GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: September 5, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Supplemental Report on BZA #16727

The attached supplemental report concerning BZA Application #16727 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. 16727
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16727
EXHIBIT NO.33

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: September 4, 2001

SUBJECT: BZA Application #16727 (United House of Prayer for All People)
626 S Street, N.W. (Square 442, Lots 864 and 865) – SUPPLEMENTAL REPORT

At its July 17, 2001 public meeting, the Board of Zoning Adjustment (BZA) requested that the Office of Planning (OP) analyze the United House of Prayer for All People (Applicant) request for a variance from the lot occupancy requirements of §403.

SUMMARY RECOMMENDATION

The Office of Planning (OP) supports the development of residential uses on the subject property but concludes that the applicant has not demonstrated a rationale, other than economic, as to why it would be an undue hardship to develop the property within the maximum 40% lot occupancy. However, the applicant has demonstrated that granting of the variance will not be a detriment to the Zoning Ordinance or Map, will in fact make a significant contribution to the community, and is consistent with the aim of providing a variety of housing types and units sized to accommodate families of varying sizes and incomes.

PROPOSAL

The applicant proposes to demolish the existing building and replace it with a 3-story apartment building with 16 units. Consequently, the applicant is requesting a variance from §403 to increase the lot occupancy from the allowed 40% to 60%.

ZONING REQUIREMENTS

The subject site is in the R-4 District which allows row dwellings and flats by-right and permits the conversions of existing buildings to apartments on lots with a minimum lot area of 900 square feet. This zone allows a lot occupancy of up to 60% for row dwellings with multiple units and a maximum lot occupancy of 40% for all other structures.

ANALYSIS

In its application, the applicant has requested a variance to demolish the existing building and replace it with a new apartment building. As stated in the original OP Report, we support this variance based on the fact the existing apartment building is very old and does not meet the current building code standards. Trying to renovate the building to make it habitable would still not meet the code and could be very costly. The Board has requested that OP address the second request by the applicant for a variance to allow an increase in the allowable lot occupancy from 40% to 60%.

The standards by which the BZA should approve a variance are 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 subject property is unique due to its long and narrow shape that is unlike the other lots, except for two, in this and surrounding squares. These other lots have a similar shape and are developed with apartments similar to those proposed for this site.

> **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 to exceptional and undue hardship upon the owner of the property.**

Although the property has a long, narrow shape it does not result in undue hardship for the applicant to build an apartment building with a lot occupancy of up to 40%. The increase in lot occupancy would only serve to permit a larger building with a larger number of units.

> **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 proposal for increasing the lot occupancy will not be detrimental to the public good. The purpose of the lot occupancy requirement in the R-4 district appears generally to be to provide light, air, and open space to residences, and to regulate the density of development. The design of the building has utilized the fact that the property abuts two alleys and most of the units will have light and air coming from two directions. In addition, the design includes the creation of an internal courtyard to provide some recreational space for the residents. These amenities are provided even though the lot occupancy is increased. The increase to 60% lot occupancy is not strictly out of keeping with the intentions of the R-4 zone. Such a lot occupancy would be allowed if the structure were a rowhouse, school or church, or had been constructed prior to 1958. Therefore, granting this variance will not impair the integrity of the Zone Regulations and Map regarding light and air.

The proposal is consistent with the goal of the Comprehensive Plan to encourage residential developments in order to increase the number of residents within the District and it will contribute to the rejuvenation of the area around the Shaw/Howard University Metro Station.

SUMMARY AND RECOMMENDATION

It has not been demonstrated that building on the property within the maximum allowable lot occupancy will cause an undue hardship to the property owner. However, granting of the variance will not cause any "substantial detriment to the public good" and "will not substantially impair the intent, purpose, and integrity" of the zone plan as embodied in the Zoning Regulations or Map".

The project will result in the development of moderate and low-income residences that will contribute to the rejuvenation of the Shaw/Howard University area. In addition, the units are larger than those usually built for low income residents, as it is the aim of the applicant to provide units that are comfortable and meet the needs of perspective residents. Although economics should not be a consideration for granting a variance, the applicant is requesting the increase in lot occupancy in order to make the project economically feasible. Providing low and moderate-income housing requires that rents be minimized and affordable. Although the applicant is a not-for-profit entity it must still break-even on the costs, which they state may not be possible if the number of units were reduced.

The Office of Planning (OP) supports the project but concludes that the applicant has not demonstrated a an undue hardship other than economics, that would result from developing the property within the maximum 40% lot occupancy as required by §403.

AA/mbr$_{AICP}$