GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: April 2, 2001

SUBJECT: BZA Application 16668 - Request for special exception relief, a variance to the parking requirements and a variance to the side yard setback for a Community Service Facility proposed by the Latin American Youth Center for property at 3035 15th Street, N.W.

APPLICATION

Application of the Latin American Youth Center (LAYC) for:

1) Special exception relief pursuant to 11 DCMR §3104.1 for a Community Service Facility, §334.1,
2) A variance pursuant to 11 DCMR §2101. from the parking requirements, and
3) A variance pursuant to 11 DCMR §3103.2 from the side yard setback requirements, §405.9,

For the property at 3035 15th Street, N.W., Square 2672, Lot 872. The property is in the R-5-B, moderate density residential, zoning district.

The applicant wishes to improve an existing single-family structure and convert it into a community art center. The improvements include:

1) A building addition to the rear southwestern corner of the building,
2) A new exterior rear balcony, rear deck and associated stairs,
3) A new front porch addition, and
4) A new front ramp.

The special exception relief includes the use as a community service center and a waiver to §334.3 (no structural changes). Two variances are requested; one for the side yard setback and one for the parking.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the application with the following condition:

- All outdoor performances must end no later than 10:00 P.M.

Case No. 16668
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16668
EXHIBIT NO.33

BACKGROUND

The organization information and history of the property have been detailed in the applicant's submitted statement. In brief, the Latin American Youth Center is a non-profit community-based organization providing a wide range of cultural, health and training services to the community residents.

The property that they propose to use for a community arts center has been neglected and boarded up for many years and has been a blight for the neighborhood. The LAYC bought the property in July 1999 with the stated intention of improving the property for use as an Arts Center:

> "The LAYC envisions 3035 as a neighborhood youth-centered entrepreneurial arts learning community, replete with an Art Gallery, small seasonal outdoor theater, and performing arts facility including space for visual and performing art classes and related activities."

The property is reported by the Zoning Administrator's office to have a building floor area of 4,313 square feet and the lot an area of 6,304 square feet.

AREA DESCRIPTION

The property is located in Square 2672, Lot 872, in the northwestern quadrant of the District. The neighborhood is predominantly multi-family residential. The property sits in the middle of the block on the eastern side of 15th Street. It is adjacent to two attached dwellings and the Central Presbyterian Church property to the north. To the south and west are attached dwellings and apartment buildings.

EXISTING ZONING AND VARIANCE REQUEST

The property, and eastern side of 15th Street along this block are zoned R-5-B residential. The neighborhood across 15th Street is zoned R-5-D and developed with several apartment buildings.

R-5-B Residential District

The R-5 zone district is designed to permit "all types of urban residential development if they conform to the height, density and area requirements established for those districts..."(§350.1) The zone also permits "the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses..."(§350.1)

ZONE	Matter of Right Uses	BZA Approved Uses	Side Yard Setback	FAR Max.
R-5-B	Detached, attached and row dwellings, flats, child day care(15), public schools, youth care homes (15), residences for private schools, greenhouses, museums, churches, health clinics, hospitals	Multi-unit residential developments, group homes, private stables, community centers, ***community service centers***, emergency facilities, parking lots, rehab homes, universities, commercial antennas, health care facilities	6 feet	1.8

Special Exception Relief:

It is the Office of Planning's position that the applicant has satisfactorily provided support for a special exception under the requirements of Section 334 of the Zoning Regulations and demonstrated that the proposed Community Arts Center can meet the requirements with some waivers as may be granted by the BZA. The application demonstrated that the project can be accomplished in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties. Specifically:

334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted in an R-4 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

The applicant, LAYC, is committed to improving the social and economic well being of the community. They have provided detailed descriptions of their services and programs that fulfill this commitment. These include tutoring, summer job placement, drop-in recreational facilities, and a wide range of health education, social service, and transitional living programs.

334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

The LAYC owns the adjacent two properties to the north and the adjacent property to the south. The applicant will be significantly improving the building, making it once again a viable neighborhood structure. The Art Center is located in a moderate density area and will be able to service the neighborhood without the need for automobile traffic. The primary clientele of the Art Center are young teenagers and young adults from the neighborhood..

To ensure that there is no adverse impact due to noise, OP suggests that the outdoor performances be limited to performances that end no later than 10 P.M. OP believes that this would limit any objectionable impacts due to noise on the neighborhood.

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

OP discussed this provision with the Zoning Administration staff of the Building and Land Regulatory Administration. It was their opinion that the Board may waive this section as part of the special exception relief. The alterations proposed for the building include a small rear addition that will "square off" the building, a rear deck, balcony and stair tower, a front porch and a handicap access ramp. The ramp brings the building into compliance with the ADA requirements.

The applicant has proposed these additions in an effort to make the building functional as a Community Arts Center. The building was constructed prior to 1958 and been badly neglected in the last decade. Structural changes are required to bring the building up to current standards and building codes.

The purpose of the restriction on building alterations was an element of the original zoning provision for "*temporary* community service centers." The restriction remained within the code when the provision was changed from temporary. It was originally intended to avoid changes that made it impossible to return the building to residential use. The proposed building changes do not appear to preclude the return of the building to residential use if that were ever to be the case.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The use is an out growth of the LAYC operations at their Columbia Road facility. The subject users of the Community Art Center are the neighborhood youth and young adults. The Art Center is in the neighborhood where most of the users live and for those who don't live nearby, there is the nearby Columbia Heights Metro station that provides convenient public transportation.

334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual.

The application states that the Art Center will be run by the LAYC, which is a non-profit organization, for the benefit of the neighborhood youth who use the center. The Art Center is not organized for profit and the only sales cited in the application are related to a snack bar for those using the center.

The application is also required to meet the requirements of Section 3104.1 for Special Exceptions as follows:

"…. special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, …."

A non-profit Community Service Center is a permitted use in the R-5 zone, subject to approval of the BZA. The proposed Art Center fulfills the intent of the Zoning Ordinance and Zoning Map that allow uses that are compatible to residential areas to create a suitable residential environment. The request for the rear addition, deck and balcony will not impact the surrounding neighborhood, as they will not be readily visible from 15th Street. The building will maintain its scale, consistent with the adjacent buildings.

The proposal will draw a modest increase of Art Center users and staff. The application reports that the maximum expected occupancy would be 50 individuals. Any additional traffic generated by the building will be primarily foot traffic from the neighborhood or the Metro.

Variance Request - Required Side Yard Setback
The variance is to allow an encroachment into the required side yard setback (§404.1). The required side yard setback as noted above is eight (8) feet in the R-5-B zone. The applicant's proposed addition will add a new stair tower and front porch that would encroach into the left side yard. The left side of the existing building has an existing non-conforming setback of 1.5 feet. The new stair tower and front porch will have a setback of 3.2 feet and will therefore require a variance of 4.8 feet of the required side yard.

Variance Request - Required Parking
The applicant has drawn attention to the fact that the property has only one off-street parking space. The applicant references that the most compatible use is that of an Art Gallery which would result in the Art Center needing five additional spaces for a total of six. The ZA staff felt that due to the lack of explicit parking requirements for a Community Service Center, that BZA could reference the parking situation in the special exception relief. A variance for parking was advertised to address the issue.

Exceptional Practical Difficulties
To be eligible for variance relief under §3103, the property must meet the standard for exceptional practical difficulty.

It is OP's conclusion that the property meets this standard and qualifies "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 property is long and narrow with the widest dimensions being 226 feet by 40.5 feet. The rear half of this long lot tapers to a point, making the rear of the lot even narrower than the front.

Side Yards: The building was constructed prior to 1958 and the left and right side yards are non-conforming due to the existing 1.5 and 6 feet setbacks respectively. It would be virtually impossible to bring the existing building into conformity with the current yard requirements and to deny the variance and require the proposed addition to meet the current requirements would create even more difficulty because the new addition would not be effectively aligned with the existing structure.

Parking: To require the construction of additional parking spaces on this unusual and narrow shaped lot would create exceptional practical difficulty for the owner by consuming almost the entire rear yard for parking and access thus restricting the improvements necessary to achieve the goal of a Community Art Center.

OP also believes the property qualifies under "...other extraordinary and exceptional situation or condition of a particular piece of property..." As stated previously, the property has been exceptionally neglected and the current condition of the building is particularly bad. A great deal of improvement is needed to bring the existing property up to current building standards. The restoration of the building is consistent with goals of the Comprehensive Plan and the resulting use as a Community Arts Center is consistent with the zoning district.

COMPREHENSIVE PLAN

The Generalized Land Use Plan identifies the property as moderate and medium density residential and open space. The Ward 1 Plan contains language regarding the appropriate reuse of abandoned and vacant buildings (§1231), and facilities that minimize traffic (§ 1214). OP believes this application does not contradict either of these objectives.

COMMUNITY COMMENTS

ANC 1A considered the application at their meeting of March 21, 2001 and voted to support the proposal and have submitted a separate memorandum to the Board.

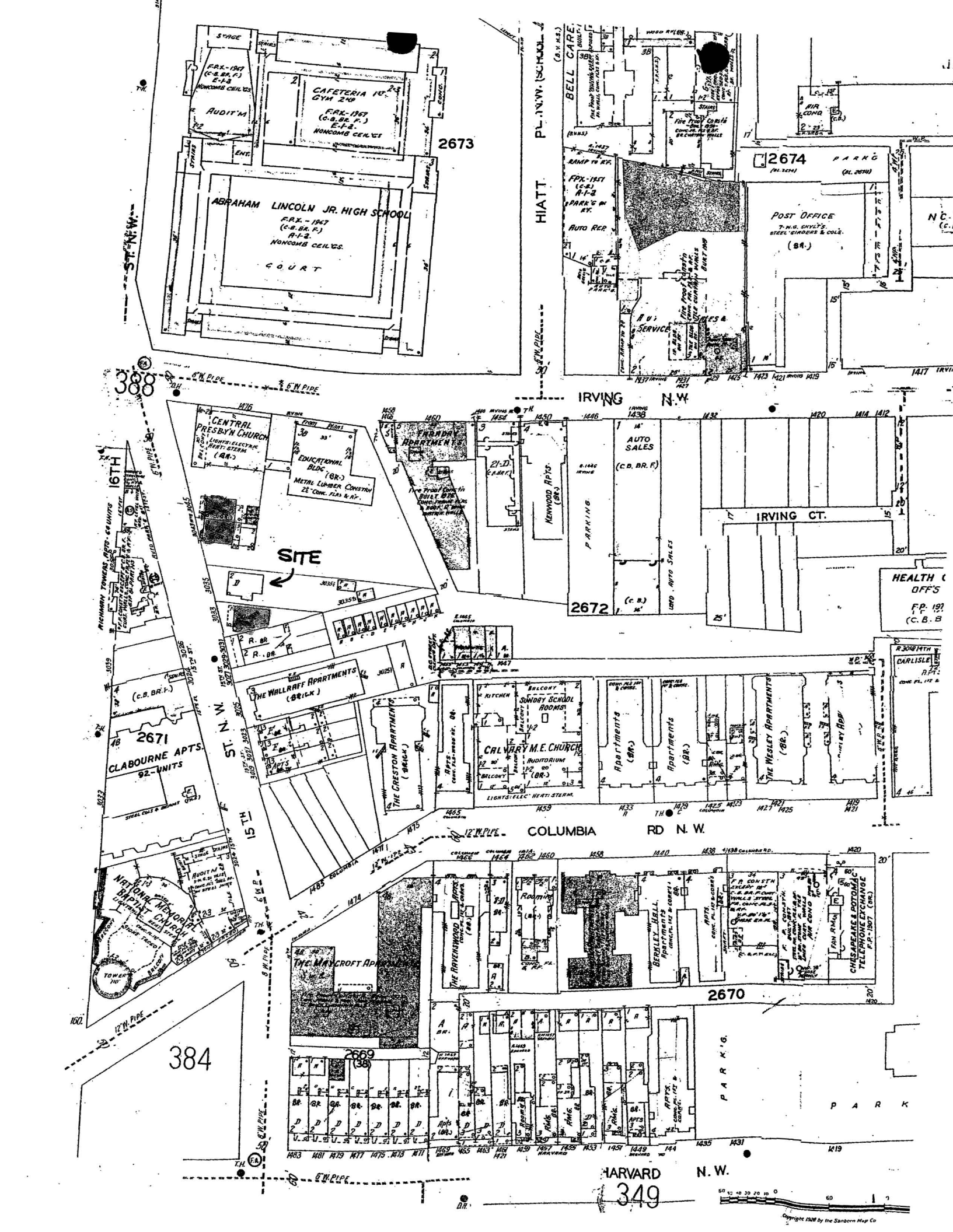
RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception and variances. OP concludes that the special exception, side yard variance and parking variance 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."

The Office of Planning recommends approval of the application with the following condition:

1) all outdoor performances must end no later than 10:00 P.M.

AA/jls$_{AICP}$


ABRAHAM LINCOLN JR. HIGH SCHOOL
F.P.X. - 1967
(C.B. BR. F.)
A-1-2
NONCOMB CEILGS.
COURT
CAFETERIA 1st
GYM 2nd
F.P.X.-1967
(C.B.BR.F.)
E-1-2.
NONCOMB CEILGS
AUDIT'M
2673
STAGE
ENT.
STAIRS
ST. N.W.
HIATT PL. N.W. (SCHOOL)
BELL CARE
2674
PARK'G
POST OFFICE
7-N.G. SKYLTS.
STEEL GIRDERS & COLS.
(84.)
AUTO SERVICE
AUTO SALES
AUTO REP.
RAMP TO R.F.
PARK'G ON R.F.
FPX-1957
(C-B)
A-1-2
FIRE PROOF CONCRETE WALLS
BURT HWY
IRVING
IRVING ST. N.W.
388
384
349
CENTRAL PRESBY'N CHURCH
(BR.)
EDUCATIONAL BLDG
(BR.)
METAL LUMBER CONSTN
22' CONC. FLRS & R.F.
SITE
16TH
15TH
ST. N.W.
RICHMAN TOWERS APTS. - 68 UNITS
THE WALLRAFF APARTMENTS
(BRICK)
THE CRESTON APARTMENTS
(BRICK)
2671
CLABOURNE APTS.
92 UNITS
CALVARY M.E. CHURCH
AUDITORIUM
SUNDAY SCHOOL ROOMS
KITCHEN
BALCONY
LIGHTS: ELEC. HEAT: STEAM.
Apartments (BR.)
THE WESLEY APARTMENTS
(BR.)
COLUMBIA RD N.W.
NATIONAL MEMORIAL BAPTIST CHURCH
TOWER 110'
THE MAYCROFT APARTMENTS
THE RAVENSWOOD
Rooms (BR.)
BERKLEY HALL
Apartments
CHESAPEAKE & POTOMAC TELEPHONE EXCHANGE
F.P. - 1907 (BR.)
2670
2669
(38)
PARK'G
PARK
HARVARD N.W.
TRIANGLE APARTMENTS
KENWOOD APTS. (BR.)
2-1-D
(C.B.BR.F.)
PARKING
AUTO SALES
(C.B.)
IRVING CT.
2672
HEALTH
OFF'S
F.P. 19
(C.B.B
CARLISLE
APTS
R 3018 14TH
8" W. PIPE
6" W. PIPE
12" W. PIPE
T.H.
F.H.
D.H.
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