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
Office of Planning

DATE: May 4, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Report on BZA Application No. 16688
Kain Family Limited Partnership, 1619 Connecticut Ave., NW

The attached report concerning a request from the Kain Family Limited Partnership, requesting a special exception for waiver of rear yard requirements, is being submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16688
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.16688
EXHIBIT NO.32

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: May 4, 2001

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16688
Kain Family Limited Partnership
1619 Connecticut Avenue, NW
Square 111 Lot 815

SUMMARY

The applicant, Michael R. Kain, President & General Partner, Kain Family Limited Partnership, the owner of the subject property seeks approval of a special exception for waiver of a rear yard requirement pursuant to §§ 3104 and 774.2. The applicant proposes interior renovations to a carriage house on the subject property to create retail space connected to the 2-story retail expansion of adjacent lots 85 and 86.

Issues:

- In considering this case, the Board must determine if the windows are separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants. Based on the analysis of the Office of Planning, the proposed design will provide adequate light and air and protect the privacy of building occupants.
- In addition, the building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points. Due to historic character of this district and the contributing historic carriage house, which will be preserved, no additional parking spaces are required pursuant to § 2100.5. The existing alley provides loading space and access points.

- The Board should consider if the application would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Based on the analysis of the Office of Planning, the proposed design will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.
- The Board should determine if granting the special exception would adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Based on the analysis of the Office of Planning, the proposed design will not tend to affect adversely the use of neighboring property in accordance with Zoning Regulations and Zoning Maps.

Recommended Action:

The Office of Planning recommends approval of this application.

Background

The subject property is located a 1619 Connecticut Avenue, NW (Square 111, Lot 815) close to mid-block between Q and R Streets, NW (See Attachment 1). The subject property is in a C-3-B zone, the Dupont Circle Overlay District, and the Dupont Circle Historic District. The site is currently occupied by a 1-story retail music store fronting Connecticut Avenue and an accessory 2-story historic carriage house fronting a rear alley (See Attachment 2). The site, located in the Dupont Circle Historic District, sits in a neighborhood of predominately 4-story historic brick structures with a mix of retail commercial, office and residential uses.

The store shares a wall with the 4-story structure to the northwest and existing alleys, parking and driveways isolate the carriage house. A row of parking separates the 10' alley from the back of residential buildings on the east. Across the alley to the north is a 2-story commercial building. Currently, the applicant is constructing a two-story addition to 1609 and 1611 Connecticut Ave., directly to the south.

Development of the two additions to the south received conceptual approval from the Historic Preservation Review Board and final design review is currently underway with the Historic Preservation Division (See Attachment 3). The additions on those individual lots do not require any zoning relief.

Project Description

The applicant is constructing an addition to the adjacent principal building, which will share a common wall with the accessory historic carriage house on the subject property. If this application is approved the properties will be resubdivided and the carriage house will become part of the adjacent principal structure by constructing a connection through

the common wall. Though the historic carriage house, which is non-conforming due to rear yard requirements, could be renovated in accordance with 11 DCMR Title 11, § 2001.2, its connection to a principal structure and subsequent retail use is deemed to require special exception relief from the Board pursuant to §§ 3104 and 774.2.

Analysis

Comprehensive Plan

The Comprehensive Plan, in listing general policies for protection and enhancement of historic properties, recommends that the District "provide sufficient administrative flexibility in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public." The carriage house's location at the back of the lot and small size make connection to the principal building on the adjacent lot a practical reuse of the structure. Providing this zoning relief will be in keeping with this provision of the Comprehensive Plan, since it will enable commercial use of the structure, which will, in turn, provide the income stream necessary to restore the structure.

Zoning

Section 774 requires a year yard of 2½ inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet in the C-3-B zone. This may be measured as follows:

> 774.9 (a) Where a lot abuts an alley; the depth of rear yard may be measured from the centerline of the alley, to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty-foot (20 ft.) plane;

The roofline of the existing carriage house extends beyond the twenty-foot plane and has no setback from the alley. No reasonable modification to the structure would bring it into conformance with the zoning regulations and still maintain its historic integrity.

Sufficient Window Separation

In accordance with §§774.3 and 774.4 the distance between windows of facing buildings should be evaluated in granting a rear yard waiver.

> 774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.
>
> 774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

Several factors mitigate the concerns for adequate light, air and privacy.

1) The carriage house exists. Nothing requested in this application changes the distance between the carriage house windows and those of the neighboring property.
2) Due to the existing parking on the residential lots across the alley and the alley space to the north the surrounding buildings are separated from the carriage house by approximately 30', which is well within the minimum that would be allowed by the zoning code of 10' below the 20-foot plane and 27' above the 20-foot plane.
3) The windows in the carriage house are below the 20-foot plane.
4) The existing carriage house windows are a couple of feet below the residential windows to the east and completely below windows in the commercial building to the north.

Thus OP concludes that adequate light, air and privacy can be provided.

Adequate Off-street Service Functions

The code requires adequate provision of off-street service functions:

> 774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

Due to the historic character of this district and the contributing historic carriage house, which will be preserved, a parking waiver may be granted pursuant to § 2100.5. On-street parking is available in the surrounding area and the site is within a block of the entrance to the Dupont Circle Metro Station. The existing alley provides loading space and access points. As this is an existing structure no off-street service functions will be lost to this lot by the approval of this special exception. Thus OP concludes that off-street service functions are adequate.

In Harmony with the General Purpose and Intent

The intended use of the carriage house is in harmony with the purpose of the C-3-B zone. As indicated by §2001.2 and the general purposes of Chapter 20, structures existing prior to the adoption of the Zoning Act may be occupied and alterations and modernizations to the structure are permitted. The intent of the rear yard requirements of §774 are to provide light and air, privacy and adequate space for off-street service functions which are addressed above. Based on foregoing, the proposed design will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Adversely Affect Use of Neighboring Property

Due to the fact that this is an existing nonconforming structure, the proposed use is a conforming use, and the adequate alley and parking space to the rear of the structure, the Office of Planning does not believe the proposed retail use of the existing carriage house would adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

Recommendation

The Office of Planning recommends approval of BZA application 16688 requesting a special exception from the rear yard requirements of Section 774.1 to permit use of the carriage house as a retail space and, if properly resubdivided, connection to the principal structure on the adjoining lot. This recommends the approval be conditioned and subject to the review and approval of the Historic Preservation staff person, whose report is required by §774.6, and is included herein. (Attachment 3)

ATTACHMENTS:

1. Location Map
2. Survey Plat
3. Historic Preservation Report