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: November 30, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Office of Planning Report on BZA #16797

The attached report concerning BZA Application #16797 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. 16797
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16797
EXHIBIT NO.23

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: November 29, 2001

SUBJECT: BZA Application #16797 (Georgetown Hill Inn)
1832 Wisconsin Avenue, N.W. (Square 1298, Lot 826)

APPLICATION

The application by Cavit Ozturk for the Georgetown Hill Inn, requests, pursuant to 11 DCMR 3103.2, a variance from the provision of Section 771, the maximum floor area ration (FAR) in the C-2-A District.

SUMMARY RECOMMENDATION

From our assessment of the proposed application, it is the Office of Planning's opinion that a variance is not required for the proposed change in conforming use within a non-conforming structure. However, if it is the opinion of the Board of Zoning Adjustment that the variance is required, then the Office of Planning recommends **APPROVAL** of the requested variance. The building has existed for approximately 78 years with a FAR of 2.78, which is 0.28 FAR above that permitted in the C-2-A District. The proposed conversion of the building to an inn will not change the FAR of the building. Trying to conform to the requirements of the C-2-A District would be burdensome to the applicant and would affect the character of the building, a building that contributes to the Georgetown Historic District.

SITE AND AREA DESCRIPTION

The subject site is a triangular shaped property at the intersection of Wisconsin Avenue and 34th Street, N.W. (Square 1298, Lot 826) and is developed with a three-story plus basement building. The building has been in existence since 1928 and has a glass enclosed first floor with masonry wall on the upper floors. The lower floor is dedicated to a small furniture store with the larger portion vacant. The applicant proposes to begin operation of a restaurant concurrent with the inn on the upper floors. The two upper floors are currently dedicated to 8 apartment units that the applicant proposes to convert to an inn.

The property is bounded by Wisconsin Avenue to the east and north and 34th Street to the east, (Attachment 1). The property is located in the area generally know as Georgetown or Burleith and is surrounded by a variety of uses. To the east and south of the site, along Wisconsin Avenue, are a bank, Safeway supermarket, and a number of small, community serving, commercial uses. Along 34th Street are the Rose L. Hardy Middle School and the Filmore Arts Center (Hardy School). The neighborhood to the west of Wisconsin Avenue is generally developed with two-story rowhouses and apartment buildings.

The property is within the Georgetown Historic District. However, there are no historic sites within the immediate area that could be impacted by the inn.

PROPOSAL

The applicant proposes to convert the existing 8 apartment units on the second and third floors into an inn with 8 rooms. The first floor will continue to be dedicated to retail uses.

ZONING REQUIREMENTS

The subject property is in the C-2-A District that permits low-density development including office, retail, and all kinds of residential uses as a matter-of-right. Developments are limited to a lot occupancy of 60% for residential uses, a maximum FAR of 2.5 for residential use and 1.5 for other permitted uses. An inn is a permitted use in the C-2-A District and as specified in Section 771.9, the inn shall be charged against the FAR for "apartment house or other residential use".

ANALYSIS

The subject property was developed in 1928 with a building with retail uses on the ground floor and residential use on the 2 upper floors at a FAR of 2.78. With the inception of the modern Zoning Regulations, the property was placed in the C-2-A District with the requirement that the overall FAR of the building not exceed 2.5. This therefore made the building a nonconforming building with conforming uses. The building has existed over the years with the upper floor dedicated to apartments and the lower floor dedicated to retail uses that have changed over the years. The applicant is proposing to change the upper floor uses from apartments to an inn, both matter-of-right uses in the C-2-A District. The changes required for this transformation are internal to the building and will not affect the gross square footage of the building and therefore, the nonconformity of the building will not be changed. The building is subject to the requirements of Section 2001 – Nonconforming Structures Devoted to Conforming Uses and complies will all its restrictions. In fact, Section 2001 does not prohibit the change of matter-of-right uses within a non-conforming structure. Based on these facts, it is OP's opinion that the requested variance is not required. However, if the Board believes that a variance is required, the analysis is provided below.

Parking

Section 2101 requires 1 parking space parking space per 2 rooms. The inn is proposed to have 8 units and therefore 4 on-site parking spaces are required. The applicant is unable to provide the on-site parking because the building occupies close to 100% of the lot. Additionally, the property is within a historic district and contributes to the character of the historic district and therefore, per Section 2100.5, has been granted a waiver from the parking requirements. Metered parking is provided along both Wisconsin Avenue and 34th Street that may satisfy the needs of the inn.

Compliance with the Zoning Regulations

The variance request is to exceed the allowable FAR in the C-2-A District. 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 subject property is triangular in shape with frontage along Wisconsin Avenue and 34th Street. However, the property is unique due to an exceptional situation because it was developed with a building in 1928 with a FAR of 2.78. This was prior to the existence of the modern Zoning Regulations that require developments within the C-2-A District be limited to a FAR of 2.5.

> **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.**

The strict application of the Zoning Regulation requires that the retail portion of the development be up to 1.5 FAR while the residential use be limited to between 1.0 to 2.5 FAR. The lower portion of the building has always been used for retail uses while the upper floors were used for residential use. The lower floor has a FAR of 0.98 while the upper floors has a FAR of 1.8, which is 0.8 FAR above that permitted for residential portion of the building. If the applicant were to conform to the existing Zoning requirements, a portion of the building would have to be demolished. Such an action would be burdensome and present a practical difficulty to the applicant.

> **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 variance requested will not cause "substantial detriment to the public good" because the building has existed and operated with the excess FAR for a long time. The proposed inn will not change the character of the building. The intent, purpose, and integrity of the Zoning Regulations and Map will be maintained as the building is a nonconforming structure in the C-2-A District and the change in use will not affect that status as the proposal will be in keeping with all the restrictions imposed on nonconforming structures. Additionally, the proposed uses of the building are matter-of-right uses in the C-2-A District.

COMMUNITY COMMENTS

On October 30, 2001, ANC-2E voted to recommend approval of the requested variance.

SUMMARY AND RECOMMENDATION

The building has been used for retail on the lower floor and residential use on the upper floors for about 73 years and has existed within the surrounding community without any negative impact. Trying to conform to the requirements of the C-2-A District would be burdensome to the applicant and would also affect the character of the building and community as this building contributes to the Georgetown Historic District. The proposal will maintain the intent, purpose, and integrity of the Zoning Regulations and Map as the proposed conversion of the building as an inn will not change the FAR of the building. The Office of Planning recommends **APPROVAL** of the requested variance.

ATT:

1. Site Location

AA/mbr, AICP