



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	BZA Application #18570	Case Name:	1845 North Capitol Street NE LLC
Address or Square/Lot(s) of Property:	1845 North Capitol Street, NE		
Relief Requested:	Denial of Applicant's Request for a zoning variance for 1845 North Capitol Street, NE, from the strict requirements of 11 DCMR Section 401.3		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	06 / 10 / 2013	Was proper notice given?:	Yes ☒ No ☐
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Description of how notice was given: Notice provided to the community seven calendar days prior to the ANC 5E public meeting on local list serves and posted in strategic locations throughout each ANC 5E Single Member District.

Number of members that constitutes a quorum:	6	Number of members present at the meeting:	8
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

(See Attachment A)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18570

EXHIBIT NO. 26

RECEIVED
D.C. OFFICE OF ZONING
2013 JUN 10 PM 4:18

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

The ANC 5E recommends that the Board of Zoning Adjustment deny the Applicant's request for a Zoning Variance to renovate 1845 North Capitol Street, NE as a three-Unit Apartment House.

AUTHORIZATION

ANC	5	E	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0-2
Name of the person authorized by the ANC to present the report:			Commissioner Sylvia M. Pinkney	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Chairperson ANC 5E, Dianne Barnes	
Signature of Chairperson/ Vice-Chairperson:			Date: 6/10/13	

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Attachment A

Material Substance

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used)

- **The primary issue is the Applicant's proposed use of the building, located at 1845 North Capitol Street, NE; Square 3510, Lot 22, as a three-unit apartment house with a lot area of 1,311 square feet, less than half of the minimum requirement of 2,700 square feet required by 11 DCMR Section 401.3 for a three-unit apartment house conversion in an R-4 zoned district.**
- **The home next door to the property, 1843 North Capitol Street, NE was purchased in June 2013. Approving the requested zoning variance will set a precedent in the community, especially on North Capitol Street. Developers will expect a zoning variance even if they are cognizant of the fact that their lot area is less than the 2,700 square feet required for two-unit flat renovation to a three-unit apartment.**
- **Over the years, the property has been plagued with water problems at the basement level. Residents and I have visited the site and taken pictures. The problems have not been resolved. No visible drains are located at the basement level. The patio wall caved in following a day or two of moderate rain showers. The Eckington community does not want to experience the horror Bloomingdale residents are going through with water and sewage back-ups. (see attachment B)**
- **According to historical records, usable square footage (2,000 sq. ft. and number of apartments (4) associated with 1845 North Capitol Street, NE was recorded for the first time in a February 17, 1981, Application for Certificate of Occupancy. While there exists a February 23, 1951 Application for Certificate of Occupancy, the figures are not depicted. Therefore, I can safely state that the building's predominant historical use has not been a four-unit apartment house. Two thousand square feet of usable space is more likely to have housed a four-unit rooming house, instead of a four-unit apartment house. A Certificate of Occupancy, No. B156761, dated April 25, 1989, was issued for the purpose of a Flat: 1 unit in the basement & 1 unit on the first & second floors. A two-unit flat has been the building's predominant historical use from 1981 to present, 32 years. (See attachment C – February 23, 1951 Application for Certificate of Occupancy and attachment D– February 17, 1981 Application for Certificate of Occupancy.**





Attachment

Form 152-A CPB
Revised 11-1-50

FEB 20 1951

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ENGINEER DEPARTMENT
CENTRAL PERMIT BUREAU
CENTRAL PERMIT BUREAU**

APPLICATION FOR CERTIFICATE OF OCCUPANCY—RESIDENTIAL
(WRITE WITH TYPEWRITER OR INK)

USE this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

To THE DIRECTOR OF INSPECTION:

Date Feb 23, 1951

The applicant(s) requests the issuance of a Certificate of Occupancy for the use of the premises described below, and agrees to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business

(See instruction on reverse side)

(PRINT)

(FIRST)

(MIDDLE)

(LAST)

RAPHAEL L DONDERO

Description of Premises for which Certificate is Requested

Address 1345 North Capitol Street

(If building to be occupied)

Lot 22 Square 3510

Name of owner or agent of building

To the best of your knowledge is the building now being condemned?

No

Material of building

Brick

No. of Stories High

2Basement? Yes

Proposed use

APARTMENT HOUSE

Which Floor(s) will be occupied for above use

ALL

Previous use

APARTMENT

Will applicant reside on the premises?

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION
PENALTIES ARE PROVIDED FOR MISREPRESENTATION

W. 11-2-50
FEB 21 1951
ADL

To Be Filled in by Clerk

City Block

Highway Block

Ave. Block

Year built

E. D. No.

D. Z. A. No.

R. H. No.

Remarks

Master Lock

Name of Clerk

IF OWNER of BUSINESS is an INDIVIDUAL and EXECUTES

Sign Date of owner

HOME Address

Tel.

IF OWNER of BUSINESS is a CORPORATION, A PARTNERSHIP, or an INDIVIDUAL, and AGENT EXECUTES THEREFOR -

Name of authorized agent

Address of authorized agent

Signature of Agent

By

APPROVED

P. E.

H. H.

Date

RESERVED FOR APPROVALS

Date

Date

Date

APPROVED FOR ISSUANCE OF PERMIT

Attachment D

O. K. FIRE MARSHAL

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF LICENSES, REGISTRATION AND INSPECTIONS

BUSINESS LICENSE AND PERMIT DIVISION

BUSINESS LICENSE AND PERMIT DIVISION

PERMIT BRANCH

FEB 17 1981

THIS OCCUPANCY ENCOMPASSES

THIS OCCUPANCY ENCOMPASSES

2,000 SQUARE FEET

FEE \$27.00 Eng. Initials

APPLICATION FOR CERTIFICATE OF OCCUPANCY-RESIDENTIAL

(WRITE WITH TYPEWRITER OR INK)

USE this form if Certificate is to be issued for use of Apartment, Rooming, Boarding or Tenant House, Day Nursery, Private Club, Convalescent Home, or Other Residential

USE this form if Certificate is to be issued for use of Apartment, Rooming, Boarding or Tenant House, Day Nursery, Private Club, Convalescent Home, or Other Residential

Date Feb. 17, 1981

The applicant(s) requests the issuance of a Certificate of Occupancy for the use of the premises described below, and agrees to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business Eugene and Ruth M. WALTON

Description of Premises for which Certificate is Requested

Address 1845 North Capitol NE Lot 22 Square 3510

Name and address of owner of building Eugene Walton 7 Kernwood Ct Silver Spring Md

To the best of your knowledge is the building now being condemned? No

Material of building Brick No. of Stories High 2 Basement? yes

Proposed use Apartment - 4 Units

Which Floor(s) will be occupied for above use 1st 2nd and Basement

Previous use Apartment 4 Units Will applicant reside on the premises? No

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION

PENALTIES ARE PROVIDED FOR MISREPRESENTATION

To Be Filled in by Clerk

Use District R-4

Height District 2-17-81

Area District

Transcript of No

E. D. No.

B. Z. A. No.

Bldg. Permit No.

Previous use Apt House

All floors

3-16-81 No. 08892

More or Less Units

Name of Clerk

IF OWNER OF BUSINESS SIGNS:

Signature of Owner Eugene Walton

(in ink)

Home Address 7 Kernwood Ct 55rd

Tel. No 22-1128

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:

Name of Agent

Address of Agent

Name of Owner(s) of Business

(as shown above)

Signature of Agent

(in ink)

APPROVED:

F.S. R. Boone

Bldg. L. C. Reid

Plbg. Natherton

Elec. J. Yeoman

RESERVED FOR APPROVALS

Date 6/2/81

Date 6/5/81

Date 2/26/81

Date 6/11/81

APPROVED FOR ISSUANCE OF PERMIT

Elgin Date 6/12/81