GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: July 12, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #16696

The attached report concerning BZA Application #16696 is being submitted less than 7 days prior to the Board of Zoning Adjustment consideration of the item scheduled for public hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment

AA/mbr

BZA
Case No. 16696
Exhibit No. 55

Board of Zoning Adjustment
District of Columbia
CASE NO.16696
EXHIBIT NO.55

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: July 10, 2001

SUBJECT: BZA Application #16696 (Craig and Ann Goodman)
3254 O Street, N.W. (Square 1230, Lot 809)

APPLICATION

The application by Craig and Ann Goodman (Applicant) requests, pursuant to 11 DCMR 3103.2, an area variance from the provision of Section 2500.4 that limits the height of accessory buildings to one (1) story or fifteen feet.

PROPOSAL

The original application proposed to add a second floor to the existing garage for a maid's quarters, housing for an elderly parent, and studio. This addition would increase the height of the building from 8 feet to 30 feet. The applicant has since revised the proposal and is now requesting to increase the height of the building from 8 feet to 20 feet and is therefore requesting a 5-foot variance.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the variance request be **DENIED**. The applicant has demonstrated that the property is unique and that adherence to the Zoning Regulations presents some difficulty. Additionally, certain aspects of the proposal will not impair the intent and purpose of the Zone Plan and Map. However, the proposed use could be a detriment to the community, as it could be interpreted as establishing a precedent for conversion of accessory structures to residential uses. If the Board feels that this can be mitigated, the Office of Planning recommends that the following conditions be added:

(1) The proposed residential portion of the accessory building shall not be rented and shall be used only as a maid's quarters and elderly parent.

(2) The variance shall be for a period of no more than 5 years.

SITE AND AREA DESCRIPTION

The subject property is mid-block property located at 3254 O Street, N.W. (Square1230, Lot 809) and is generally bounded by O Street to the north, Potomac Street to the east, N Street to the south, and 33rd Street to the west. The square is divided in an east-west direction by a 20-foot wide alley that runs along the rear of the subject site. Generally, the property is west of Wisconsin Avenue and north of M Street. The property is developed with a two-story plus basement, single-family detached house and a four-car garage to the rear of the property. The residence and the garage are approximately 150 years old. (Attachment 1)

The subject property is within the Georgetown Historic District. The area surrounding the subject site is predominantly a mixture of apartments, single-family duplexes, and single-family attached residences. Some of the single-family residences have been converted to rental units. The subject property is to the west of the historic St. John's Church, to the southwest of Anthony Hyde School, and is a block west of the Wisconsin Avenue commercial area. To the rear of the subject property and across the alley are five (5) attached homes that are designated as the Smith Row historic site.

ZONING REQUIREMENTS

The subject site is in the R-3 district that is designed for one-family residential uses including detached, semi-detached, row dwellings, flats, churches, and public schools. This house and garage were constructed prior to the implementation of the Zoning Regulations. However, the property conforms to all the requirements of the R-3 zone except for the lot width. The lot width required is 40 feet and the existing lot width is 36 feet. This requirement will not be affected by the proposed addition to the garage. The garage is a one-story structure and has a height of 8 feet. The proposal is to increase it to add an additional story to the structure to a height of 20 feet. Since the application for a Certificate of Occupancy, the applicant has purchased a small portion of land, 133 square feet, adjacent to the garage on the western property line. Therefore, the lot area, lot width, and lot occupancy calculations submitted by the Zoning Administrator's office have been revised to reflect the increase in land area. (See summary on Table 1)

Table 1

	REQUIRED	PROVIDED
Lot Area	4,000 sq. ft.	5,533 sq. ft.

Lot Width	40 feet	36 feet
Lot Occupancy	40% or 2,213 sq. ft.	33% or 1,830 sq. ft
Rear Yard	20 ft. minimum	20 ft.
Side Yards	8 ft. and 8 ft.	8 ft. and 0 ft.
Accessory Garage stories/ height	1 story/15 ft.	2 story/20 ft. (Proposed)

ANALYSIS

This application was scheduled for public hearing on May 1, 2001. At that time, the application had not been reviewed by the ANC and there were a number of neighbors who were opposed to the application due to the proposed height and use. The applicant requested a postponement of the public hearing in order to allow additional time to confer with the neighbors, revise the application, and give the ANC time to review the proposal.

The proposed variance request is to accommodate a second story addition to the existing garage at the rear of the property to be used for a maid's quarters and accommodations for an elderly parent. The existing garage has a total area of 756 square feet and is currently used as a parking garage for 2 cars. The garage is able to accommodate 4 cars and when the property was visited the applicant was in the process of removing stored articles in order to make use of all 4 spaces.

In the original application, the 1,128 square feet addition would accommodate 864 square feet of livable space comprised of 2 bedrooms, 1 bathroom, kitchen, living room, dining room, and a laundry/storage area and 264 square feet of space in the attic to be used for storage. The height of the building would be increased to 30 feet, which is 15 feet above that permitted by-right (Attachment 2). The modified proposal has significantly decreased the area of the proposed addition. The storage area has been deleted and the livable space has been reduced. Under the modified proposal, the height of the building has been reduced to 20 feet, which is only 5 feet over that permitted by-right (Attachment 3).

Historic Preservation

The subject property is within the Georgetown Historic District and is subject to review by the Old Georgetown Board and the Historic Preservation Review Board. The Old Georgetown Board will not review the application and make a recommendation until the BZA has made its recommendation.

Compliance with Section 3103.3

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The property is unique as it is within a community developed with single-family attached units and apartments. The site is one of the only properties within the immediate neighborhood that is developed with a single-family detached residence and is the largest of the surrounding properties. The property is developed with an approximately 150-year old detached house with parking garage to its rear. Between the house and the garage are a boxwood garden and other mature trees that contribute to the historic character of the property. In addition, a granite wall beneath the surface of the property represents an exceptional situation, as it will present problems with any expansion of the house.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property.**

In order to accommodate the maid's quarters and housing for an elderly parent, the applicant would have to expand the existing house. However, trying to expand on the existing house would be difficult due to the solid granite wall that would have to be removed to accommodate the new construction. The applicant argues that the access to the rear of the site between the house and the garage is not large enough to allow large equipment and machinery to cut through the granite wall to allow the expansion to take place and thus it would require manual removal. Additionally, they argue that this construction would destroy the boxwood garden. The applicant therefore feels that this constitutes an exceptional practical difficulty. The Office of Planning acknowledges that this situation does make the construction of an addition a complex venture, but such complexities abound in historic neighborhoods such as Georgetown, and OP is not convinced that it rises to the level of an "exceptional practical difficulty".

Since adding to the house would be difficult due to the lack of access to the rear of the house, the applicant has proposed adding 12 feet to the garage for a total building height of 20-feet, which is 5-feet above the 15-feet permitted. The additional building height requested is just enough to support the roof over the garage and the room height as specified by the Building Code. Under the Zoning Regulations the additional 7-feet over the existing garage would not meet the Building Code requirements.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The applicant has made every effort to minimize the impact of the proposal on the community. Some of these mitigation measures include using a roof with a less severe pitch and planting trees along the western property line to hide the proposed expansion when viewed from the adjacent properties (the tree planting has already been completed). The expansion will change the views from adjacent properties but will not block their light and air. While in one respect the proposed variance request to increase the size of the garage will not in itself impair the intent and purpose of the Zone Plan and Map since there are various other accessory buildings in the neighborhood that are approximately of the same height as the proposal, on the other hand, the Office of Planning shares the concern of the community regarding the precedential effect of approving a two-story, self-contained residence on the subject property. OP agrees that this could be detrimental to the intent of the Zone Plan. Though OP is recommending that such a conversion, were it to be allowed, would be permitted only for 5 years, in order to require the applicant to return to demonstrate that the property is not being used as a rental property, monitoring such use conversions is difficult. The Georgetown community has for many years opposed the conversion of accessory buildings to residential space for these same reasons. This application could open the door and give weight to the desire of other property owners to convert or make additions to their garages and in effect increase the density in the area as well as having a detrimental effect on the already adverse parking situation.

COMMUNITY COMMENTS

Many neighbors have voiced their opposition to the application and have not changed their opposition even with a reduction in the height and size of the addition. Their main concern is the precedent that allowing a self-contained residence would set and the possibility that it could lead to other conversions into rental units. These units could be rented to university students and lead to a change in the character of the neighborhood.

ANC-2E reviewed the proposal at their June 5, 2001 meeting and voted to oppose the proposal. The ANC rationale was that the proposal would establish a pattern that would encourage other residents to construct residential units along the alleyways and could be detrimental to the Zone Plan of historic Georgetown. In addition the ANC maintains that the application did not meet the test required for the approval of a variance under Section 3103.2.

RECOMMENDATION

The applicant has demonstrated the property is unique and that expanding on their existing house would be difficult. The increase in the height of the building would be consistent with the intent and purpose of the Zone Plan and Map. However, OP finds that the applicant has not met its

burden to demonstrate that adding the desired space to the main house, instead of increasing the size of the garage, would constitute a serious practical difficulty. In addition, OP finds that having a fully self-contained residence in an accessory building could be detrimental to the overall intent of the Zone Plan. The Office of Planning therefore recommends that the Board of Zoning Adjustment **DENY** the requested variances. However, if the Board sees fit to approve the application, then the Office of Planning recommends that the following conditions be added to the approval:

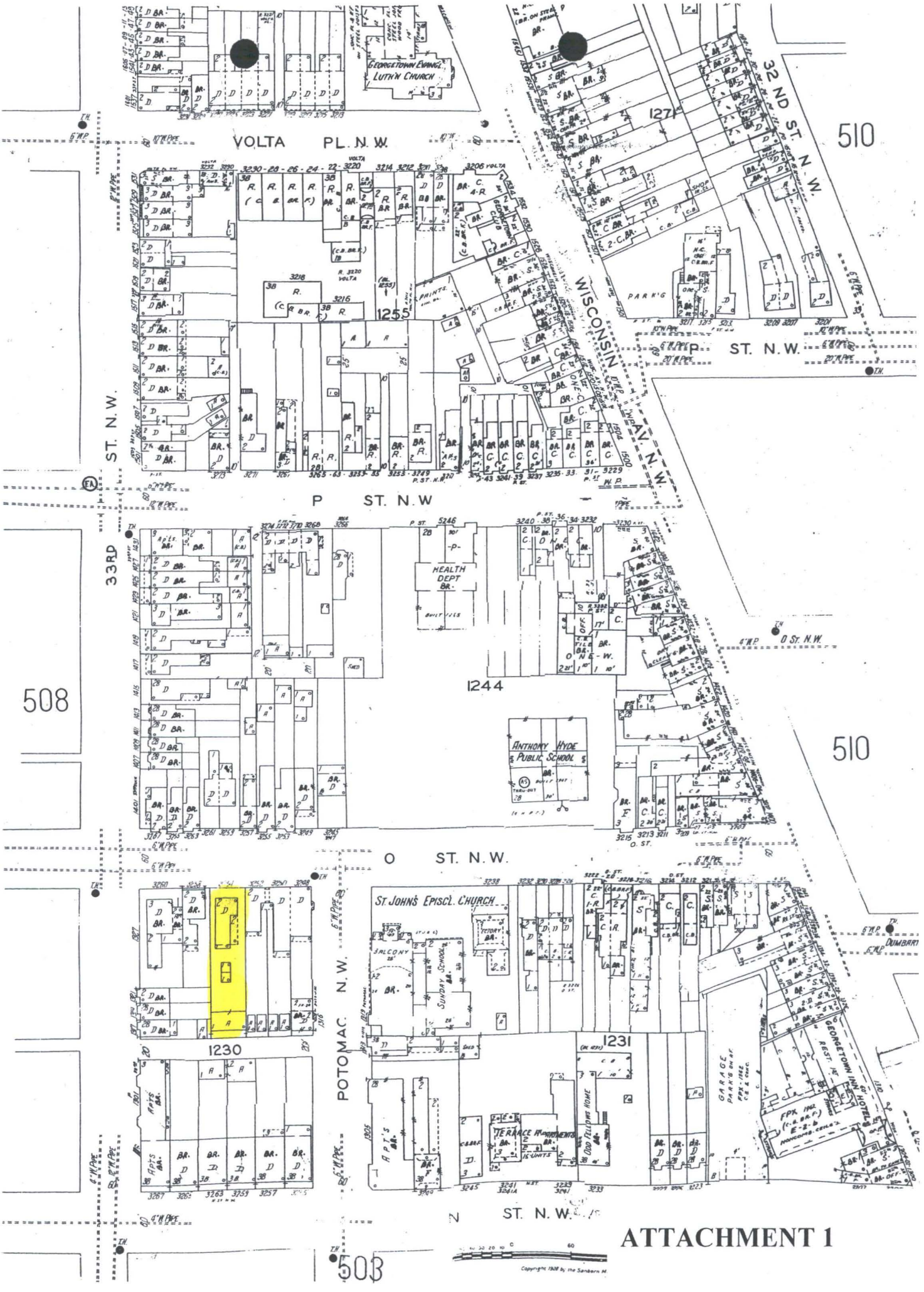
(1) The proposed residential portion of the accessory building shall not be offered as a rental accommodation at any time, and shall be used only as a maid's quarters and/or additional sleeping space for the residents of the main house or their extended family.

(2) The variance shall be for no more than a period of 5 years.

ATTACHMENTS:

1. Site Location
2. Original Proposal
3. Revised Proposal

AA/mbr



ATTACHMENT 1

MODIFIED ELEVATION

as of April 25, 2001

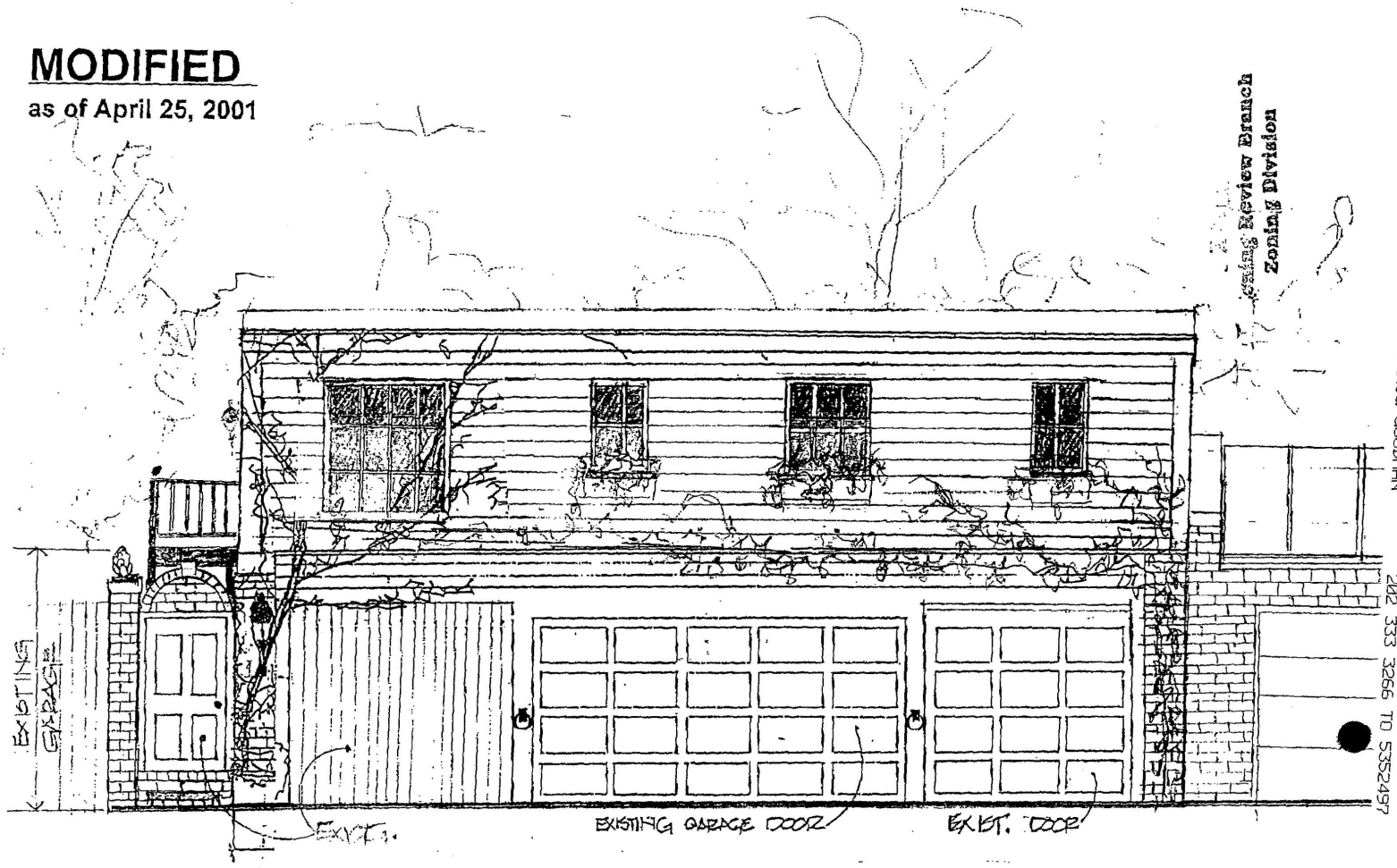


Maids Quarters

ATTACHMENT 3

MAY 15 '01 13:40 FR CRAIG GOODMAN 202 333 3266 TO 5352497 P.02/08

MODIFIED
as of April 25, 2001



4/25/01 CHANGES: HEIGHT REDUCED BY 11'-6"
MTL. ROOF, ONE WINDOW DELETED-SEE FLOOR PLAN, WINDOW SIZES ALTERED

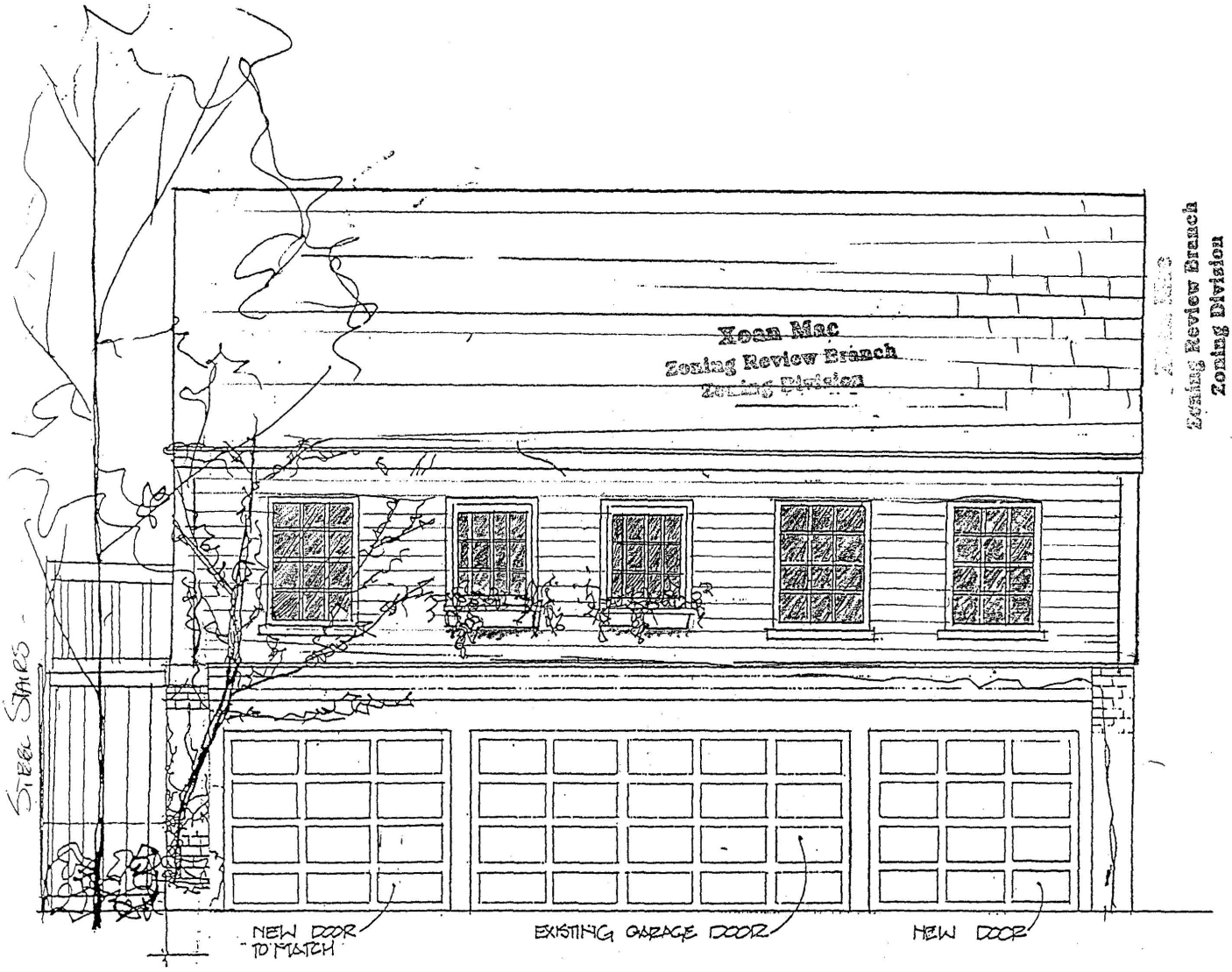
Zoning Review Branch
Zoning Division

MAY 15 '01 13:41 FR CRAIG GOODMAN 202 333 3266 TO 5352497 P.03/08



Maids Quarters

ATTACHMENT 2



Koon Mac
Zoning Review Branch
Zoning Division

Zoning Review Branch
Zoning Division

ALLEY ELEVATION (S)

SCALE: 1/4"