STATEMENT OF EXISTING AND PROPOSED USE
2914 ELEVENTH STREET NORTHWEST
LOTS 853 AND 813 IN SQUARE 2853
BOARD OF ZONING ADJUSTMENT CASE NUMBER _____

BACKGROUND

This matter is before the Board of Zoning Adjustment pursuant to an application of 2914 Eleventh Street, LLC. for the following relief:

(1) Variance from Section 406.1 the minimum open court width, the minimum width of a closed court and the minimum area of a closed court require- for an apartment building in the R-4 residential zone (Section 3104.1).

(2) Variance from Section 403.2 the maximum allowed lot occupancy requirement for an apartment building in the R-4 residential zone (Section 3104.1).

(3) Variance from Section 2001.3 to allow an addition to an existing nonconforming structure in the R-4 residential zone (Section 3104.1).

The applicant doing business as the 2914 Eleventh Street, LLC, is the owner of the subject property. Mr. Wayne Gleason is the Managing Partner for 2914 Eleventh Street, LLC.

The existing structure is currently vacant. The structure was built in 1909 prior to May 12, 1958 when the D.C. Zoning Regulations went into effect. There are Certificates of Occupancy dating back to August 17, 1933 for apartment house use on file at the Department of Consumer and Regulatory Affairs, the Building Land And Regulation Administration, the Occupancy Branch (copies are attached). The existing masonry structure has three stories and a basement, the structure has sixteen apartment units.

The applicant proposes to renovate the interior of the building and to decrease the number of units to eleven. In addition, because of the age of the building there are two fire balconies that must be removed and replaced. The applicant also proposes to install a fire escape on the rear of the structure which has

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been removed. The existing structure exceeds the maximum allowed lot occupancy. The applicant will combine lots 853 and 813 into one record lot. Three off-street parking spaces will be provided in the rear yard.

DISCUSSION

As previously noted the applicant is before the Board of Zoning Adjustment for three area variances from Sections 406.1, 403.2 and 2001.3. The proposed project calls for the removal and replacement and upgrading of two existing fire balconies and the addition of a new fire escape to the rear of the existing building.

Fire Escape/Balcony Addition (Closed Court Width and Area)

The existing fire escape located in a closed court is dilapidated and takes up more of the closed court than the current zoning regulations allow. The applicant proposes to remove the existing stairs and replace the stairs with new smaller stairs. The existing width of court does not meet the 15.0 foot width requirement and the 350 square foot area of a closed court requirement, therefore, variances from Section 406.1 and 403.2 of the D.C. Zoning Regulations is required the existing building exceeds lot occupancy).

Balcony (Open Court Width)

The applicant proposes to remove an existing fire balcony which is located in a nonconforming open court. The proposed project will replace this balcony with a new balcony. The replacement balcony will not meet the open court width and lot occupancy provisions of Sections 406.1 and 403.2 of the D.C. Zoning Regulations

Fire Balcony Addition to Rear of Structure

The applicant proposes to make a fire balcony addition to the wall of the existing structure. This increases the lot occupancy, therefore, variances from Sections 403.2 and 2001.3 are required in order to make the addition.

LEGAL TEST FOR A VARIANCE

The applicant seeks three area variances in order to permit small additions to an existing nonconforming structure which exceeds lot occupancy. The standards by which the Board of Zoning Adjustment can approve area variances are set forth by D.C. Court of Appeals, Palmer V the Board of Zoning Adjustment, 287 A.2d 535, 541 (D.C. 1972). Variances may be granted when the following conditions are shown to exist:

(A) The property is unique because of its size, shape, topography and other extraordinary or exceptional situation or condition;

(B) The owner would encounter exceptional practical difficulties as a result of the strict application of the D.C, Zoning Regulations to its particular property; and

(C) The variances would not cause substantial detriment to the public good and would not impair the intent, purpose and integrity of the Zone Plan. Carlinger V BZA, 412 A.2d 52, 53 (D.C. 1980); Capitol Hill Restoration Society; Inc. v. District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987).

The two lots involved in this case will be combined into one record lot which will mitigate and reduce the existing lot occupancy. The proposed balconies are being replaced due to life safety building code requirements for a second means of egress from the structure. In addition, the existing balconies are dilapidated and need to be replaced. The owner encounters an exceptional practical difficulty due to the existing character and configuration of the structure which was built in 1909. The existing courts do not conform and there is no way to make the structure conform with the current width of court and area of court requirements.

The property is a sturdy masonry building which is unique in that it date to 1909. The property owner wishes to renovate the building and feels that the minor exterior additions can be done without any detriment to the public good and that the proposal will not impair the intent of the Zone Plan of the District of Columbia.

CONCLUSION

For the reasons set forth, the Applicant respectfully requests that its request for variances under Sections 403.2, 406.1 and 2001.3 be granted pursuant to section 3103 of the D.C. Zoning Regulations.

Respectfully Submitted,

Gladys Hicks

Gladys Hicks
Zoning Consultant
7710 Merrick Lane
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CERTIFICATES OF OCCUPANCY

11 th. N.W. STREET SQUARE 2853

D—DWELLING	F—FENCE	SM—STORE MAT.
R—REPAIRS	B—BOILER	SS—STORAGE SHED
G—GARAGE	EX—EXCAVATE	EPG—EST. PUB. GAR.
M—MOTOR	ST—STORE	EGS—EST. GAS. STA.
W—WAREHOUSE	HE—HOIST ENG.	OFF—OFFICE BLDG.

LOT	HOUSE NUMBER	TYPE	DATE	PERMIT
	2914	apt	8/17/33	0050
~~XX~~	~~XXXXXXXXXXXX~~		~~XXXXXXXX~~	~~XXXXXX~~
801	2900	delicatessen	2/23/24	1117-NC
801	2904	toys,notions	2/29/24	1215-NC
801	2908	shoe repairs	3/10/24	1279-NC
801	2906	barber	2/14/24	7065
856	2906	hair dressing	11/16/32	39163
801	2900	beverage,delicatessen	5/18/33	41616
856	2900	delicatessen	1/7/35	48211
856	2908	shoe repair	5/11/36	53252
	2900	delicatessen		89637
	2908	shoe repair		91417
	2914	apartment		96216
	2900	delicatessen		106186
	2900	delicatessen		106226

11TH ST., St. N.W. Sq. 2853

CERTIFICATE OF OCCUPANCY

Floor	House No.	Type of Business	Permit No.
	2906		39163
1ST	2906	BEAUTY PARLOR	126097
1st	2906	Beauty Parlor	A-6429
1st	2908	Retail sale of novelties, food products, magazines, newspapers, tobacco, patent medicines & greeting cards	
		BZA-2949 (Non-conforming)	A-28279
all	2914	Apartment House	A-33172
1st	2900	Restaurant (Seating Ten Persons)	B-75
1st	2908	Retail sale of novelties, food products, magazines, newspapers,	
		Tobacco, Patent Medicine & Greeting Cards- (Non-	
		conforming)	B-5721
1st	2900	Church (75)	B-6074
1ST	2908	RET. NOVELTIES, FOOD PROD. TOBACCO, PATENT MEDICINES	
		GREETING CARDS, MAGAZINES (NON-CONFORMING)	B-14419
1st	2900	Laundromat BZA-5215	
		Hours of operation to be between 7 A.M., &	
		no later than 10 P.M.	B-14105

P-3890