GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: May 2, 2001

SUBJECT: BZA Application 16619 - Request for a Use Variances by Parry and Romani Associates, Inc. to use the residentially zoned property at 233 Constitution Avenue, NE, as an office.

APPLICATION

Application of Parry and Romani Associates, Inc, for a use variance to §330.5 (R-4 Districts: General Provisions) pursuant to §3104 of the Zoning Regulations to allow an office use of the residentially zoned row house at 233 Constitution Avenue, NE, Lot 39, Square 758. The property is in the CAP/R-4 zoning district.

BZA
Case No. 16619
Exhibit No. 38

SUMMARY RECOMMENDATION

- The Office of Planning recommends denial of the application.

BACKGROUND

The applicant is requesting a use variance to use the residentially zoned property at 233 Constitution Avenue, NE as an office for a lobbying firm.

AREA DESCRIPTION

The property is located in Lot 39, Square 758, in the northeastern quadrant of the District. The property is developed with a four-story brick structure and sits at the corner of Constitution Avenue and 3rd Street, NE. The neighborhood is located directly north of the U.S. Supreme Court and the U.S. Capitol. The neighborhood is predominately residential with row houses dating to the late 19th and early 20th centuries. Along the 200 block of Constitution Avenue there are several multi-unit residential units. The area prominently establishes the western end of the Capitol Hill residential community.

Board of Zoning Adjustment
District of Columbia
CASE NO.16619
EXHIBIT NO.38

EXISTING ZONING AND VARIANCE REQUEST

The property is zoned CAP/R-4 residential and is located in the Capitol Hill Historic District. The surrounding neighborhood is also zoned CAP/R-4 and developed as residential rowhouses, converted apartments and small apartment buildings. With the exception of a small triangular commercial district between Maryland and Massachusetts Avenues, a few blocks to the north, the entire Capitol Hill residential community is zoned R-4. This residential district extends eastward to RFK Stadium and northward to the H Street.

R-4 Residential District

The R-4 zone district is designed to include those areas "developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families." (§330.1)

Capitol Interest (CAP) District

The CAP district has been particularly designed to provide land use and development controls for land that may impact the U.S. Capitol precinct and adjacent areas. This property is included in the adjacent historic residential area east of the Capitol. The application does not involve any change to the footprint, square footage or height of the building therefore it is not affected by the bulk and height requirements of the CAP district. The uses and development standards for the CAP/R-4 district are summarized in the table below.

ZONE	Matter of Right Uses	BZA Approved Uses	Height	Floor Area Ratio Max.
CAP/ R-4	Single family detached and attached, row dwellings and flats; child day care(15), health clinic, hospital, museum, church, public schools, youth care home, rooming house, fraternity or sorority house.	Group homes, private stables, community centers, parking lots, emergency facilities, rehab homes, universities, commercial antennas,	40 feet	1.8

Capitol Hill Historic District

Although the property is within the Capitol Hill Historic District, the Historic Preservation Division has no review authority over zoning variances. Their authority covers exterior modifications and none are proposed as part of this application.

Variance Request

The applicant is requesting a variance to use the property completely as an office with no residential uses (§330.5). The applicant has not supplied any documentation to justify the variance request or establish their eligibility for relief under §3103. The application was filed in July 2000 with the original hearing scheduled before the Board in November 2000. The application was postponed at the applicant's request and rescheduled for February 2001. Due to

the untimely passing of Mr. Parry, the hearing was postponed until May 17, 2001. The applicant submitted a letter dated May 1, 2001 requesting an additional continuance.

The Office of Planning has reviewed the file, visited the neighborhood and viewed the property on several occasions. There appears to be no hardship or "extraordinary and exceptional situation or condition" of the particular piece of property (§3103.2) that would keep the property from being used for residential purposes. To the contrary, the property is zoned R-4, row dwelling and is aptly developed with a row dwelling. The surrounding neighborhood is also zoned R-4 and developed as residential.

COMPREHENSIVE PLAN

The Generalized Land Use Plan identifies the area as moderate density residential. The Housing objectives of the Ward 6 Plan calls for the preservation of housing and includes an action to implement that objective that reads "Curtail conversions of residential properties to commercial office use." In balance to this action, the Urban Design and Historic Features sections include action items that read "Preserve the special character of East Capitol Street" and "Preserve and enhance the historic character of East Capitol Street."

The staff feels the requested use variance is contrary to these objectives and does not have foundation within the zoning provisions.

COMMUNITY COMMENTS

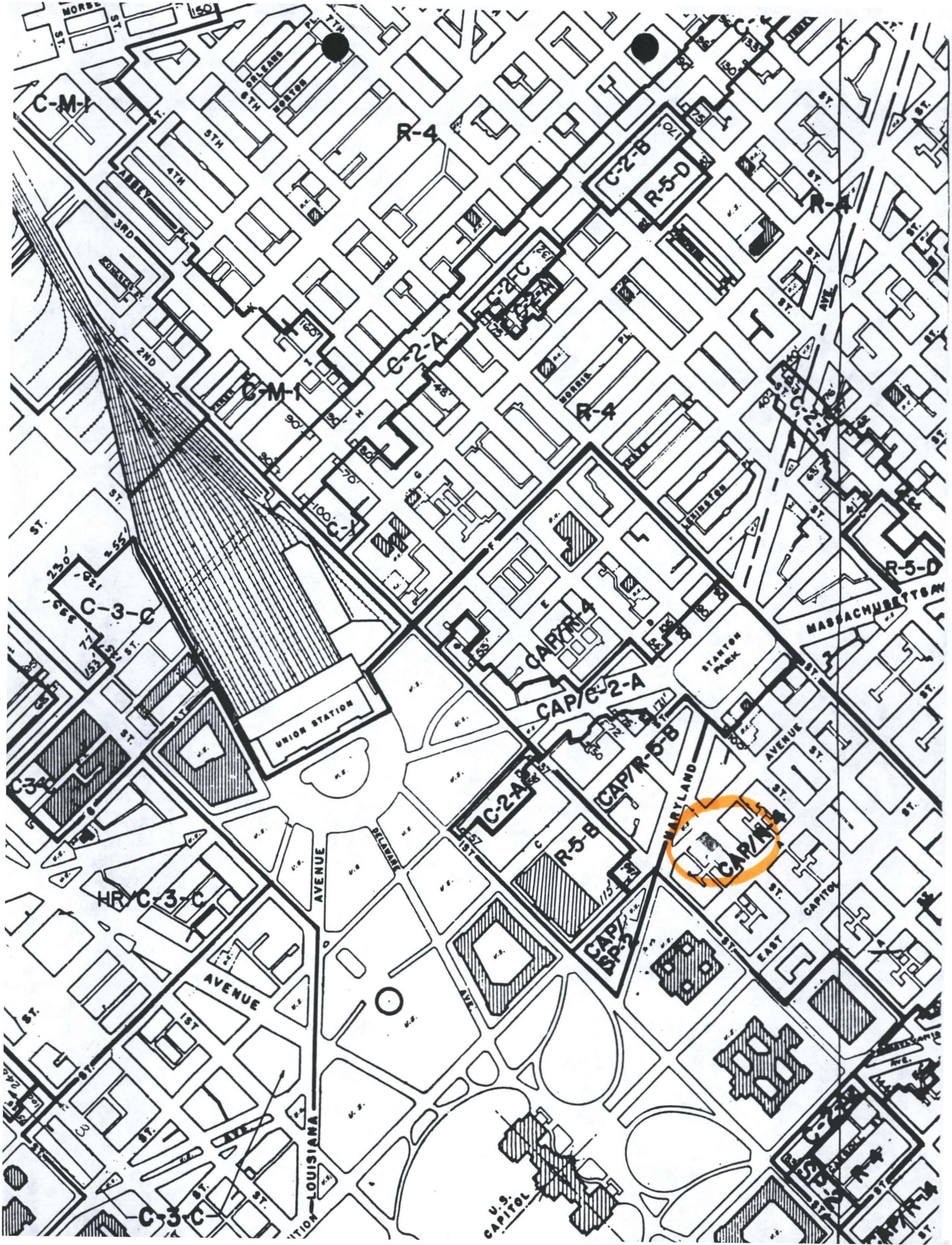
The application has received great opposition.
The **Capitol Hill Restoration Society**, the **Stanton Park Neighborhood Association** and several surrounding neighbors have all submitted letters stating their **opposition** to the application. A petition has been submitted opposing the application signed by 19 surrounding neighbors.

RECOMMENDATION

The Office of Planning recommends denial of the application. No statement of undue hardship or practical difficulty has been submitted and no effort made to meet the legal tests for a variance. OP believes that permitting a purely commercial use within a clearly defined and developed residential zone would indeed be detrimental to the public good and would substantially "impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends denial of the application.

AA/jls$_{AICP}$


C-M-1
R-4
C-2-B
R-5-D
C-2-C
C-2-A
C-M-1
R-4
C-2-A
R-4
C-2-A
R-5-D
C-3-C
CAP/R-4
CAP/C-2-A
STANTON PARK
UNION STATION
C-3-C
C-2-A
CAP/R-5-B
MARYLAND AVENUE
HR/C-3-C
C-2-A
R-5-B
CAP/R-5-B
CAP/SP-3
CAPITOL EAST
AVENUE
AVENUE
LOUISIANA
U.S. CAPITOL
C-3-C
C-2-A
SP-2
R-5-D
MASSACHUSETTS