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Board of Zoning Adjustment
441 4th Street NW, Suite 210
Washington DC 20001

1000 Rhode Island Ave., NW (lot 0019, square 0337)—Application for variances to permit rebuilding of fire-damaged building on a non-conforming corner lot into a 2-family flat

Attached please find documentation in support of my application to allow the construction of a four story 2-family flat at the above-mentioned location.

The remains of the building at 1000 Rhode Island Avenue NW constitute one of the worst eyesores in the area. The once proud corner building was torched about three years ago and partially demolished, so that only the side and rear party walls and the foundation are still intact, and only the first floor remains standing above ground facing 10th Street and Rhode Island Avenue (see attached photos). Originally, this was a grand building on the edge of Logan Circle. Now it is a ruin.

The building was previously a typical round-towered building on a corner lot where the street grid is intersected by a diagonal avenue. Such lots are relatively small, irregularly shaped, and landlocked with no rear yard or parking. There are many examples of these buildings all over the city. Before the fire, the building housed a beauty salon, which had a certificate of occupancy.

For many months, I had been proceeding under the impression that it would be simply a matter of reconstructing the building approximately as it used to be. On further discussion with the Department of Consumer and Regulatory Affairs, however, I have been advised that the building is too severely damaged and that too little of it is still standing for it to qualify as reconstruction. Rather, I should make an application for zoning relief to allow the demolition of the remaining free-standing walls and the construction of the proposed 2-family flat as per the attached preliminary plans and elevations.

The property is zoned R-4. The diagonal corner lots where avenues intersect with the street grid were laid out before the current zoning regulations and constitute key anchors of the L'Enfant plan for the capital city. Such lots, and the

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buildings on such lots, are generally non-conforming with the current zoning regulations. There are many such buildings across the city. They preceded the current zoning regulations, and as such can qualify for the application of variances. Indeed, the strict application of the current zoning regulations would make the rebuilding of this corner impossible.

In order to allow the construction of a building on the footprint of the partially-demolished existing building, and in character with the historic structure on this spot, relief is being sought from 11 DCMR Sections 400.1,401.3, 403.2, and 404.1 to permit:

(1) rebuilding on an existing lot of approximately 980 square feet;
(2) no rear setback;
(3) lot occupancy of 100%; and
(4) erection of a 4 story building with cellar, within the applicable height limit of 40 feet.

These requests are made on the basis of the provision in the D.C. Code 5-424(g)(3) (1981) that allows the authorization of variances in cases where the application of the Code would result in peculiar or exceptional practical difficulties or hardship to the owner by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations.

The granting of the requests meets the tests for zoning relief not only for this reason, but also because granting the requested relief will further the public good, and because the requested variances can be granted without impairing the intent, purpose and integrity of the zone plan for the city. Approval of the request for four (instead of three) stories is based on the existence of many such structures in the immediate neighborhood, and the fact that the existing building and its foundations are already 8 ½ feet below grade. As a result, a four story building with a cellar would conform to the existing height limit.

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