## REQUEST FOR ZONING RELIEF

The following information presents the facts and illustrates the factors which necessitate a request for zoning relief from the BZA for this project.

### ZONING ANALYSIS

**ZONE:** R-4 Row dwellings, conversions, and apartments

**HEIGHT OF BUILDINGS OR STRUCTURE:** 40' 3 Stories

**MINIMUM LOT AREA:** 1,800 square feet

**MINIMUM LOT WIDTH:** 18'

**FLOOR AREA RATIO:** None Prescribed

**PERCENTAGE OF LOT OCCUPANCY:** 60%

**REAR YARDS:** 20 Feet

**SIDE YARDS:** None Required

**PARKING SPACES:** R-4 1 for each 3 dwelling units

D.C. OFFICE OF ZONING
2007 NOV 15 PM 4:32

BZA
Case No. 16787
Exhibit No. 11

Board of Zoning Adjustment
District of Columbia
CASE NO.16787
EXHIBIT NO.11

## BASIS FOR RELIEF

Chapter 20 Nonconforming Uses and Structures of the Title 11 District of Columbia Municipal Regulations indicates that:

**Section 2003 CHANGING USES WITHIN STRUCTURES**

**2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.**

- The structures located at 2415 and 2417 1st Street, N.W. have been connected on the interior and utilized as a single multi-purpose facility for more than fifty years. From 1950 to 1998 the buildings were known as the Newman House. The 1957 Certificate of Occupancy permit lists the *purpose* as a Church. However, the Newman House was used as a support mechanism for local, national, and international catholic college students. The buildings were used for religious services, social and recreational activities. Catholic students who attended summer school at Howard University stayed at the Newman House, as well as students visiting the D.C. Metropolitan area for short periods of time. The Newman House was also the temporary residence for each acting Chaplain.

- The structures are now called the McMillan House named after the historic McMillan Reservior located to the West of the properties. The McMillan House is a bed and breakfast facility. Guests often stay daily, weekly, monthly, and some have been there for over a year. Many of the guests are parents visiting students at Howard University, Catholic University and Trinity College, research fellows, doctors, conventioneers, tourists, job applicants, as well as people conducting studies at the University of Maryland and the Library of Congress.

- The characteristics of some of the structures in the block are reflective of the non-residential transient housing use identified for the McMillan House. There is a Fraternity House owned by Howard University on the North-East corner lot near Bryant Street that will be used for social functions and business activities. In addition there are three boarding houses and one half-way house on the block.

- The official use of the McMillan House as an inn, would not adversely affect the present character or future development of the surrounding area because the former use of the buildings and proposed use of the buildings are analogous. In addition, the surrounding neighborhood structures encompass existing uses that are similar to the McMillan House as well.

**2003.3** **The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.**

- The subject properties were renovated in 1998. The interior and exterior renovation improved the properties and enhanced the character of the neighborhood.

- The need for parking for the McMillan House guest is minimal. The majority of the guest take some form of public transportation to the facility. The McMillan House has 3 parking spaces in the rear of the properties for the few guest who drive. In addition there are 3 off-street, off site parking spaces to the south of the properties availble for guest parking. Therefore parking for McMillan House guests would not have a harmful effect on the neighborhood.

- The official use of the properties as an inn would not create any deleterious external effects to the existing environment. There would be no increase in noise or traffic, parking, or loading requirements. Also the inn would not effect illumination, vibrations, odors, design or siting.

**2003.5** **In the Residential districts, the proposed use shall be either a dwelling, flat, apartment house, or neighborhood facility.**

- Current tax documents lists the properties as Special Purpose-Msc. The subject properties provide services to guest visiting places in the immediate neighborhood and local area. Therefore under section 2003.5 the proposed use of the McMillan House is a neighborhood facility.

**2003.6** **For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:**

**(a)** **R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;**
**(b)** **SP-1 AND SP-2;**
**(c)** **C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);**
**(d)** **W-1, W-2, and W-3;**
**(e)** **CR; and**
**(f)** **C-M-1, C-M-2, C-M-3, and M.**

- The subject properties are located in district R-4, which is one of the districts established by this title.

Chapter 31 Board of Zoning Adjustment Rules of Practice and Procedure of the Title 11 District of Columbia Municipal Regulations indicates that:

**Section 3103 Variances**

3103.2 **As set forth in D.C. Code Ann. § 5-424(g)(3) (1981), " [w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the 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."**

- The standard by which the BZA should approve a variance from the provisions of 11DCMR Section 2101.1 that requires one parking space for each 600 ft² of gross floor area and cellar floor area, is set forth in Section 3103.2 of the Zoning Regulations. The subject properties cannot accommodate more than three on site parking spaces at the rear of the properties. Because of the exceptional narrowness, shallowness, and shape of the existing building on the properties, a variance is needed to reduce the required number of on site parking spaces from twelve parking spaces to three parking spaces. To assist in meeting the parking requirements, the owner has a lease agreement that allows the use of three additional off-site, off-street parking spaces located to the south of the exiting parking spaces at the rear of the properties. This increases the number of available parking spaces from three spaces to six spaces.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

August 17, 2001

Lorraine B. Wilson
1701 Kilbourne Place, N.W.
Washington, D.C. 20010

**Re: 2415 1st Street, N.W.**
**Square: 3127 Lot(s): 51**
**(Bsmt., 1st, 2nd and 3rd Floors)**
**Zoned: R-4**

Dear Ms. Wilson:

Your certificate of occupancy application #15743 filed to use the subject premises as an "Inn" is disapproved due to the need for Board of Zoning Adjustment approval. The property for purposes of zoning is classified as R-4 which does not allow your proposed use. You may, however, request a variance from the use provisions (DCMR Title 11, Section 330.5) of the R-4 Zone. The variance must be obtained through a public hearing before the Board of Zoning Adjustment.

The Board has authority to grant variances under provisions of DCMR Title 11, Section 3103.2 which reads as follows:

> "As set forth in D.C. Code, Section 5-424(g)(3), 'Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code, Sections 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the

strict application so as to relieve the difficulties or hardship; Provided, that the 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.'"

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when requesting special approval. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Michael D. Johnson
Zoning Administrator

MDJ/XM/ee