

Square 2851, Lot 0837

ZONING VARIANCE BURDEN OF PROOF

The owner, Alleyoop LLC, seeks a variance from the restrictions governing the use and alteration of alley lots under § 2507, 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 alleys represents an atypical alley lot. Alley lots are generally much smaller, and fronted to an alley on only one side or face. 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 (historically a public alley, but deeded to the adjacent property owners of 1016-1012 Irving Street NW at some point)¹ has 24.8 feet of open space between the existing building and the property line that is shared with the only adjoining properties.

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.

Conversions of the existing building into multiple lots for single-family dwellings would also require significant zoning relief (to include insufficient alley width,

¹ 1959 Sanborn Fire Insurance Maps, See Exhibit D

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, and lot 825 (3008 Sherman Avenue NW) of this Square is a Semi-Detached apartment building that contains thirteen (13) dwelling units on a lot smaller than that of the applicants. 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.

By right, the building may be used to house automobiles. Since we will be dedicating half of the first floor as office space, the amount of automobile storage will be less than that of a building dedicated completely to automobile storage. Therefore, the amount of automobile traffic within, and through the alley will be significantly reduced.

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.

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.

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

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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.

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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.

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District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

No. B 157383

CERTIFICATE OF OCCUPANCY

August 2, 1989
(date)

Permission is hereby granted to MR. JOSEPH C. CALLISTE
to use suite(s) _____ on the FIRST floor(s)
of the building located on lot(s) 826/828 square 2851
known as premises Rear 1018 Irving Street, N.W. for the following
purpose(s) Automobile Repair
Not sexually oriented [su]

BZA #: _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY
for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT
TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE
in the type of business, ownership of business, or part of premises used therefor, will
render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-4 FEE \$ 47.00

Donald B. Murray, Director
By [Signature]
Designee

OFFICE COPY

86-P-3601 wd112

SCANNED 5.23.96

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This project has been funded in part by a U.S. Preservation Fund grant administered by the

Department of the Interior, National Park Service Historic of Columbia's Historic Preservation Office.

Permit Number	3254	Date	11/13/190
Owner	Volland, William	Roll of Microfilm	0552
Architect	Volland, Edward O.		
Builder	Volland, William		
Quantity	1		
Stories	1	Material	brick
Width	28	Depth	20
Purpose	private stable	Number of Families	
Store?			
Solid/Filled	solid	Material of Foundation	concrete
Front Material	brick	Type of Stone	
Type of Roof	flat	Roof Material	tin
Heat		No Plumbing or Gasfitting	
No Electric		Roughing In Only	
Estimated Cost	\$1,000	No Sewer Available	
Notes			

Updated	Extant	Square	Lot	Address	House Type
		2851	0104	1017 R Columbia Road NW	Rowhouse
		3191	0013	6907 6th Street NW	Detached
		3191	0014	6911 6th Street NW	Detached

Friday, November 23, 2012

Page 1 of 1

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BUILDING DIVISION
DISTRICT OF COLUMBIA

RECEIVED
MAR 20 1916
PERMIT NO. 3908

Permit to Repair

Washington, MAR 20 1916

Given to Certify That William A. Volstead
in connection to Build one one story brick addition
on the place - For use of same.
Consistent with last former permit

The permit grants no author-
ity to use of any
combustible material, nor
to construct or reconstruct
any building, nor to use of
any material in the District

Loc. 1015 Columbia Road NW
144

in accordance with
the building regulations of the District
the right being reserved to enter and examine the buildings during operations
under authority of this permit, and to require any change in con-
struction may be necessary to secure sufficient strength or safety from fire.

Order of the Commissioners, D. C.

Permit No. 6 William A. Volstead 1015 Columbia Road NW

Collector of Taxes, D. C.
Per

Form No. 1000-1-10-15
No. Brick required

Permit No. 3908

Application for Permit to Repair or Reconstruct Buildings

Washington, D. C.,

191

To the INSPECTOR OF BUILDINGS.

Application for Permit to Repair or Reconstruct Buildings

Washington, D. C.

191

To the INSPECTOR OF BUILDINGS.

The undersigned owner hereby applies for a permit to make repairs in conformity with the Building Regulations.

1. Owner's name William A. Holland
 2. House number near 1019 Shannon Street near 144
 3. Nearest intersecting street Columbia Avenue road
 4. Number of lot 144 equals 2851
 5. Architect's name William A. Holland
 6. Contractor's name William A. Holland

Description of the Present Building.

7. How many buildings to be repaired one Material of house Brick Roof Shag
 8. No. of stories in height one Width of front 45 No. of feet deep 50
 9. How is the building to be occupied? Public Garage if a dwelling, how many families?
 10. Will the building be wired for Electric lighting, heating or power? yes Electric lighting
 11. After alteration, will the building conform in every respect with the requirements of the building law? yes
 12. Collector's receipt for above deposit, No. 5363 Date May 14/1915 Amount, \$ 10.00
 13. What is the estimated cost of the improvement? \$ 1,200.00

Personally appeared before me this _____ day of _____

A. D. 191

_____, who, being duly sworn, depose and says that the estimated cost of alteration and repairs contemplated in the attached application for permit is true.

Notary Public, D. C.

For addition only

Description of the Proposed Improvements

Give details particulars of just what repairs or improvements are contemplated.

To build addition to Public Garage near
 lot 144 in square 2851 near of house
 1019 Columbia road to place on door
 on the west side of Garage and place 2 door
 on the West side of Garage and fire proof roof
 with concrete Reinforcing steel and
 shag roofing in accordance with Building regulations
 as Plans shown
 Garage to operate

In consideration of permission to
 build in accordance with this ap-
 plication, it is agreed that sheet
 metal gutters and leaders will be
 provided, trapped and connected
 direct with the house sewer.

SIGNATURE OF OWNER

APPLICANT

ADDRESS

William A. Holland
William A. Holland
2918 Sherman Ave

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 MAY 15 1915
 Building Division
 License Fee \$1.00

RECORDED FOR PERMIT
 MAY 15 1915

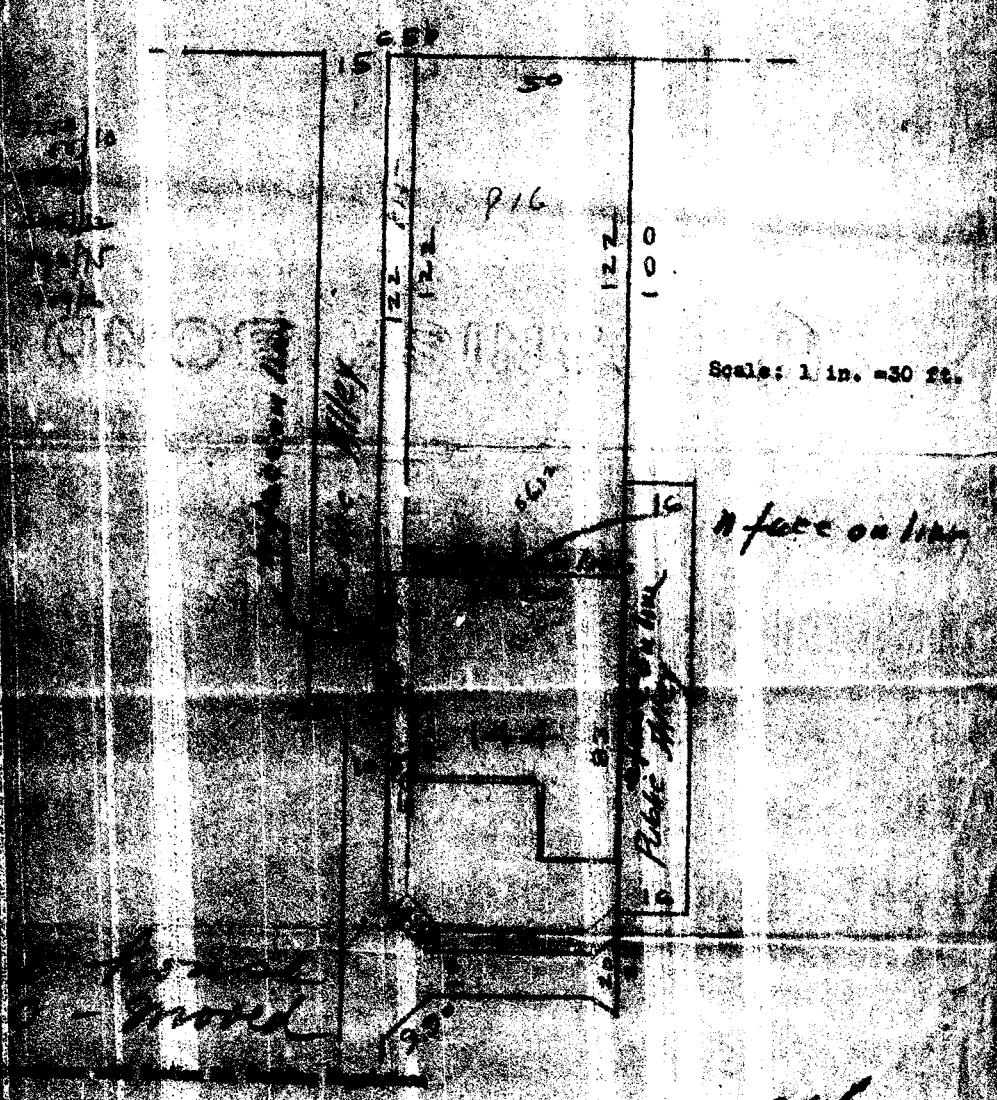
Surveyor's Office
DISTRICT OF COLUMBIA

Washington, January 18th, 1916

Platting Permit of Lot 104, Blk. 16, Pleasant Plains and Mt. Pleasant
Subdiv. 1903.

Recorded in Book 55 page 20

S.O. 39842



Per W. G. B.
4/2/16

Melvin C. Haynes
J. C. Harrison

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DAILY RECORD

Date 4/10/18
 Permit No. 708
 Location 57
 No. of Buildings 1
 Owner James R
 Builder
 Foundation—Nature of Soil
 Concrete base—Dimensions
 Bonding of 9' front or face brick
 Thickness of walls—External
 Thickness of walls—Party
 Reserve of walls
 Ventilators in walls
 Anchors
 Size of joists or beams
 Beaming and Connections
 Framing of joists
 Fire lining
 Projections
 Height of building
 Fire walls
 Roof secured
 Percentage on construction
 Material on roadway
 Time of leaving
 Detention
 (Not to be filled in)

DIVISION DISTRICT OF COLUMBIA

Permit to

Repair

Permit No. 4320

Washington, APR 11 1918 191

Be it Certified, That John A. Worland
has changed reinforced concrete on floor
new floor

Room 1013 Columbia Road NW
104 Square 2851

in accordance with
 plans on file in this office, and subject to the building regulations of the District
 the right being reserved to enter and examine the buildings during operations
 under authority of this permit, and to require any change in con-
 struction necessary to insure sufficient strength or safety from fire.

No.

Amount, \$

Horris
 Inspector of Buildings

APR 11 1918
James
 Officer of Taxes, D. C.
 Per

Application for Permit to Repair or Reconstruct Buildings

Washington, D. C.,

April 11 1916.

To the INSPECTOR OF BUILDINGS:

The undersigned owner hereby applies for a permit to make repairs in conformity with the Building Regulations.

1. Owner's name Thos. A. Holland
2. House number 1019 Columbia ^{West} Avenue U.W.
3. Nearest intersecting street _____
4. Number of lot 104 square 2957
5. Architect's name _____
6. Contractor's name Thos. A. Holland

Description of the Present Building.

7. How many buildings to be repaired _____ Material of house _____ Roof _____
8. No. of stories in height _____ Width of front _____ No. of feet deep _____
9. How is the building to be occupied? _____ If a dwelling, how many families? _____
10. Will the building be wired for Electric lighting, heating or power? _____
11. After alteration, will the building conform in every respect with the requirements of the building law? _____
12. Collector's receipt for above deposit, No. _____ Date _____ Amount, \$ _____
13. What is the estimated cost of the improvement? \$ _____

Personally appeared before me this _____ day of _____ A. D. 191_____

_____, who, being duly sworn, deposes and says that the estimated cost of alteration and repairs contemplated in the attached application for permit is true.

Notary Public, D. C.

Description of the Proposed Improvements

Give definite particulars of just what repairs or improvements are contemplated.

To changing reinforced concrete structural
plans as submitted herewith

A certificate must be obtained from Planning Inspector before this application will be considered by the Inspector of Buildings.

SIGNATURE of OWNER

Thos. A. Holland

APPLICANT

Fred Drew Co. Inc.

ADDRESS

Woodward Bldg.

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WYOMING

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2012 DEC 17 PM 12:20

