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: October 29, 2002

SUBJECT: BZA Application #16814 (National Hispanic Council on Aging)
2713 Ontario Road, N.W.

APPLICATION

The application by the National Hispanic Council on Aging requests approval of a variance, pursuant to 11 DCMR §3103.2 from the floor area ratio requirements under section 771 to allow office space and a community service center in a C-2-B District at 2713 Ontario Road, N.W. (Square 2581, Lot 287).

PROPOSAL

The applicant is seeking a variance to occupy an existing building as a non-profit office and community center in excess of the non-residential FAR allowed in a C-2-B district.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the application be **APPROVED**.

SITE AND AREA DESCRIPTION

The subject property is located in the Ward One neighborhood of Adams Morgan at 2713 Ontario Road, N.W. The site is situated on the northeast side of Ontario Road, N.W. The subject property is in a C-2-B district. The Adams Morgan neighborhood is known for its mixed uses of residential, commercial, institutional, and non-profit organizations. To the immediate south are primarily commercial uses located on Columbia Road. To the east, north, and west are primarily dwellings with a number having been converted from dwellings to commercial or non-profit uses.

BZA
Case No. 16814
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16814
EXHIBIT NO.38

The subject lot is 1,743 square feet in area, 17 feet in width, and currently developed with an approximately 3,956 square feet two-story building. The structure was built as a dwelling in 1905. The dwelling has a street level basement and useable attic space. A 10 foot public alley abuts the rear property line with three off-street parking spaces.

The subject property is the national headquarters for the National Hispanic Council on Aging (NHCOA). NHCOA was established in 1973 as a membership based non-profit, tax exempt organization to promote the well being of the Hispanic elderly through demonstration projects, research, policy analysis, training, development of educational and informational resources.

According to the applicant, the building was previously occupied by a commercial tenant on the ground floor and a rooming house on the upper floors. OP was unable to locate any record of previous certificates of occupancy for the building. The applicant leased the building in 1987 and has occupied the building since that time for its non-profit office with 8 employees. The first two floors and attic are used for office space. The basement serves as a drop-in center for seniors and families in need of clothing or other services and a variety of health related educational materials. Other local non-profits utilize the space for community meetings on topics of interest to seniors and families.

ZONING REQUIREMENTS

The subject site is zoned C-2-B and is designed to serve as community business and residential functions and mixed uses. The building complies with all applicable zoning requirements with the exception of FAR as shown on Table 1.

Table 1

	Required	Existing	Proposed
Lot Area	**NA**	**1,743 sq. ft.**	**1,743 sq. ft.**
Lot Width	**NA**	**17 ft.**	**17 ft.**
Lot Occupancy	**80% or 1,394 sq. ft.**	**1,084 sq. ft. or 62%**	**1,084 sq. ft. or 62%**
Floor Area Ratio	**3.5 (Res. Use) 1.5 (All Other)**	**0 2.27**	**0 2.27**
Height	**65 ft.**	**39 ft.**	**39 ft.**
Side Yard	**3'' per ft of ht but no less than 8 ft**	**NA**	**22 ft.**
Rear Yard	**20 ft.**	**24 ft.**	**24 ft.**
Parking	**2**	**3**	**3**

ANALYSIS

The application results from a discovery by the existing tenant that the building exceeds the FAR requirements allowed for non-residential uses in the C-2-B district. The applicant purchased the building in 1987 and has occupied the building continuously since that time without a certificate of occupancy. The applicant has done significant renovations to the building but is not currently engaged in any additions or renovations to the building. The building was built in 1905 in a manner that predates the Zoning Regulations and the structure appears to have been originally built as a dwelling. OP has no information when commercial uses began on the property. However, it appears that commercial uses have existed at this site for at least 20 years.

Section 3103

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 applicant is requesting variance relief from the non-residential FAR requirement as follows:

	Existing Condition	**Maximum Allowed – Non-Residential**	**Relief Requested**
FAR	2.27 or 3,956 sq. ft	1.5 or 2,615 sq. ft.	.77 or 1,341 sq. ft.

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

1. The building was built in 1905 and predate the Zoning Regulations;
2. The lot and building width are exceptionally narrow;
3. The building is located in a commercial zone and has a history of commercial use; and
4. The applicant cannot meet the FAR requirement and comply with existing code and legal requirements for building, fire, and handicap accessibility.

The building was built in 1905 and predates the Zoning Regulations and the lot and building width are exceptionally narrow.

An exceptional situation exists because the building predates the Zoning Regulations and the lot and building width is only 17 feet wide. In OP's opinion, the age of the building and size and width of the lot forces an impractical result of having a dwelling in an area of what was later zoned a commercial district.

The building is located in a commercial zone and has a history of commercial use.

Another exceptional situation exists because for at least 20 years, there has been a commercial use in the building. Although OP was unable to locate any record of certificates of occupancy for the building, it appears there has been commercial use on the site prior to the current tenant. The applicant leased the property with the understanding that commercial uses were allowed on the site. Moreover, the building is located in a C-2-B district which allows office use as a matter of right.

The applicant cannot meet the FAR requirement and comply with existing code and legal requirements for building, fire, and handicap accessibility.

In order for the building to comply with the FAR requirements, at least 1,341 square feet of the building must be devoted to residential use. This is impractical for several reasons. First, as it currently exists, the building cannot be retro-fitted for residential use primarily because of building code requirements for dwellings. For example, DC law requires that all dwellings to have separate front and back entrances. The only entrances to the building are those used by the applicant for its commercial use. To construct two separate entrances, each with a minimum width of 3 feet would reduce the upper floor plates to approximately 10-11 feet in width resulting in unusable space. The basement cannot be used for residential purposes because the basement entrance is at grade and provides access to the applicant's facility to handicapped and elderly clients.

Second, the entire building is needed for NHCOA's operations. Any reduction in space would mean a reduction in services to the community. NHCOA is a national organization and has established its headquarters at this site since 1987.

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 exceptional and undue hardship upon the owner of the property.

The uniqueness of the property and exceptional situations cited above has led to practical difficulty in conforming to the FAR requirements of the C-2-B zone. It is impossible for the applicant to comply with the FAR requirement and without the variance the applicant will lose the ability to use this 3,956-square foot space. This result is impractical because the subject site is located in a C-2-B zone which permits office use as a matter of right.

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.

In OP's opinion, the variance will not impair the intent, purpose, and integrity of the zone plan for several reasons. First, the property is zoned C-2-B and commercial and office use is a permitted use within the zone. Second, the applicant has operated at this location for 15 years without adverse impact on the neighborhood. Second, the Adams Morgan neighborhood has a significant number of dwellings converted to other uses without negative consequences to the zone plan. Further, the subject site is located near other compatible commercial uses on Columbia Road and Ontario Road. The site is within walking distance to public transportation and most of the applicant's clients live within walking distance to the facility. The use and zone district are consistent with the Generalized Land Use Map which identifies the area as mixed uses of low density commercial and moderate density residential. The Generalized Land Use Map defines Low Density Commercial as follows:

Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses.

COMMUNITY COMMENTS

The subject property is within ANC-1C. The ANC voted at its regularly scheduled meeting on October 21, 2002 to support the application.

SUMMARY AND RECOMMENDATION

The National Hispanic Council on Aging has been an asset to the community since 1987. The proposed variance from the non-residential FAR requirement has met the provisions of Section 3103.2 of the Zoning Regulations for granting a variance. The subject property presents an exceptional situation which has led to practical difficulties conforming to the FAR requirements in the C-2-B district. Approval of this variance will not cause any "substantial detriment to the public good" and maintains the "intent, purpose, and integrity" of the zone plan as embodied in the Zoning Regulations or Map". The Office of Planning therefore recommends that the application be **APPROVED**.

Attachments
Aerial Photo
Photographs

AA/vr



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16814

DC Office of Planning
October 18, 2002

Scale 1:1197

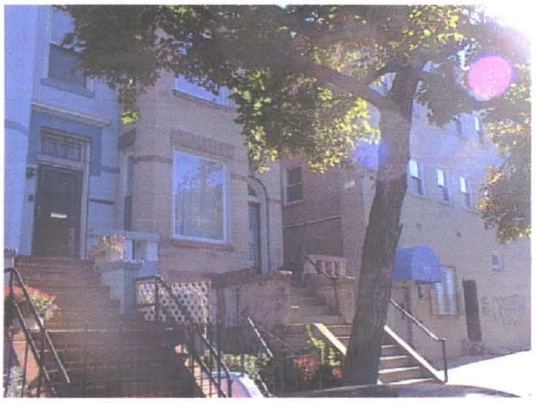
25 0 25 50 75 100

Attachment 1

Photographs


View of front of building from Ontario Road facing east.


Another view of front of building from Ontario Road facing east.


View of adjacent structure from Ontario Road.

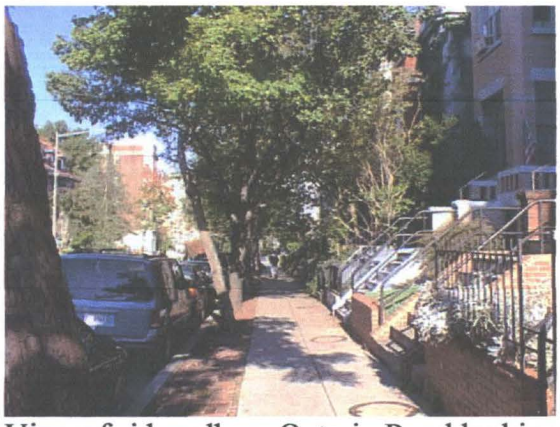
Photographs



View of adjacent structure on opposite side from Ontario Road.

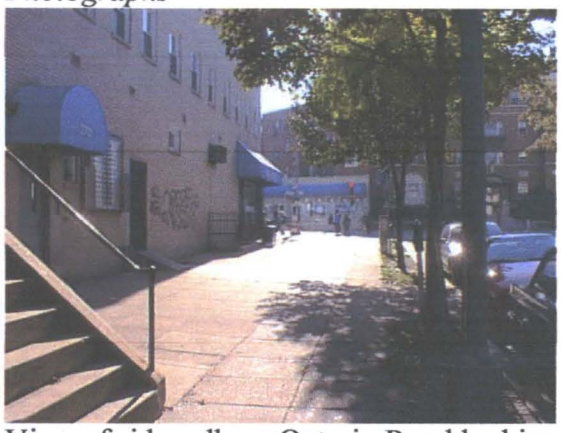


View of dwellings across the street from subject building from Ontario Road facing west.



View of sidewalk on Ontario Road looking north west.

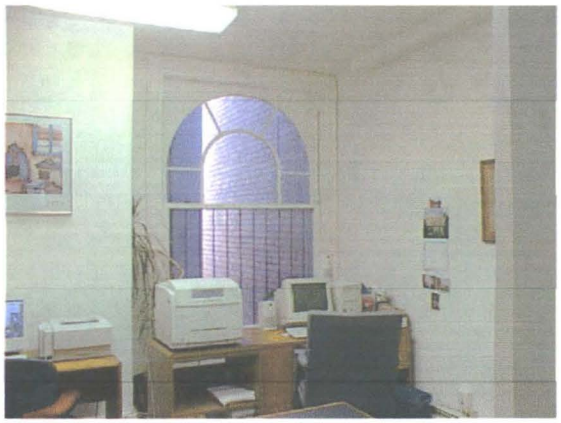
Photographs



View of sidewalk on Ontario Road looking south east towards Columbia Road.



Second floor conference room and offices.



One of the first floor office areas.

Photographs



Stairway leading to attic area or third floor offices.



Office space.