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: December 28, 2001

SUBJECT: Board of Zoning Adjustment Case No. 16792 & 16793
Alan & Anexora Skvirsky – 1606 19th St., NW
Anexora Skvirsky – 1604 19th St., NW
Square 111 Lots 52 & 53

The attached report concerning a request from Alan & Anexora Skvirsky, requesting a special exception for a bed and breakfast and a variance for a residential addition, 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. 16792
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16792
EXHIBIT NO.29

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: January 4, 2002

TO: District of Columbia
Board of Zoning Adjustment

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

FROM: David J. McGettigan, AICP

SUBJECT: BZA Case No. 16792 & 16793
Alan & Anexora Skvirsky – 1606 19th St., NW
Anexora Skvirsky – 1604 19th St., NW
Square 111 Lots 52 & 53

Summary

The applicants, Alan and Anexora Skvirsky, the owners of 1606 & 1604 19th St. NW, seek approval of a special exception to convert 1604 19th St., N.W. to a 6-bedroom Bed and Breakfast and variances for a combined addition to the two existing structures. A Bed & Breakfast is permitted as an accessory use to a residential use in an R-5-B District. The applicant proposes interior renovations to 1604 19th St., N.W. to convert the existing dwelling into a 6-room Bed and Breakfast. DCMR Title 11, §203.8(c), allows this use with approval of a special exception by the Board.

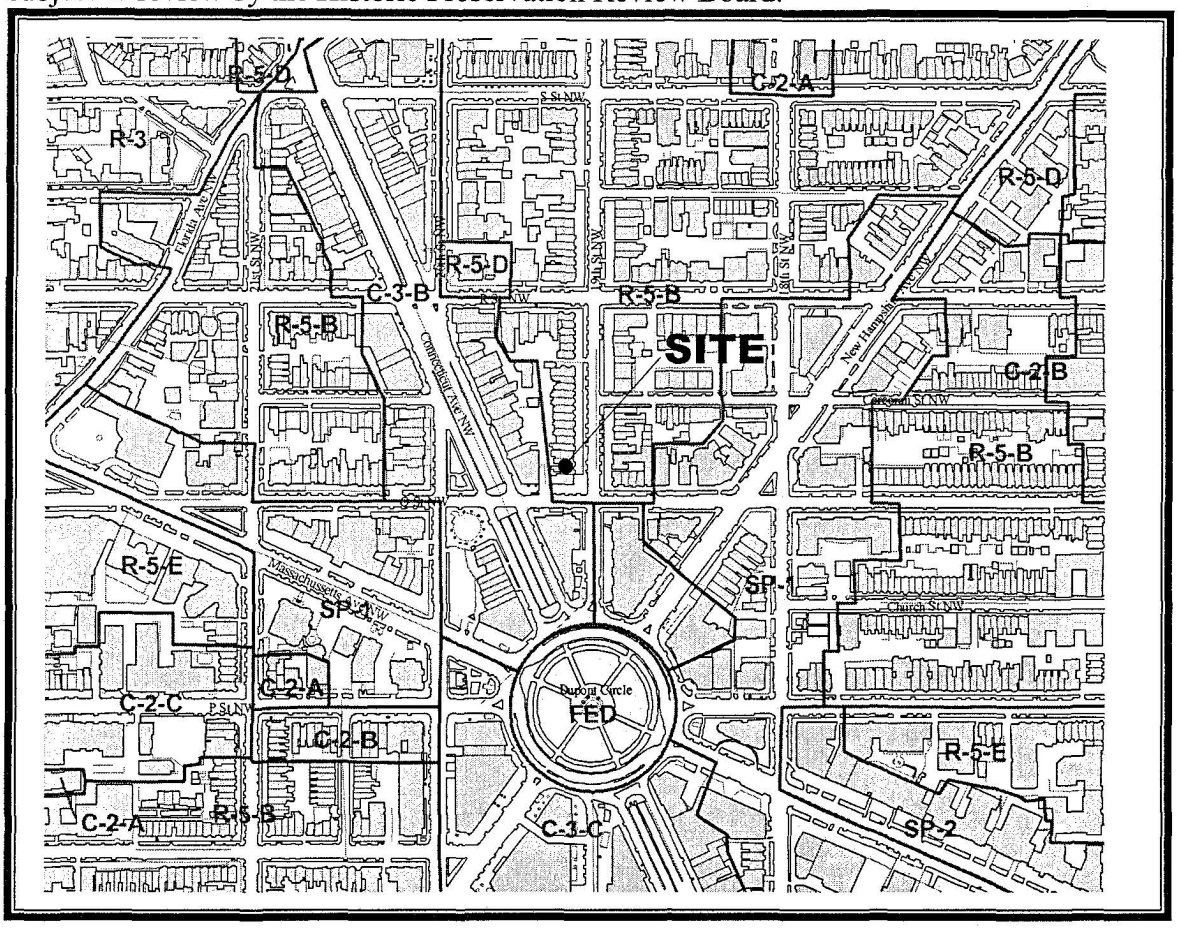
A proposed three-story rear addition will enclose the rear yard. The predominately glass structure will become a greenhouse and garage supporting plants in the open areas and protection for the existing parking spaces. This addition requires a variance from §2001.3, which controls the expansion of non-conforming structures.

Recommended Action:
The Office of Planning recommends that the Board approve the special exception for a 6-bedroom bed and breakfast and the variance for the greenhouse addition.

BZA Case No. 16792 & 16793
Alan & Anexora Skvirsky – 1606 19th St., NW
Anexora Skvirsky – 1604 19th St., NW
January 4, 2002

Background

The subject properties are located at 1604-1606 19th Street, NW (Square 111, Lot 52 and 53) close the intersection of 19th and Q Street, NW (See below). The area is part of the Dupont Circle Overlay District and is zoned moderate density and height Residential District (R-5-B). The area contains predominately row house-style buildings, which contribute to its historic character. The site is in the Dupont Circle Historic District and subject to review by the Historic Preservation Review Board.



The lots are occupied by two single-family rowhouses, which are contributing structures to the historic district. The rowhouse to the north is a single-family dwelling with an accessory bed and breakfast. The end unit to the south is a commercial use. Across the alley to the west lies a row of commercial structures facing Connecticut Avenue.

Project Description

Application No. 16792 requests a variance from the provisions of §2001.3 to permit a rear yard enclosure, which is considered an addition to a non-conforming structure for the property located at 1606 19th Street. Application No. 16793 also requests a variance as the enclosure proposed for 1606 19th Street will also enclose the rear yard of 1604 19th

Street, NW. In addition, a special exception in accordance with §203.8(c) is sought regarding enlargement in use of the existing bed and breakfast. The applicant proposes to expand the use of an existing 2-bedroom accessory bed and breakfast to a 6- bedroom accessory bed and breakfast use at 1604 19th Street, NW. A 6-bedroom accessory bed and breakfast use is permitted in single-family dwellings in the historic district in accordance with §203.8 with the approval of a special exception by the Board pursuant to §203.10(b).

The applicant's proposed addition will enclose the existing rear yards of the two rowhouses. The current use of the rear yards will remain substantially the same. Currently, they provide one parking space each and provide a space open to the sky. The portion of the proposed addition above the main floor will be glass to provide light into the yard. The purpose of the enclosure is to provide a physical barrier to deter rats from entering the properties and to protect the structures from the adverse impacts of noisy mechanical equipment serving the commercial property across the alley.

The base of the enclosure will contain an aluminum garage door to allow continued access to the parking spaces. The remainder of the enclosure will be a metal and glass "greenhouse" that will to provide adequate light to the rear yard and neighboring properties.

In drawings identified as Option #2, the base of the enclosure will be constructed of materials and detailed with embellishments that will be more consistent with the historic character of the area. The glass "greenhouse" enclosure above the ground story is angled back to minimize the impact of the bulk of the enclosure.

Comprehensive Plan

The Comprehensive Plan sets goals of encouraging the renovation and adaptive re-use of exiting structures rather than demolition. Also, §1407.3 (b) outlines the following goals.

(4) Seek ways and means to provide regulatory, technical, and financial support and encouragement to owners of historic properties to ensure the retention and maintenance of such properties and sites; seek to make changes in regulations or public policies which may impede historic preservation efforts;

(5) Monitor new construction and alteration of structures and the use, modification, or proposed demolition of landmarks, to ensure preservation and compatibility with historic resources in Ward 3;

(6) Evaluate development proposals within or adjacent to an historic landmark or district to ensure that design is compatible with, and that there are no adverse impacts upon, the affected historic landmark or district; development must respect the character of a landmark or district and shall minimize negative impacts on adjacent or nearby park

lands through the appropriate use of materials, building scale, architectural detail, and other design characteristics;

These goals can be met by allowing a variance for an addition that will address the health and welfare issues of the building, thereby maintaining continued productive use of the historic building. In addition, to meet the comprehensive plan goals, the developer must satisfy the Historic Preservation Review Board that the proposed development is compatible with and has no adverse impacts on the historic district.

Zoning Analysis

The subject properties are located in a DC/R-5-B zone. The Dupont Circle Overlay District (DC) has the following purposes:

1. To require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone;
2. To protect the integrity of "contributing buildings," as that term is defined by D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978, in the various historic districts within the overlay district; to require compatibility of development with the purposes of D.C. Law 2-144; and to preclude demolitions or partial demolitions which would lead to an increase in height and floor area ratio inappropriate to the area;
3. To enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development;
4. To ensure compatibility of development with the Comprehensive Plan;
5. To preserve areas planned as open gardens and backyards and to protect light, air, and the privacy that they provide;
6. To enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue; and
7. To encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

The proposed development does not meet the applicable purposes of the Overlay district. The proposed enclosure is not consistent with the scale of Dupont Circle area in height and bulk and does not protect the integrity of this contributing building. As noted in the Historic Preservation Review Board Staff Report and Recommendation (See Attachment 2), although some type of addition is reasonable, the addition is too large. The Historic Preservation Review Board recommends the addition be reduced to meet the second floor.

However, Option #2 presents a design that presents less bulk to the alley and the base is more compatible with the Historic District. The Historic Preservation Review Board has not reviewed Option #2, but its design is intended to meet their concerns from the initial review. Subject to the review and approval by the Historic Preservation Review Board this option is consistent with the Dupont Circle Overlay District.

The R-5-B zone has the following requirements:

1604 19th Street, NW

	R-5-B	Existing	Proposed	Change	Variance
GFA	2,517 SF	3,513 SF	1,365.0 SF	313.5 SF (14.3%)	546 SF (40%)
FAR	1.8	2.42	2.61	0.19	0.11 (4.4%)
Height	50'	46'	46'	0	N/A
Lot Occupancy	60%	76%	100%	24%	40%
Rear Yard	15'	8.5'	0'	8.5'	15'(100%)
Side Yard	None	None	None	N/A	N/A
Courts (open)	12'	4'	None	N/A	N/A
Parking	1	1	1	0	N/A
Loading	None	None	None	0	N/A

1606 19th Street, NW

	R-5-B	Existing	Proposed	Change	Variance
GFA	2,457 SF	3,538 SF	3,851 SF	313 SF (8.9%)	1,394 SF (56.7%)
FAR	1.8	2.59	2.82	0.23	1.02 (56.7%)
Height	50'	46'	46'	0	N/A
Lot Occupancy	60%	77%	100%	23%	40%
Rear Yard	15'	6.5'	0'	6.5'	15'(100%)
Side Yard	None	None	None	N/A	N/A
Courts (open)	12'	4'	None	N/A	N/A
Parking	1	1	1	0	N/A
Loading	None	None	None	0	N/A

The proposed development requires a variance from the floor area ratio, lot occupancy and rear yard requirements. Since the existing structure is already non-conforming with respect to these three requirements, the variance sought is from the restrictions regarding the expansion of non-conforming structures found in §2001.3. This variance may be granted by the BZA under §3103.

Residential homes permit a home occupancy use of a 6-bedroom bed and breakfast in a historic district as an accessory use in accordance with §203.8:

> An owner of a dwelling may operate a Bed and Breakfast facility, offering rooms and breakfast to guests on a daily basis: Provided, that the following requirements shall be met:
> (a) The use shall not be permitted in a multiple dwelling;
> (b) Breakfast is the only meal served, and is served only to overnight guests;

(c) The maximum number of sleeping rooms shall be two (2), except as follows:
(1) Pursuant to §203.10(b) of this section, the maximum number of sleeping rooms may be increased to four (4); or, in a dwelling which is an historic landmark, or which is located in an historic district and is certified by the State Historic Preservation Officer as contributing to the character of that historic district, the number of sleeping rooms may be increased to six (6); and
(2) The number of sleeping rooms permitted as a matter of right or by special exception as set forth in this paragraph shall be reduced by one (1) for each person who rooms or boards in the dwelling pursuant to §202.5 of this title;
(d) The floor area limitations set forth in §203.4(b) shall not apply to this use;
(e) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use;
(f) No cooking facilities shall be permitted in any of the rented rooms;
(g) The dwelling shall be owned and occupied as the principal residence of the operator(s); and
(h) Except as provided in paragraph (d) of this subsection, the Bed and Breakfast facility shall comply with the provisions of §§203.4 through 203.6 of this section.

The provisions of §203.10(b) permit the granting of a special exception by the Board as long as no more than two of the requirements of §§203.4 and 203.8 are to be modified.

Special Exception Tests

In accordance with 3104.1 the Board must determine if the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Based on the proposed plans and the location of the properties, the proposed accessory use as a 6-bedroom bed and breakfast will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Additionally, the development will not affect adversely the use of neighboring property. The property to the north is also a bed and breakfast and commercial uses abut the properties to the south and across the alley to the west. The only adverse affect of concern is parking. In accordance with §2100.5, no additional parking spaces shall be required for a contributing building to a historic district. The close proximity of the Dupont Circle transit station and the differing peak parking demands of the nearby commercial uses provide some relief for the parking demands of the use.

The applicant intends to comply with all applicable conditions for a home occupation enumerated in §§203.4-203.8, except for §203.8(c), which is the subject of the special exception application and limits the maximum number of rooms to two.

Variance Tests

Extraordinary or Exceptional Situation

In considering this case, the Board must determine if by reason of some extraordinary or exceptional situation or condition of this property the strict application of zoning regulations would result in peculiar and exceptional practical difficulties. The existing lots are exceptional in shape due to the unusual configuration of Square 111 and the resultant creation of shallow lots at the south end of the square (see Attachment 3). The proximity of commercial uses to the subject property and the commercial use of the alley behind the houses present an additional exceptional condition. These two situations along with the historic designation combine to create an exceptional situation of this property.

Result in Peculiar and Exceptional Practical Difficulty

Due to the constraints imposed by Dupont Circle Overlay District and the Dupont Circle Historic District options to improve the usability of the rear of the building and rear yard are limited. As discussed above the proposed addition is predominately being undertaken to address rodent and noise problems adversely affecting the use and enjoyment of the properties.

Adversely Affect Use of Neighboring Property

The Board should determine if the variance could be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. Enclosing the rear yard and areaway directly mitigates the impacts of commercial uses that are in such close proximity to these residential structures. The structure is designed to minimize the impact on the use and purposes of the rear yard and lot occupancy requirements with a glass "greenhouse" structure. The use of the enclosed space will remain the same and therefore will not have any adverse impacts as a result of the increased floor area ratio (i.e., density). Based on the proposed design the variance will not be a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan.

ANC Recommendation

The ANC2B recommends approval of this application.

Recommendation

The Office of Planning recommends approval of BZA application 16792 & 16793 requesting a special exception in accordance with §203.10(b) and §3104 and a variance from the expansion of nonconforming structure restrictions of §2001.3 in accordance with §3103. This recommendation is conditioned on a favorable recommendation from the Historic Preservation Review Board.

BZA Case No. 16[redacted] & 16793
Alan & Anexora Skvirsky – 1606 19th St., NW
Anexora Skvirsky – 1604 19th St., NW
January 4, 2002

Attachments

1. Aerial Photograph
2. Historic Preservation Staff Report
3. Square 111 Lots and Buildings

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1604-1606 19th Street, NW**		Agenda
Landmark/District:	**Dupont Circle Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**July 26, 2001**	X	Alteration
H.P.A. Number:	**01-422**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architect Michael Biedler for owners Anexora & Alan Slvirsky, seek conceptual review for the construction of a 3-1/2 story steel and glass enclosure on the rear of two properties in Dupont Circle. The late 19th century rowhouses, which have been connected and are operated as a bed & breakfast inn, contribute to the character of the historic district. The green-house enclosure would be built to completely cover the rear yards – which are only about 8' deep – as well as the courtyards between the rear ell-wings, and would extend up to connect to the roof at the third floor level. The addition would have a 4' high metal panel base, with a double garage door at the center of the rear elevation.

The genesis for the proposal is the condition of the alley behind the houses. While located within a residential zone, the properties back on to the commercial alley running behind the businesses on Connecticut Avenue; their immediate neighbor, fronting Q Street, is an office building with ground level retail. The views from the back of the houses are of a ramp to a commercial parking garage, multiple industrial-grade air conditioning condensors, and dumpsters and garbage cans for numerous restaurants and businesses. The alley is extremely busy, loud, and vermin-infested.

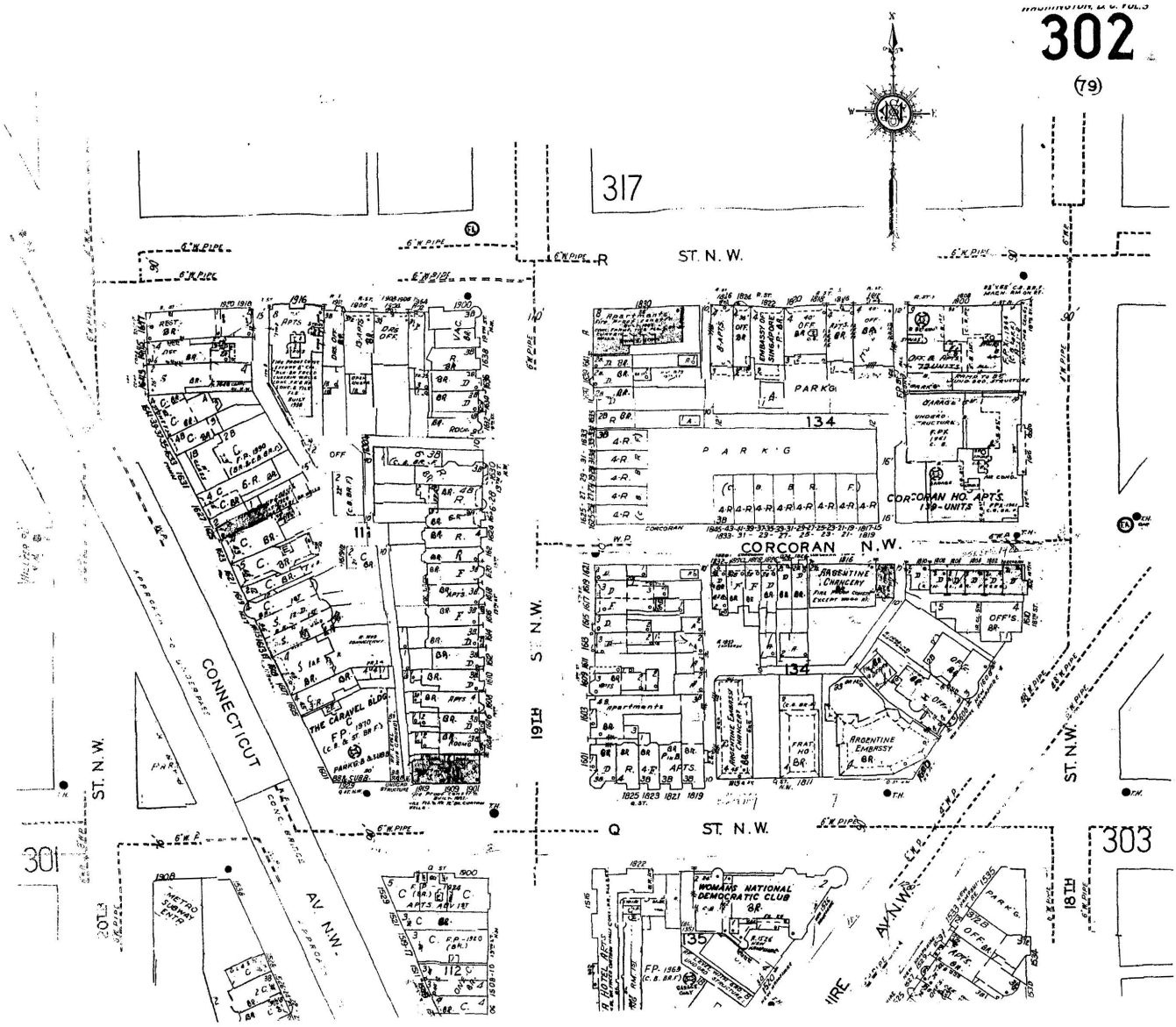
The project raises significant zoning and building code issues, which are outside of the scope of the Board's review. The applicants acknowledge that such a proposal would require zoning variances with regard to lot coverage in a residential zone, as well as a liberal interpretation of the building code to allow bedroom windows that don't open directly to the outside. The concept submission is intended to gauge whether such a proposal could be considered compatible with the character of the historic district, before such variances are sought.

Given the particular conditions of this site and the clearly commercial nature of this alley, it seems reasonable that some type of addition on the rear of these houses would be acceptable and not inconsistent with the character of the historic district. Immediately across the alley, at 1609-11 Connecticut Avenue, the Board recently approved a large two-story addition on the rear of former houses now in commercial use that also fill their entire buildable lot. However, as proposed, the addition is simply too large; it appears as if the building is being swallowed. The staff would recommend the height of the enclosure be limited to the top of the second floor. This would allow the lower floors

closest to the alley to have some protection while still retaining some understanding of the rear massing and roof lines of the houses. The applicant may want to also look at reducing the scale of the grid (currently measuring about 10' x 8') to a slightly smaller, less commercial scale.

The staff recommends that the Review Board direct the applicant to continue studying a lower, 2-1/2 story rear enclosure as suggested above, and return to the Board once the zoning and building code issues are more fully resolved.

Board approved staff report. Did not grant conceptual approval, but encouraged applicant to pursue something along the lines of what staff was suggesting and return once outstanding issues are more fully resolved. Third floor enclosure should be a separate enclosure, rather than connected to main greenhouse below, so that awkward roof form can be eliminated.


317
ST. N. W.
R
Q
ST. N.W.
19TH
18TH
CONNECTICUT
AV. N.W.
301
303
CORCORAN N.W.
PARK'G
134
135
CORCORAN HO. APTS.
139 UNITS
THE CARAVEL BLDG.
WOMANS NATIONAL DEMOCRATIC CLUB
ARGENTINE EMBASSY
METRO SUBWAY ENTR.
6" W.P. PIPE