Board of Zoning Adjustment Application for Zoning Relief
Case Number 16801, 1000 Rhode Island Avenue, N.W.
*Justification for proposed variances*

D.C. Code 5-424(g)(3) (1981) states as follows: "Where, *by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations,* or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code 5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize... a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and with out substantially impairing the intent, purpose, and integrity of the zone plan.."

The building at 1000 Rhode Island Avenue was heavily damaged several years ago by fire and has been largely demolished. Only the 40 foot party walls, the foundations, the below grade walls and about 2/3 of the first floor is still standing. The present structure is a major eyesore and was singled out recently as such by the Washington Post, in an April 5, 2001 article. It is a blight on the entire neighborhood.

As is typical of many buildings on corner lots where the diagonal avenues intersect with the street grid, the original building did not conform to the current zoning regulations at the time of their adoption as regards minimum lot dimension and width, rear setback, and lot occupancy. The lot amounts to 981.23 square feet according to DC Map #9288 (979 square feet according to a new survey); the existing building (or at least what remains of it) occupies 100% of the lot; and there is no rear setback (see attached maps and survey).

The property is zoned R-4. The only certificate of occupancy on file refers to a beauty salon.

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Exhibit No. 10

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EXHIBIT NO.10

The applicant wishes to reconstruct on the footprint of the existing building, using the existing foundations and below grade structures, which are in good condition. He wishes to construct a two-family flat, consisting of a ground floor and first floor townhouse with an entrance on Rhode Island Avenue, and a 2-story house above with separate entrance on 10th Street. These would have a shared cellar, which will be used as a storage area under the building.

The applicant is seeking variances of the following:
1) Section 400.1, with respect to number of stories;
2) Section 401.3, which refers to minimum lot width and size, to permit rebuilding on the existing lot;
3) Section 403.2 to allow100% lot occupancy (as previously); and
4) Section 404.1 to allow no rear setback (as previously).

Because the existing foundations and cellar are already 8'6" below grade, the owner is asking for an area variance to allow him to build a four-story house with a cellar (instead of three), while staying within the R-4 height limit of 40 feet (see the attached elevations).

The granting of the requested variances is based on the following tests for zoning relief:
1) because of the exceptional narrowness, shallowness or shape of the property at the time of the original adoption of the regulations, strict application of the zoning regulations would result in peculiar an exceptional practical difficulties to and exceptional hardship upon the owner of the property;
2) the requested relief can be granted without substantial detriment to the public good; and
3) the requested variances can be granted without impairing the intent, purpose and integrity of the zone plan for the city.

**Test for exceptional practical difficulties and hardship**

There are many examples of diagonal corner lots in the city, which do not conform with the current zoning regulations. Due to the configuration of the lot, its small size, its irregular shape, and particularly the absence of a rear yard, under the existing zoning requirements it would be impossible to re-utilize this space and rebuild the structure. The result would be a major affront to the integrity of the L'Enfant plan of the city. It would leave the block incomplete, thereby completely destroying the architectural harmony of the block. It would also leave party walls exposed, potentially damaging its neighbors. Denial of the requested variances would also be unfair, since similar properties on diagonal corner lots have not been treated in this way. Finally, it would create a severe hardship for the owner who had been operating on the assumption that the building, which is still about 30 percent standing, could be reconstructed as it used to be.

The request for a variance on the limit on the number of floors is based on the following considerations:

1) there are a number of 4 story buildings with cellars in the immediate neighborhood, including 1006 Rhode Island Avenue, 1116 Rhode Island Avenue, 1511 Kingman Place, 1510 11th Street, and Nos. 1,2,6,7,11,12 and 13 Logan Circle;
2) the present building and its foundations have been excavated 8 1/2 feet below grade, which is substantially lower than the neighboring buildings. As a result, a four story building with cellar would remain within the 40 ft. height limit. If this variance is denied, some 2/3 of the below-grade excavated space will become unusable and would have to be filled in;
3) the economics of building a house with the appropriate architectural features for a corner building in the historic area (such as a round tower) on such a small lot are questionable; allowing an additional floor would improve the economic feasibility of the project and thereby allow

the owner to construct a suitably grand building to frame the entrance to Logan Circle.

**Test for Adverse Impacts**

There are absolutely no adverse impacts. On the contrary, if the proposal is approved, it will be possible to restore a once proud building that marked the entry to Logan Circle and was one of the pivotal points of L'Enfant's design. That will be a major improvement to the entire neighborhood as the present eyesore is removed and replaced by a handsome building similar in character to the one that was previously on that spot.

By contrast, if the request for zoning relief is not granted, it will be impossible to rebuild this building.

**Test for Impairment of the Zone Plan**

The proposed building is fully in conformity with the original design of the city. It will complete the restoration of one of the more handsome blocks of the city. Approval of a fourth floor within the existing height limit under R-4 zoning would be in conformity with a number of buildings in the immediate vicinity which exceed the limit on the number of stories.

The applicant intends to continue to coordinate with the Historical Review Board, the ANC, neighborhood groups and interested parties to ensure that the final building design enhances the architectural quality of the area.

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