GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: November 28, 2000

BZA
Case No. 16631
Exhibit No. 36

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SUBJECT: BZA Application 16631

APPLICATION

This application from the Alliance Francaise requests to establish a single-family dwelling on the second floor of an accessory garage located at 2142 Wyoming Avenue, N.W., pursuant to Section 2500.5 under Title 11 in the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of a use variance to allow the establishment of apartment for a school caretaker or teacher from the principal building to the accessory garage.

SITE AND AREA DESCRIPTION

The subject property at 2142 Wyoming Avenue, N.W., is developed with a three-story masonry row building with approximately 4,920 square feet (not including the basement) and a 1,024 two-story masonry garage, in poor condition. The garage shares a common wall along the eastern property line with another garage on the property at 2140 Wyoming Avenue, N.W. The subject property is zoned R-3 and located in the Sheridan-Kalorama Historic District.

The principal row building was constructed in 1911 as a residence. In December 1970, the City granted a Certificate of Occupancy to the Alliance Francaise to use the first, second and third floors of this building for a (foreign) language school, library and club with accessory office.

Wyoming Street, N.W., is a narrow tree-lined street with parking on both sides. Sections of the street are signed for diplomatic parking in front of the many embassies. Properties to the east and west are developed with three and four-story attached and semi-detached row buildings, also used as residences and a school. Immediately west of the subject property is the Embassy of Barbados (2144 Wyoming Avenue, N.W.) and Embassy of Sri Lanka further west at 2148

Board of Zoning Adjustment
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Wyoming Avenue, N.W. Surrounding properties are zoned R-3 and R-5-D along Connecticut Avenue, N.W. Properties across Wyoming Avenue, N.W., are developed with other three-story masonry embassy buildings and low-rise apartment buildings. These properties are zoned R-1-B, R-1-B-D and R-5-D along Connecticut Avenue, N.W.

The garage fronts on Tracy Place, a narrow alley that is ten to fifteen-feet wide. Parking is along the south side of the alley, next to masonry apartment buildings four-to-nine stories in height. These properties are generally zoned R-5-B.

APPLICANT'S PROPOSAL

The applicant, the Alliance Francaise, would like to renovate the second floor of the garage for a caretaker's residence. The Alliance Francaise of Washington is part of a worldwide federation of 1,300 alliances established to promote the French language and culture. To this end, the Alliance offers language classes led by teachers for whom French is their first language. Classes are held during the day, into the evening as late as 10:00 p.m. and on weekends.

The language school has grown over the years. Currently, there are at total of twenty teachers and 300-400 students, however no more than eight teachers and seventy students are on-site at any time. Most students are adults that work for corporations and foreign services. Approximately 80% are from the United States and 70%-80% attend at night. Laurent Mellier, the current Executive Director, also estimated that 60% of the students attend by public transportation and 40% drive themselves.

The Alliance also hosts a wide range of cultural activities on-site including receptions, exhibitions, public speakers and other social events. In a letter dated May 21, 1998, former Director Daniel Blondy stated "... we would like to be able to house a staff person on premises for security reasons, given the fact that we conduct our activities ... at hours that are sometimes quite late."

The applicant provided a survey plat of the existing property with the application. As the request of OP staff, preliminary architectural plans and elevations for the garage renovation were also provided.

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned R-3. Section 206.1 of the Zoning Regulations states that:

> "Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an [R-3] District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §[3104] of chapter 31 of this title, subject to the provisions of this section."

On May 19, 1970, the Board of Zoning Adjustment (BZA) approved Application 10379 to allow establishment of the Alliance Francaise language school, library, club and accessory offices in the former dwelling on the subject property (Exhibit 1). This request included utilizing the third floor in the principal buildings as living quarters for a caretaker and their family. The final BZA Order allowed the establishment of the proposed uses with two on-site parking spaces in the garage, instead of the four spaces required by the Zoning Regulations.

Section 2500.5 also states:

> "In an [R-3] ... district, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building."

This current request would locate living quarters for a caretaker of the referenced school on the second floor of the associated garage. This relocation will require a use variance from Section 2500.5 of the Zoning Regulations.

ANALYSIS
The applicant's proposal is subject to the following provisions of the Zoning Regulations.

Compliance with Section 3103.2
This section grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act:

> "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, 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 extraordinary 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 the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

This proposed use variance requires that this request meet the "undue hardship" standard.

The most exceptional aspect of this application is this request involves the provision of on-site caretaker for school use in a converted residence. The applicant established the need for a caretaker to be present in the referenced letter.

The existing uses are permitted on the property by right and allowed under the special exception approved in 1970. That special exception included a provision allowing for an on-site caretaker. The applicant is requesting that the caretaker be allowed to reside in the unused second floor of the existing garage instead of the principal school building. The undue hardship is that on-site caretaker, although permitted as part of the approved special exception and allowed under the existing zoning for servants associated with a residence, is not permitted under current R-3 zoning regulations.

OP staff determined these circumstances – servants for a residence and caretaker for a school - to be very similar. Therefore, the requested variance could be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates the surrounding area for moderate density residential uses, with row houses and garden apartments the predominant uses. Properties along Connecticut Avenue, N.W., are designated medium density residential. The Comprehensive Plan, which is the legal basis for zoning in the District, enunciates, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states:

> " The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. ...
>
> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. ...
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

In Title 11, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives include "(1) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; …"

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 1D was notified about this proposal. No meeting has been scheduled to discuss it.

The Sheridan-Kalorama Historical Association was notified about this proposal. To date, no comments have been received.

Letters of support were received from Dr. Louis D. Kaplan (2154 Wyoming Avenue, N.W.), Nicholas & Betty PoPovici (2150 Wyoming Avenue, N.W.), Eugene P. Vricella (2152 Wyoming Avenue, N.W.) and Elizabeth C. Ely, Director of The Field School (2126 Wyoming Avenue, N.W.).

AGENCY COMMENTS
Historic Preservation Review Board (HPRB) staff indicated that construction plans for this proposal would be referred to HPRB upon submission of the building permit application (after final BZA action). The principal concern would be changes to the exterior. Conceptually, the staff thought the preliminary plans were generally acceptable.

A Plan Reviewer for Department of Consumer and Regulatory Affairs (DCRA) reviewed the preliminary architectural plans and did not express any concerns.

In a letter dated October 26, 2000, the District of Columbia Fire and Emergency Services Department indicated that it had no objection to this proposal (Exhibit 2).

RECOMMENDATION
The Office of Planning recommends approval.

AA/afj

Attachment

Exhibit 1 Board of Zoning Adjustment Order – Appeal No. 10379, effective date May 13, 1979
Exhibit 2 Letter to Andrew Altman, Director, Office of Planning, from James N. Short, Jr., Battalion Fire Chief, dated October 26, 2000

Exhibit 1

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - May 13, 1970

Appeal No. 10379 Henry J. Tasca, et us, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of May 19, 1970.

EFFECTIVE DATE OF ORDER - March 8, 1971

ORDERED:

That the appeal for permission to establish a language school, library, club and accessory offices for Alliance Francaise de Washington at 2124 Wyoming Avenue, NW., Lot 203, Square 2528, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.

2. The subject property is improved with a three (3) story building which was formerly used as a private residence. The subject property is now vacant.

3. Appellant proposes to establish a language school, library, club and accessory offices for Alliance Francaise de Washington.

4. Appellant proposes to use the third floor of the subject building as living quarters for the caretaker and his family, with the remaining portion being used for educational purposes.

5. At present, the number of classes held per day varies from 2 to 4 with a maximum of 2 classes being held at any one time. Class size is limited to 12 students. Classes are offered Monday through Thursday. Class hours are 10:30 a.m. to noon, 1:30 p.m. to 3:00 p.m. and 6:00 p.m. to 7:30 p.m. A substantial portion of the students use public transportation or taxis to attend classes. The present administrative and teaching staff consists of approximately 3 persons.

6. The Zoning Regulations require four (4) parking spaces. Applicant proposes to provide two (2) parking spaces and has requested a waiver as to the remaining two (2) parking spaces. Applicant bases his hardship in providing the required number of spaces on the size and shape of the subject lot.

7. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the use of the subject premises as a school is not likely to become objectionable to the neighboring property because of noise, traffic, number of students or other objectionable conditions.

We are also of the opinion that appellants have proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and excpetional practical difficulties and undue hardship upon the owner. Appellants' property is such that the required parking spaces cannot be provided on the site. The denial of this requested relief would prevent a reasonable use of the property.

The requested relief can, in our view, 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.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____
PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Exhibit 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: James N. Short, Jr.
Battalion Fire Chief

DATE: October 26, 2000

SUBJECT: BZA Application No. 16631 - Application by Alliance Francaise to Renovate the Second Floor of an Existing Garage for a Single-Family Dwelling at 2142 Wyoming Avenue, N.W.

The D.C. Fire and EMS Department has no objection to BZA Application No. 16631.

If you have any questions, I may be reached at 727-3659.