

Burden of Proof Variance Application

Alley Lot (Square 1042, Lot 810) Construction of New Single-Family Dwelling

To: The Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: Utku Aslanturk & Erin Gorman
Owner/Applicants
1242 Pennsylvania Avenue SE
Washington, DC 20003

Date: February 10, 2011

Subject : BZA Application for Alley Lot
(Square 1042, Lot 810)

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Utku Aslanturk and Erin Gorman, owners of the alley lot, are seeking zoning relief to construct a single-family dwelling on the currently vacant lot.

One type of relief is needed for this project; a use variance to allow the habitation of an alley structure without thirty foot wide alley access all the way to the main roadway.

Variance Requested:

- Variance from use restrictions on alley structures in the R-4 zone, lacking thirty foot wide alley access to the main roadway, pursuant to 11 DCMR 2507.2

Bases for Grant of Variances:

Section 3103 provides relief based on satisfying specific criteria. Those criteria are addressed separately below:

Subsection 3103.2:

As set forth in D.C. Code Ann §5-424(g)(3) (1981), "[w]here, 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 Ann. §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, upon an appeal relating to the property, 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 without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

This provision has three main tests that must be proved by the applicant:

- 1.) ***The physical characteristics of the property:***
 - a. ***make it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – ie. shape and size of the property, unusual topography or slope, soil problems, etc.***
 - b. ***creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)***
- 2.) ***Granting the application will not be of substantial detriment to the public good – ie. traffic, noise, lighting, etc.***
- 3.) ***Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.***

Variance from use restrictions on alley structures in the R-4 zone, lacking thirty foot wide alley access to the main roadway, pursuant to 11 DCMR 2507.2

The physical characteristics of the property creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance):

There are several characteristics of the property that make it unique and make it difficult for the owner to comply with the zoning regulations:

1. The alley lot is 2,448 square feet, which is much larger than the majority of the surrounding lots occupied by single-family dwellings. The size of the lot allows for the construction of a large structure, but such a structure is prohibitive to be used as the allowed artist studio or storage. Additionally, a large artist studio currently exists several blocks away in Kings Court (between 14th St. & 15th St., north of C St. SE), so there is little room in the market for additional artist studio space.
2. Due to the size of the lot and the cost of constructing any type of structure, it would be an economic hardship on the owners to restrict the use of the lot. *Exhibit A* shows the cost breakdown of constructing an artist studio versus a single-family dwelling. While the single-family dwelling will cost more to construct, the rent and/or sale of the dwelling justifies the cost of construction. The rent and/or sale of an artist studio is less profitable than a single family residence, thus the construction of such a structure cost prohibitive.
3. The alley lot is not located near the owner's property, which makes it difficult for the owners to utilize in conjunction with their own property.
4. As it is an alley structure, a residence is an allowed use, except for the fact that the 30' wide alley does not continue to a main roadway.

Granting of the relief will not be of substantial detriment to the public good:

1. The proposed dwelling will not substantially add to the amount of traffic, noise or light. The house will be occupied only by a single-family. Additionally, the proposed plan calls for two parking spaces, so there will be no additional parking traffic in the neighborhood.
2. The proposed dwelling will cover only forty percent of the lot and will be proportional in scale with the other houses in the area. Forty percent lot coverage will also maintain the existing

open space around the lot, thus having little impact on the light and air of the surrounding houses.

3. The lot lies approximately 42'-0" to the east of the International Graduate University at 1325 D Street SE. This property includes a two story institutional structure with a footprint of approximately 26,000 square feet. The campus has a surface parking lot for approximately 26 cars which is accessed via the same alley system.
4. The International Graduate University campus also includes a shoe repair shop and a basketball court.
5. The lot lies 16'-0" from the property belonging to Safeway, a one story structure with a footprint of approximately 50,000 SF, with a surface lot holding 138 vehicles. The parking lot has four entrances, one of which is accessed via the 16' wide alley adjacent to the proposed residence.
6. The alley and surrounding streets already have a great deal of pedestrian and vehicular traffic due to the proximity to the Safeway grocery store. Currently, large delivery trucks are able to maneuver down the 16' wide alley to provide deliveries to the Safeway.
7. The neighborhood already has many alley dwellings, the majority of which are on much smaller plots of land and do not provide parking.

Granting the relief will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map:

1. Historical research proves that there were alley dwellings in the alley and specifically four dwellings on the lot. These dwellings were constructed in the late nineteenth century and existed through the middle of the twentieth century. Exhibit B provides a map and historical pictures indicating the existence of such dwellings.
2. The alley on which the lot sits was called "Guethler's Court" as far back as the mid 1850's. The alley has a history of habitation, for both residential and commercial use. Exhibit C is an article published by the Hill Rag that comments on the history of square 1042.
3. The lot fronts the 30' wide public alley previously named "Guethler's Court". The proposed dwelling will face this larger alley, which is an appropriate location for an alley dwelling. The alley connecting the 30' alley to D Street SE and E Street SE is 16' wide. While this alley is not the required 30', many trucks go through the alley on a daily basis to service the Safeway grocery store. Therefore, emergency vehicles and trash trucks will not have trouble maneuvering through the alley as needed.

Along with this application, we have included the following items:

- a) Photos of the existing structure and surroundings;
- b) Signatures of support from neighbors;
- c) Plan and elevation drawings of the carriage house, including a site plan showing the relationship of the carriage house to adjacent buildings.
- d) Official Plat from the DC Office of the Surveyor.

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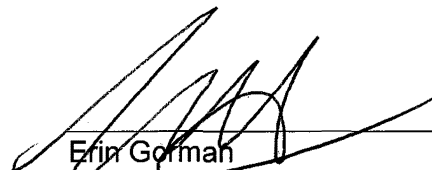
If you require any further clarification or have any questions regarding the application, Utku Aslanturk, Erin Gorman, and authorized agent Jennifer Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,



Utku Aslanturk
Owner/Applicant
1242 Pennsylvania Ave. SE
Washington, DC 20003

2-13-11



Erin Gorman
Owner/Applicant
1242 Pennsylvania Ave. SE
Washington, DC 20003

2-13-11

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JENNIFER FOWLER
A.I.A.

EXHIBIT A

Dila Construction
Quality home renovations
202-460-4003
dilahome@gmail.com

PROPOSAL

DC License #68001443 _____
Insurance #: 01SBM RE 3051 Hartford
Bond #: 6556605 American States

Date 02/22/2011 _____

The following is a Proposal for materials and labor to be supplied by DILA HOME IMPROVEMENT LLC at the request and order of the homeowner.

HOMEOWNER'S NAME: Utku Aslanturk/Erin Gorman

ADDRESS: 14 TH ST LOT

Description of work

Option A- (Artist Studio)

Foundation-

Excavation of new foundation perimeters
Pour 30x16 deep continuous footing for all perimeters
Install 12 " concrete block foundation wall
Pour 4" reinforced concrete slab for house foot print

Frame-

Frame all exterior walls with 2x6
Frame 2x10 roof structure
Install 1/2 plywood sheeting for exterior wall

Exterior-

Install bricks on exterior walls (will provide 5 option)
Excavate 12' for car parking pad
Pour 6" gravel and 6" concrete slab
Install new cedar fence for property line

Roof-

Install 5/8 plywood decking
Install 160 Rubber smooth membrane
Install gutter and down spout

Doors & Windows-

Install wood Jeld-Wen windows (8)

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Install wood Jeld-Wen doors (2)
Install solid wood doors for bathrooms (2)
Install all standard door knobs and locks

Electric-

Request and provide electric line to the property
Install 150 amp electric panel
Install all wiring according to city codes
Install 30 6" recessed lights
Install all exterior lights
Install all appliances
Install all kitchen and bathroom's lighting

Plumbing-

Request and provide drainage and water lines to the property
Install all Ppvc water and drainage lines
Install all plumbing fixtures for bathrooms
Install 2 Kohler bathtubs
Install 2 Kohler shower heads
Install 2 vanity and faucets
Install all kitchen appliances
Install kitchen faucet

HVAC

Install 1.5 ton Carrier unit
Install all custom duct work
Do all standard venting for bathrooms and kitchen

Drywall & Insulation-

Install R-21 Insulation on all exterior walls
Install R-38 Insulation on rafters
Hang all drywall
Plaster, sand and paint all walls and ceiling from Duron paint up to 5 color

Floors-

Install tile flooring
Install wall tiles in bathrooms
Do all grout

Note: Allowance for tile \$4 per sq ft

Finishes-

Install all kitchen cabinets (15) from www.riverruncabinetry.com (will provide 5 option to choose from)
Install all door knobs
Install all 5 1/2 1 piece baseboards
Install all 3" trims for windows and doors
Install all GE Appliances

Note: Appliances are not included.

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Finishes- \$4,500

Additional baseboards and trims
Additional tile work on bathroom

Total additional cost \$96,000

Total cost: \$336,000

The prices include all the labor and materials. The project will be completed within 150 business days.

Dila Construction will obtain all the permits and related inspections except building permit.

BUYER'S RIGHT TO CANCEL

If this agreement was solicited at or near your residence and you do not want the goods and services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the services and must be mailed and postmarked before midnight of the third business day after you signed the contract. The notice must be mailed to DILA HOME IMPROVEMENT LLC, 1242 Pennsylvania Ave SE, Washington, DC 20003.

Payment Schedule:

TBD

The foregoing terms, specification and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made as outlined above. Upon signing this agreement, the homeowner represents and warrants that he or she is the owner or the authorized agent of the aforesaid premises and that her or she has read this agreement.

Salesperson's Name: Dila Home Imp. LLC License#: 68001444 Date: 02/22/2011

Homeowner(s) Name: Date: / /2011

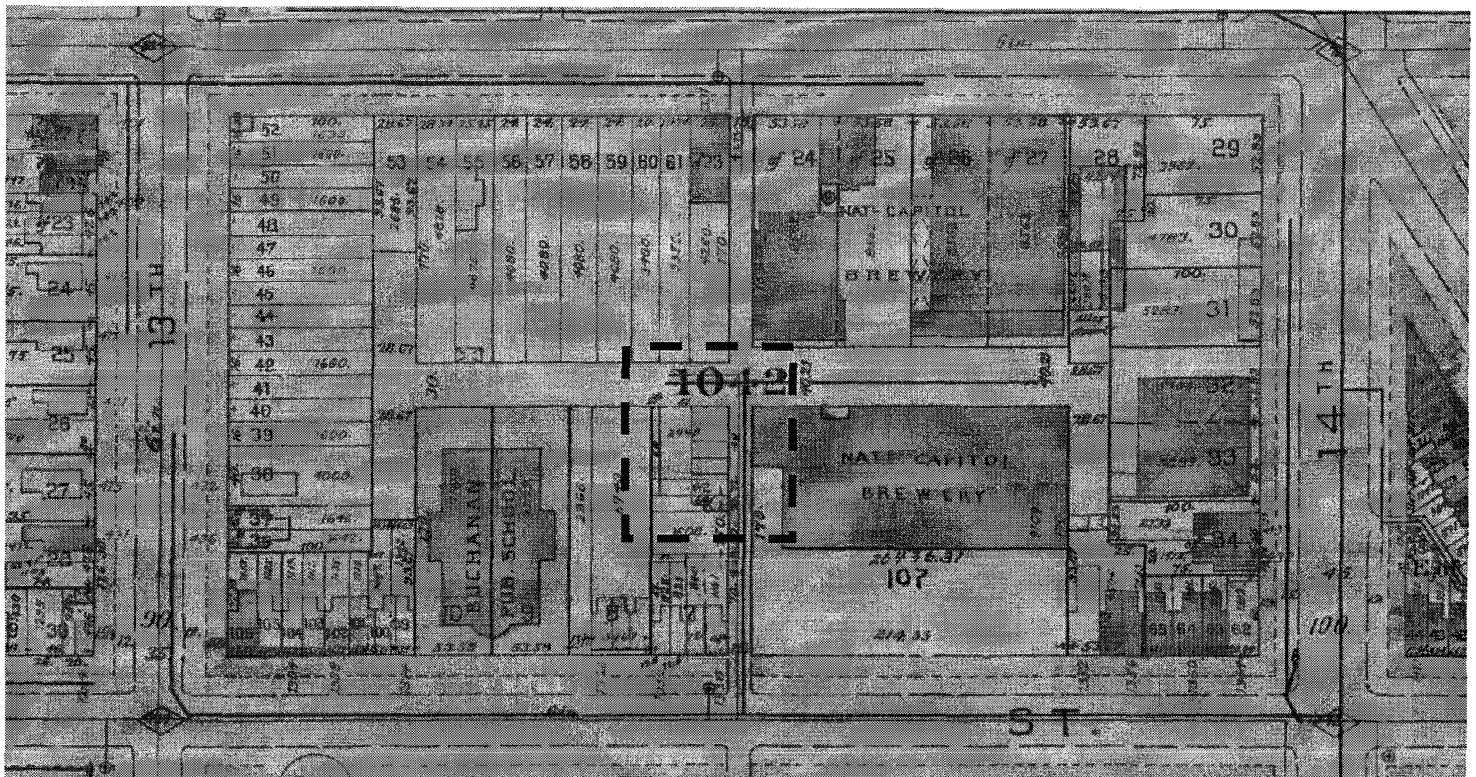
Contractor's Acceptance:

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EXHIBIT B, Image #1

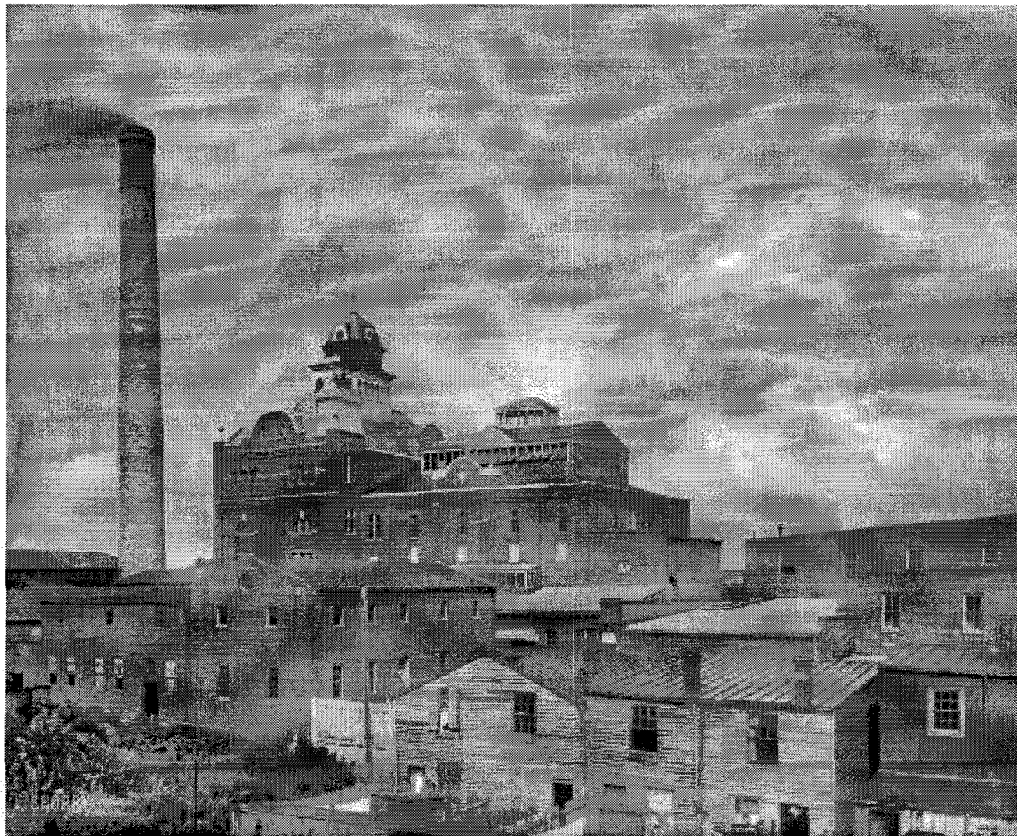
1909 Baist Map showing four row dwellings on Lot 810, Square 1042



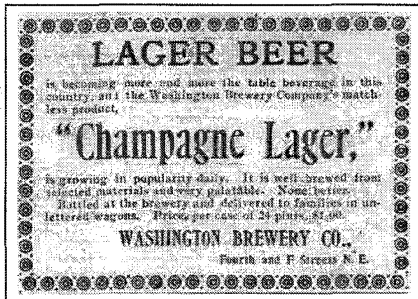
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EXHIBIT B, Image #2

Photograph showing four row dwellings on Lot 810, Square 1042, with the Washington Brewery in the background. Photo: www.shorpy.com



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J.C. HENSE (H) ZOWNE



1896 ad for Washington Brewery Company.

Brewery Company, and began adding a picture of George Washington to the bottles.

A New Start

Carry took his money, joined up with Robert Portner, who owned a large brewery in Alexandria and a smaller one in the 600 block of Virginia Ave SW, and bought another brewery: Henry Rabe's at 13th and D Streets SE. Rabe had worked himself up from clerk in a brewery to the owner. He had in turn bought the brewery in 1886 from John Guethler; the brewery's history went back to the Civil War, when Herman Richter and Henry Schonborn first used that site to make beer.

While Guethler was the owner the brewery produced only 20,000 barrels a year, and it hadn't been expanded much since then — clearly an opportunity for Carry. And indeed, in 1891, with much fanfare, Carry and Portner opened a new brewery with the capacity for producing 100,000 barrels a year: The National Capital Brewery. The Washington Star newspaper proclaimed that "it would seem to be a local enterprise first last and all the time."

The new brewery was an immediate success, selling beer all across the city, as well as in a beer garden on the premises. With everything going well at the brewery, Carry turned to other businesses, chief among them banks, but also real estate and insurance.

In 1917, with the passage of prohibition in DC, Carry converted his brewery into an ice cream factory, which it remained until 1960 years, when the current owner moved out of the city and sold the land to Safeway, who has been there since. Not a brick of the original buildings remain.

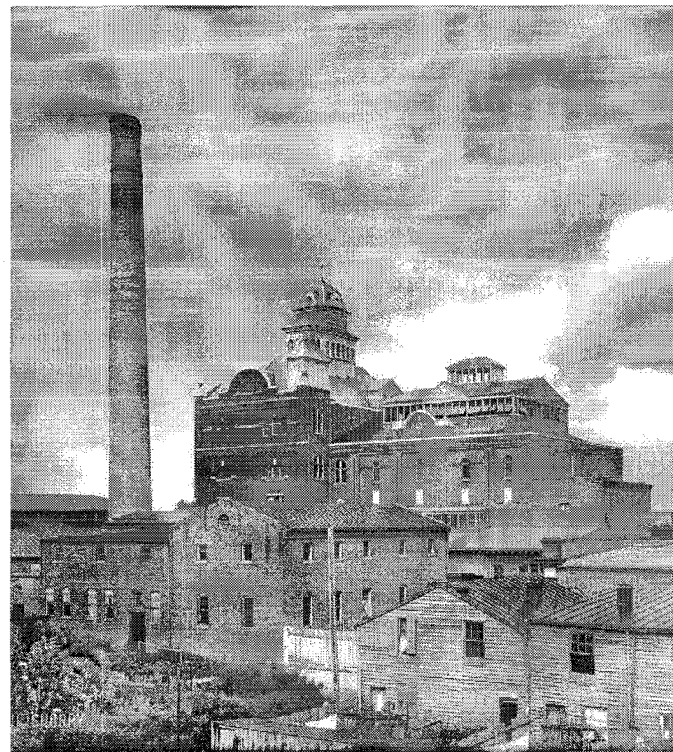
As for the Washington Brewery Company, they too did not survive Prohibition, and the site is now occupied by Stuart-Hobson Middle School. As for Portner's original SW brewery, the land it occupied now contains the Reporter's Building, and is leased to the USDA.

Brewer to Banker

Albert Carry's work has lived on until today, however. The National Capital Bank which he helped start in 1889 and where he was both director and vice-president, continues its operations at 316 Pennsylvania Ave SE. His grandson, George Didden, took over operations there in 1943 and served as president until 1995. Even today, great-grandchildren of Carry's continue their ancestor's work. ★

A History of the Washington Brewery

BY DONNA HANOUSEK AND BETH PURCELL



Washington Brewery dominated the landscape at 13th and D Sts, SE. Photo: www.shorpy.com

On Nov. 13, 2010, Capitol Hill Restoration Society sponsored a walking tour of Hill East Alleys. In addition to 19th Century alley dwellings in five alleys, the tour also featured one of Hill East's most notable and successful commercial ventures in the 19th century—the Washington Brewery. The Brewery, which was located in Square 1041—which is bounded by D Street, E Street, 14th Street, and 13th Street, S.E.—is the subject of this article.

The story begins, as local historian Cindy Janke explains, with George and Theresa Beckert's purchase of half of Square 1042 in 1850 (for the price of \$628.07). The Beckerts, who lived in a small two-story frame house at 1352 E Street, SE, began the brewery sometime in the 1850s. On the

east, along 14th Street, was Beckert's Garden, which included a restaurant, saloon, bandstand, dance pavilion, amusement park, playground, and a picnic area. After George Beckert died in 1859, the brewery was owned by two sons-in-law whose partnership lasted only three years. After that, the brewery was operated by son-in-law Herman Richter and Beckert's Garden was operated by son-in-law Herman Meyer. Sometime in the 1870s, John Guethler operated the garden and brewery together.

In 1884, there was a building permit for a dancing pavilion and outhouses on the east end of Square 1042 (today's Safeway site). The 1888 city directory listed Henry Rabe's Washington Brewery, at what they called "Washington Park," advertising picnics, festivals, and outdoor amusements. It

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is worth noting that listings for the Navy Yard Brewery and Washington Brewery in the 1880s and National Capital Brewery in 1890, were all listed at the same location. So we know there were changes in both who owned the businesses and in what they were called. The 1917 photo shown here depicts the National Capital Brewery (designed by A.C. Wagner and constructed between 1890 and 1891). This brewery was a combined enterprise between Albert Carry and the Robert Portner Brewing Company. Carry, who had operated a brewery between E and F and 4th and 5th Streets, N.E. since 1886, sold that brewery in 1889 and then acquired the land in Square 1042 in 1890 for this new endeavor. This brewery was a prominent five-story brick structure that was as tall as an ordinary seven or eight-story building because of its tall floors, covering an area 94 x 136 feet. It had handsome stone trimmings and a graceful cupola. Attached to the main building were several roomy and substantial outbuildings, including an engine house, stable, and cooorage (where the beer kegs were stored). The company used nine wagons and 30 horses to deliver its beer—100,000 barrels a year.

1331 D Street, S.E. is a Colonial Revival building constructed in 1899 as an apartment building. D.C. Historic Preservation Office staff say that at one time this was where the brewmaster lived. We don't know for certain, but it would certainly have been a convenient location and we do know that buildings related to the brewery were built as late as 1912 (when the ice storage building was constructed in the alley). Whoever lived at 1331 D Street enjoyed an especially handsome and highly-ornamented building, with its Roman brick facade, decorative cornice with patterned frieze, and fluted pilaster at the door surround. If it was the brewmaster's home, this would be the only remaining building from that most exciting era.

In 1891, the Washington Evening Star reported that the brewery did not make its beer for shipment. Their beer was a good pure quality of beer for local use so it can be drawn from wood and not adulter-

ated with any chemical whatsoever in order to make it a beer that keeps well. A 1910 ad suggested "[t]he true meaning of temperance—is not total abstinence...drinking GOOD beer in moderation PROMOTES rather than retards the growth of true temperance." (Washington Post, March 3, 2010)

However, not everyone drank beer in moderation. One night in August 1886, at the brewery's employee picnic, things got really out of hand; after a lot of drinking, there was a major fight with beer glasses flying and overturned tables and chairs.

On March 18, 1899, Lizzie Johnson, who lived in Guethler's Court, had a very bad day. She was born in 1860 in Maryland, married, but her husband died before 1900. As of 1900, she was doing general housework and boarded with another family. That day Lizzie Johnson and John Sherman (who also lived on Guethler's Court) were drinking beer at Lizzie Johnson's house, where she had two kegs of beer. A policeman was attracted by noise from Johnson's house. After he arrived, the policeman and Sherman started fighting. They went upstairs, rolled down stairs, then Sherman ran out into the rear yard. Neighbors urged Sherman to give up, but he refused. Sherman threw something at the policeman, who then shot and arrested him. Police said that Sherman had a bad reputation. Johnson was arrested for "profanity." Sherman was hospitalized, recovered, and returned to live at Guethler's Court. Sherman's mother, Anne Sherman, lived at 1332 Guethler's Court in 1900. John Sherman does not appear on the 1900 Census, but by 1910, he was living at 419 Guethler's Court with his mother. His 1910 occupation was "general work."

Enterprising neighbors bought kegs of beer and sometimes operated unlicensed bars. In 1883, John Guethler was caught operating an unlicensed bar. In 1906, Edward Henson and Emma Carroll (who may or may not have been residents of Guethler's Court) were selling beer without a license at 17 Guethler's Court. Police arrested them and confiscated a keg of beer. ★

Kitty Kaupp & Tati Kaupp

Coldwell Banker Residential Brokerage
605 Pennsylvania Ave SE
202-741-1699, kkaupp@cbmove.com



530-532 7th Street SE \$3,150,000
Commercial zoned C2A. Edwardian Brick Two Story, elegantly appointed semi detached bldg. 6553 SF of office space. Pkg- 17 Available land for future development. Land area 7,923 SF. Prime location at Eastern Mkt & Metro & PA Ave SE, Navy Yard. 8 blocks from the US Capitol, House Side.



635 Pennsylvania Ave SE Lease
\$3,000 / Month Commercial Lease.
2nd Floor office space, 1200 Square Feet with street front entry. Renovated with open layout, glass block, light-filled windows, roof deck. Located between 6th & 7th and Pa Ave SE at the Eastern Market & Metro, retail & commercial corridor. Barracks Row-8th Street & Navy Yard just blocks away. Walk to US Capitol, House side, Library of Congress



22 15th Street NE #22 \$519,000
Historic Car Barn loc on East Capitol St. 2BR, 2.5BA unit on 2 levels. Approx. 1462 SF. Open floor plan LR+DR, Large eat-in Kitchen, granite counters, separate pantry + W/D room. Oak Hardwood floors, CAC. MBR w/ ample double closets. Spacious 2nd BR + 2nd BA. Ample storage. Private front patio. Pkg space included. Outdoor pool. Near Lincoln Park, a quick walk to Eastern Market & Metro.

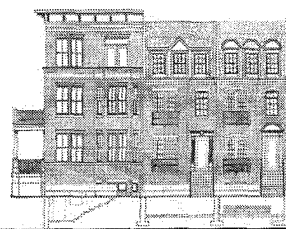


316 F Street NE Commercial Lease
Strategic location on Historic Capitol Hill at US Capitol and Union Station, Senate side, SEC building & Mass Ave retail corridor. 8402 Square Feet available in increments from 165 SF up, on 1st & 2nd levels. Lower level available 2000 SF. Beautifully renovated building with high ceilings, large windows, marble lobby. Grand presence.



1365 Independence Ct SE \$799,000
Brick 4 level end unit at Bryan Square TH. 3 BR 3.5 BA + Family Room/Den. New const. 2004 LR/DR, Frpl + Kitchen open flow/entertaining. Hrdwd fls, granite & SS Kitchen + office area. Marble BA, Master sep shower + tub, double vanities. Walk in closet. Custom upgrades incl Lutron Whole House Light Control System, whole house ethernet. Roof top terrace w/ skyline views + 2 car Garage/Pkg.

1400-1404 K Street SE Land 3 Buildable Lots \$695,000
6000 SF Land Area, 3 Buildable lots, 6 Grand units 2000sf each or 3 2-Unit Town houses, 13,000 GBA. Blueprints available. Traditional Capitol Hill design. 1.5 blocks to Pennsylvania Ave, Jenkins Row Condos & Harris Teeter grocery. Potomac Avenue metro steps away. Walk to Eastern Market & Barracks Row retail.



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