GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 16, 2001

SUBJECT: BZA Application 16748 - The Educational Organization for United Latin Americans

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APPLICATION

The Educational Organization for United Latin Americans (EOULA) has filed an application for a variance to §403.2, allowable lot occupancy requirements and §404.1, required minimum rear yard setbacks for the property at 1842 Calvert Street, NW.

The property is in the R-5-B, moderate density residential, zoning district.

	Permitted By Code	Proposed By Applicant	Percent Difference
§403.2 Lot Occupancy	60%	62%	2 % (apprx: 44 sq.ft.)
§ 404.1 Rear Yard	15 feet	7 feet 2 inches	52% (7'10")

In 1997, the applicant applied for and received approval of the cited relief. The applicant states in their pre-hearing statement that they were unable to begin construction within the requisite two years (§ 130) and the variance subsequently expired. Therefore, they are applying for re-consideration and approval of the same variance relief.

The purpose of the addition, according to the information provided by the applicant, is to make the building handicap accessible through the construction of ramps and an elevator, upgrade the building air conditioning systems, provide a second means of egress and add some usable floor area.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the application.

BZA
Case No. 16748
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16748
EXHIBIT NO.26

ORIGINAL

BACKGROUND

The Office of Planning has reviewed the case record from 1997 and determined that there are no new circumstances to change OP's recommendation. A copy of the 1997 OP and Historic Preservation staff report is attached for the Board's reference.

EXISTING ZONING AND VARIANCE REQUEST

The property is zoned R-5-B residential.

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
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

Variance Request – Lot Occupancy

The proposed addition will exceed the allowable lot occupancy by two per cent (2%).

Variance Request - Required Rear Yard Setback

The variance is to allow an encroachment into the required rear yard setback (§404.1). The required side yard setback as noted above is fifteen (15) feet in the R-5-B zone. The applicant's proposed addition would extend into the required rear yard by seven feet, two inches (7'2").

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, both in 1997 and currently, that the property meets this standard by virtue of the buildings age, having been built in 1900, and the constraints of historic preservation that have restricted the construction of an additional story, which would otherwise be permitted as a matter-of-right. Restricting the construction of an additional story limits the opportunity for expansion and the improvements needed to make the property accessible.

COMMUNITY COMMENTS

The applicant has reported that they have received a recommendation of support from ANC 1C. A written resolution should be provided by the hearing.

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 variance. OP concludes that the two requested variances 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.

AA/jls$_{AICP}$

Government of the District of Columbia

Office of the
Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

NOV 19 1997

97 NOV 19 P2:48

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Jill C. Dennis
Director

SUBJECT: BZA Application No. 16289

APPLICATION

Application of Educational Organization For United Latin Americans (EOFULA), pursuant to 11DCMR 3107.2 for a variance from the allowable lot occupancy requirements (Subsection 403.2) and a variance from the minimum rear yard setback requirements (Subsection 404.1 for an addition to an existing structure in an R-5-B District at premises 1842 Calvert Street, NW (Lot 33, Square2548).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of this application.

APPLICANT'S PROPOSAL

The applicant is prosing to construct a two-story rear addition to a single-family rowdwelling presently used for a nonprofit organization in an R-5-B zone.

SITE AND AREA DESCRIPTION

The site is located on the southeast corner of Cliffbourne Place and Calvert Street N.W. and consists of one lot of record containing 2,560 square feet of land area. The site is developed with a two-story single-family row dwelling built in 1900.

The area surrounding the site is characterized by having large rowhouses, some of them converted to multiple family dwellings or offices for nonprofit organizations. In addition, there are a number of midrise apartment buildings scattered thoughout the area.

CASE NO. 16289
EXHIBIT NO. 23

11/19/97

EXISITNG ZONING AND RELIEF REQUESTED

The site is located in an R-5-B zone district. This zone permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum floor area ratio (FAR) of 1.8, a maximum lot occupancy of 60 percent, a maximum height of 60 feet, and a minimum rear yard depth of 15 feet.

The applicant is requesting variances from Subsections 403.2 and 404.1 to allow a two-story rear addition to an existing conforming rowhouse in an R-5-B zone district. Copies of these regulations are attached to this report.

ANALYSIS

Proposal Description

As stated, the applicant is proposing to construct a two-story rear addition to an existing, two-story, single-family, conforming rowhouse. The addition would contain a reception room, an elevator shaft, and a fire stair on the first floor. The second floor would contain an activity room, an elevator shaft, and a fire stair. Each floor would contain 530 square feet of floor space. The proposed addition would make the building nonconforming regarding rear yard and lot occupancy. The rear yard would be reduced from 34.8 feet to 7.08 feet. The minimum rear yard requirement in this zone district is 15 feet. The proposal would exceed the maximum permitted lot occupancy by 77 square feet.

Area Variances Requested

The area variances requested in this case must meet three tests for zoning relief. A copy of the tests is attached to this report. This application's compliance or noncompliance with those tests is discussed below.

Practical Difficulty

The subject dwelling was constructed in 1900 and is located in the Kalorama Triangle Historic District. The proposed addition could be built as a matter-of-right if the applicant were able to add one story to the existing structure. Because of historic preservation constraints the applicant is not permitted to add a one-story addition to the existing structure. The addition is needed to provide more space and bring the building into compliance with the fire requirements of the building code and with the Americans with Disabilities Act (ADA). In addition, the structural characteristics of the building would render a one-story addition economically unfeasible.

Area Impacts/Impact on the Zoning Regulations

A number of properties in the area have similar or smaller rear yards. The resulting structural density does not appear to impact the area adversely. The property abutting the site to the south would not experience any adverse impacts regarding light and noise. The

proposed addition has received conceptual design approval from the Historic Preservation Review Board as compatible with the existing building and the historical character of the area. The site has been used by EOFULA for the last 15 years without apparent deleterious impacts to the area. The existing use of the site would not change. For these reasons, the Office of Planning believes that the proposal would not have adverse impacts on the area nor would it impair the intent, purpose, and integrity of the Zoning Regulations.

COMMUNITY COMMENTS

The site is located within the jurisdictional boundaries of Advisory Neighborhood Commission (ANC) 1C. The ANC supports this application.

RECOMMENDATION

The Office of Planning is of the opinion that the applicant has met the burden of proof relative to the zoning relief being sought. A practical difficulty exists in this case because of the existing characteristics inherent in the property due to the historic designation of the area, which would not permit a matter-of-right addition; the addition is also needed to comply with the building code of the District of Columbia regarding fire regulations and the Americans with Disabilities Act. In the Office of Planning's opinion, the proposed addition would not impact the area adversely and would not impair the intent, purpose, and integrity of R-5-B zone district regulations because the structure would continue to be used for the same purpose for which it has been used for the last 15 years without apparent adverse area impacts. Accordingly, the Office of Planning recommends approval of this application.

Attachments


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346
(85-86)
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ADAMS MILL RD. N.W.
LANIER PL. N.W.
CALVERT N.W.
SITE
CLIFFBOURNE PL. N.W.
ADAMS MILL RD. N.W.
2546
2548
BILTMORE N.W.
2549
MINT WOOD PL. N.W.
2550
2551
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18TH ST. N.W.
COLUMBIA
BELMONT RD. N.W.
HARRINGTON APTS
THE BALTIMORE APTS
MARTWOOD APTS
THE WILBURTON APTS
THE COVINGTON APTS
THE NETHERLANDS APTS
THE WOODLEY APTS
BELMONT APTS
APARTMENTS
PARK

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Landmark/Historic District: **Kalorama Triangle Historic District**	Meeting: **22 May 1997**
Address: **1842 Calvert Street.N.W.**	( ) Consent Calendar (X) Agenda
H.P.A. Numbers: **97-201** Date Received: **April 30.1997**	(X) Alteration/Addition ( ) New Construction ( ) Demolition
Staff Reviewer: **Eve Barsoum**	(X) Conceptual Review

The applicant, the Educational Organization for United Latin Americans (EOFULA), seeks conceptual approval to add an addition to the side of an eclectic building designed in 1900 by Frederick Pyle.

The semi-detached brick building is located at the corner of Calvert and Cliffbourne Streets. It is an imposing three and one-half story structure which features rounded bays, an elevated portico, and a roof with deep eaves. The building's bold forms are complemented by refined details including shields and crests embellished with vines, attenuated keystones, and diaper brickwork. The original windows remain with six-over-one window sashes and curved frames which replicate the line of the rounded bays. The proposed addition will be located at the eastern side yard which presently incorporates a berm and patio. The east elevation is comprised of common brick, devoid of ornament, and reflects function.

The two story plus basement brick and concrete block addition incorporates a bow-shape front wall, a flat roof with a terrace, and a rear stair tower with a curved metal roof. The fenestration pattern incorporates metal windows with light configurations which draw their inspiration from the attic story windows on the historic building. The entrance to the addition will be located at the basement level and served by a handicap ramp.

This design is highly successful. It draws on the original building as its source for bold forms and intricate ornament and has translated the historic elements into modern details to produce a compatible, harmonious and contemporary addition. The staff has encouraged the applicant to refine the design to allow for the fire escape to be removed from the front of the historic building. The project may also include window replacements in the historic building. The staff has encouraged the applicant to retain the original windows, otherwise the staff recommends that only the sashes be replaced (in-kind) as the curved window frames are repairable and rare.

The staff recommends that the Board approve the project in concept and delegate final approval to staff.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16289 of Educational Organization For United Latin Americans (EOFULA), pursuant to 11 DCMR 3107.2 for a variance from the allowable lot occupancy requirements (Subsection 403.2) and a variance from the minimum rear yard setback requirements (Subsection 404.1) for an addition to an existing structure in an R-5-B District at premises 1842 Calvert Street, NW (Lot 22, Square 2548).

HEARING DATE: December 3, 1997
DECISION DATE: December 3, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to this application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR 403.2 and 404.1. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief 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. It is therefore **ORDERED** that this application be **GRANTED.**

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Betty King, Sheila Cross Reid, and Susan Morgan Hinton to grant; Laura M. Richards not present, not voting).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: DEC 17 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Ord16289/jn/ljp