39'-6".

1) The Physical characteristics of the property represent an exceptional situation and would require undue hardship to meet the strict application of the zoning code:

The current lot configuration represents an extraordinary condition in relation to the typical alley lot size and quantity of alley frontages. By having a clear separation from the adjoining properties by either a public alley, or abutting rear yards, the impact from the buildings height will be unique for an alley lot and should not be held to the strict interpretation of the height provision.

As mentioned in the preceding arguments, the previous industrial use of the existing building creates difficulties and would cause a financial hardship to convert the ground floor to any residential dwelling use.

2) Granting the application will not be of substantial detriment to the public good:

The zoning definition of building height in this instance is from the base of the building to the maximum ceiling height, which is 39'-6". Nowhere on the building does a wall extend from the alley floor to this building height or to the level of the third story. Nowhere on this building does a three story wall abut the public alley, and on 1/3 of the alley facing walls, only a 1-story structure abuts the alley.

The proposed design has been very sensitive to the height of the building wall that abuts the alley. The building massing steps back, like a wedding cake, on all three alley sides. The continuous stepping back and variation on the building mass is created to minimize the continuous height of the walls in the public space and to allow more air and light into the alley and adjacent properties than would exist with

a continuous 39ft wall. The tallest of the massing and walls that abut the alley only rise to a height of two stories, and on 1/3 of the alley facing walls only a 1-story structure abuts the alley.

Because of solar patterns, and the orientation of the short face of the building facing south. The surrounding properties will continue to have a regular and sustained access to direct sunlight and air.

3) Granting the application will not be inconsistent with the general intent and purpose of the zoning Regulations and Map:

Having a three-story building on this alley lot will be consistent with the surrounding block, and the surrounding R-4 district zoning regulations. This alley property also represents a unique and uncharacteristic condition, from the vast majority of alley lots within the District; each surrounding property is separated from this property by a public alley or the 24ft rear yard.

The building purposefully is designed below the maximum height of the R-4 residential zone where it is located. All properties on the block are also within the R-4 residential district, and on each side of the block exist at least one 3-story rowhouse, or multi-family structure. On the properties to the east (11th street NW) and the west (Sherman Avenue NW) properties exist buildings that are equal to, or greater than, the height of this proposed building.

NON-CONFORMING USE

This project seeks a variance from § 330 which states that no building should be altered except for a use authorized within the R-4 District. This project proposes to change the existing non-conforming Automotive Repair use into an Office Use.

1) The Physical characteristics of the property represent an exceptional situation and would require undue hardship to meet the strict application of the zoning code:

Prior to the implementation of the zoning regulations of 1958, the subject property contained a commercial use and existed as an automotive repair facility. Because of the oils, solvents, and chemicals used in automotive repair and auto body repair industry; using the existing structure and ground floor space for residential dwelling and habitation is not prudent.

Forbidding the property to be used for commercial use (as it has existed for years and was operating as prior to the current owners purchasing the property), would cause a severe financial hardship to the current owners. A solely Residential or Storage Use would demand a much lower leasing rate, and therefore reduce the overall property value.

2) Granting the application will not be of substantial detriment to the public good:

The property currently operates as an Automotive Repair facility under a certificate of occupancy obtained in 1989. An Industrial Use has operated within the confines of this residential zone for many years without a detrimental impact on the neighborhood. Our proposed Office Use, typically allowed in a C-1 zone, would be

more compatible with the fabric of the R-4 neighborhood than the existing automotive repair shop, which is only allowed by right in a C-M-1 district.

The proposed design reduces the square footage of the building currently dedicated to Commercial Use approximately in half. The automotive repair facility occupied the entire first floor and the proposed design dedicates only the North half of the gross floor area of the ground floor to Commercial Use. The remaining ground floor space area will be used for the entrance lobby for the apartments and parking for the residents of the building.

The new Office Use dedicated to this property will operating only during daytime hours, and will have visitors to the office by appointment only. No manufacturing, warehousing of products or atypical noise will be associated with the proposed office use. Use of the alley, and limited noise created in a small office suite during the daytime, is consistent with a residential neighborhood and only seeks to enhance the block. Furthermore, the alley will be constantly monitored by office staff, hence, making it more secure.

The proposed Office entrance would be located at the Northwest corner of the building that is clearly visible from Irving Street and partially visible from Columbia Road. The entrance to the office space will be at the same location as the current automotive repair business entrance, which is located on the widest part of the alley and most direct path from a public street.

Two exterior public parking spaces will be dedicated for office use and will be provided within the rear yard adjacent to the office entrance. These parking spaces are located at the widest portion of the alley and the parking spaces will be set back from the property line eight (8) feet to allow vehicles to easily maneuver when entering and exiting the parking places.

3) Granting the application will not be inconsistent with the general intent and purpose of the zoning Regulations and Map:

The new Office use dedicated to this property will be open only during daytime hours, and the majority of visitors to the office will be by appointment. Use of the alley during the daytime is consistent with a residential neighborhood and only seeks to enhance the block and monitoring of the alley. No manufacturing, warehousing of product, or noise will be associated with the proposed office use.

Columbia Heights is a consistent mix of medium density residential zones (R-4 & R-%-B) and commercial zones within the entire neighborhood and within the adjacent blocks. The subject property is located within 750 feet of two C-2-A zones, and within 1000 feet of a third C-2-A zone. The Office use would be allowed by right within these adjacent C-2-A zones.

ADDITION TO A NON-CONFORMING STRUCTURE

The project also seeks variance relief from § 2001.3 which states that additions may only be made to structures that conform to percentage of lot occupancy

requirements, conform to use and structure requirements, and neither increase, extend, or create any existing nonconforming aspect of the structure.

1) *The Physical characteristics of the property represent an exceptional situation and would require undue hardship to meet the strict application of the zoning code:*

The existing structure, at 69 percent lot occupancy, exceeds the maximum 60 percent lot occupancy permitted in the R-4 zone. The existing structure on the lot has been in its current configuration since 1916 and at the time the structure was built, there were no limitations on lot coverage for alley lot structures. In order to meet the 60 percent lot occupancy, part of the original warehouse would have to be demolished in order to meet the current lot coverage requirement.

2) *Granting the application will not be of substantial detriment to the public good:*

Care has been taken in the design of the additional floors in order to step them back from the existing exterior walls in order to create a smaller massing on the second and third floors than the first floor footprint creates. The second floor, for instance, has a footprint of only 3,184 square feet, which amounts to only 54 percent coverage on the lot. The third floor footprint of 2,126 square feet would amount to 36 percent lot coverage. By stepping back the massing of the upper floors, more light and air will be available to the adjoining properties than an extrusion of the non-conforming 69 percent lot coverage, or even the 60 percent coverage allowed by right within the district.

3) *Granting the application will not be inconsistent with the general intent and purpose of the zoning Regulations and Map:*

Although the building is currently over the lot occupancy prescribed in the code, the property is separated on all sides by a public alley or rear yard which contributes to reduce the encroachment of the building on the adjacent properties. Care has also been given in the design of the addition to reduce the massing of the upper floors of the building. Instead of an extrusion of the current non-conforming lot coverage, more air and light will be available to the adjoining properties.

Per § 403.2, the zoning regulations for a conversion of a building or apartment house in an R-4 district, allows for a lot occupancy of the "*Greater of 60% or the lot occupancy as of the date of conversion*". If our building did not require an addition, the conversion of the structure to a Multi-family apartment would not have been impeded by the non-conforming lot coverage.