GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

DATE: May 14, 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: Board of Zoning Adjustment Case No. 16863
S & P Properties
420 M Street, NW
Square 514 Lot 863

SUMMARY

The applicant, S & P Properties, LLC, the owner of the subject property seeks approval of variances from the minimum rear yard setback requirement for a structure in the DD/R-5-B zone of §404.1, the maximum allowed lot occupancy requirement for a structure of §403, and the requirements regulating additions to non-conforming structures of §2001.3. The applicant proposes construction of a new multiple dwelling that will provide six-units of housing and 4 parking spaces.

Recommendation:

The Office of Planning recommends denial of the variances based on the following findings:

- The applicant has not shown that there exists an extraordinary or exceptional situation or condition of this property that justifies the requested variances. The existing lot is mid-block in a row of historic row houses with accessory historic carriage houses. The lot shape and size are not exceptional.
- The applicant has not shown a practical difficulty in the strict application of the zoning regulations, because of the following:
  - Regarding the rear yard requirements, the proposed connection to the historic carriage house to "add" the carriage house to the principal structure creates a self-imposed practical difficulty.

BZA
Case No. 16863
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16863
EXHIBIT NO.24

Reasonable alternative uses exist for the carriage house.

- ➢ Regarding lot occupancy, the applicant has not shown the practical difficulty in meeting the lot occupancy requirements, which are again self-imposed by the new construction.
- ➢ Regarding the non-conforming structure provisions, the existing structures are conforming with regard to rear yard and lot occupancy and the applicant has not indicated why the proposed development is subject to these provisions.

❖ The applicant has not shown that the proposed development will not be a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan.

Background

The subject property is located mid-block along M Street, NW (Square 514, Lot 863) and is occupied by an historic two-story rowhouse and carriage house. The lot, which was recently created through the consolidation of two adjoining lots, contains 3,795 square feet and is roughly rectangular with a depth varying between 113.44 feet at the eastern property line and 121.82 feet. The rear of the property abuts a 30-foot wide public alley. Across the alley is the historic Yale Steam Laundry site. M Street has a residential rowhouse character typical of the Mt. Vernon Square Historic District.

The Mt. Vernon Square Historic District preserves a residential rowhouse community. The following description of the District comes from the District of Columbia Inventory of Historic Sites:

One of two remaining fragments of a formerly contiguous neighborhood around Mount Vernon Square, this residential and commercial enclave derives its origins from scattered growth on what was once the city's fringe. Many of its oldest buildings are simple, flat-fronted frame houses built by working-class owners. By the Civil War, the area grew into an economically and racially mixed neighborhood, served by the public market in the square and the streetcar line along 7th Street. Bay-fronted brick and stone rowhouses, and fancy mercantile facades on 7 th Street date from the prosperous Victorian years. At the same time, poorer residents continued to cluster in modest homes on the narrow side streets cut through large blocks. Owner-built homes predominate; a notable exception is the full block of 53 houses developed by T.F. Schneider in 1890. By the early 20 th century, the character of the neighborhood began to shift as auto repair shops, laundries, and warehouses sprang up along the increasingly busy New York Avenue traffic artery. The district effectively conveys the mosaic of overlapping social, racial, and workplace communities that characterize historic Washington. It includes 429 contributing buildings in a variety of architectural styles ca. 1845-1945; DC designation 7/22/99 (effective 9/7/99), NR listing 9/3/99

The applicant has conceptual approval from the Historic Preservation Review Board; the staff report is included in this report as Attachment 2.

Project Description

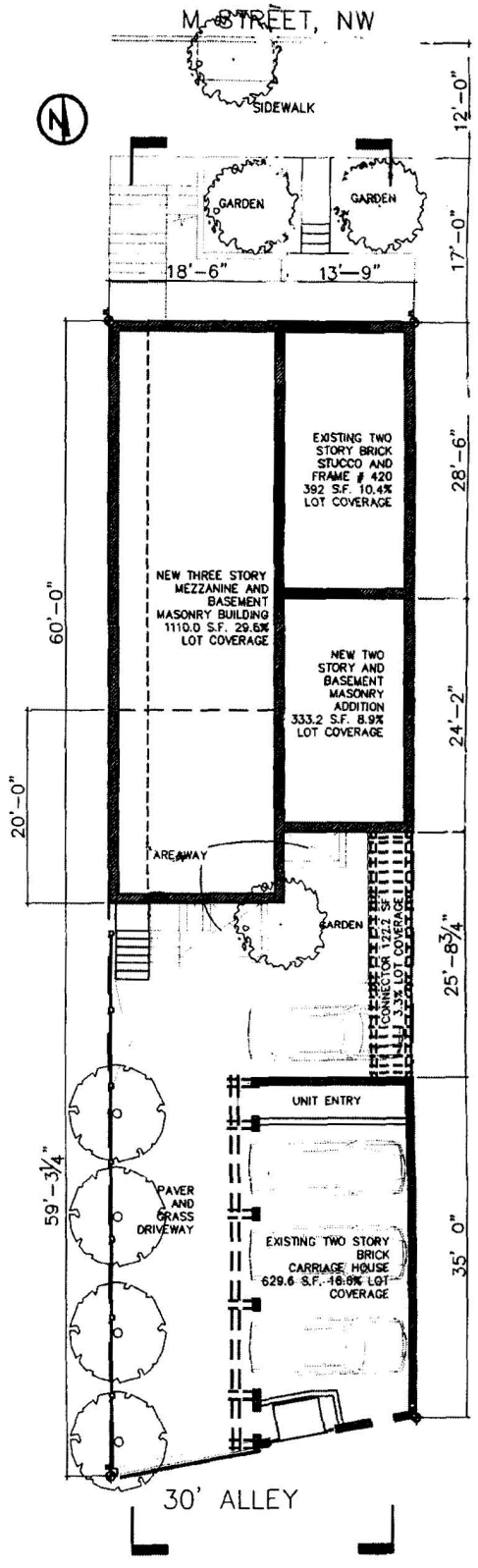
The applicant proposes to:

- o Construct a three and one-half-story, multiple dwelling with 4 dwelling units (one per floor),
- o Convert the existing carriage house to a three car garage on the lower level and a

dwelling unit on the upper level, and

- Renovate the existing two-story rowhouse and build a rear addition,

for a total of six dwelling units on the lot. To create a single principal structure on the lot the carriage house will be connected to the main structure by a wooden trellis.



Some of the area under the trellis will provide an additional parking space for a total of four parking spaces on the lot. The majority of the open space at the rear of the lot is to be a "paver and grass" driveway to access the parking spaces and areaways to access basement levels. A small area of approximately 810 square feet will provide a garden area at the rear of the rowhouse.

Comprehensive Plan

The subject site is designated Moderate Density Residential on the General Land Use Map. The moderate density residential land use category includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing. The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Comprehensive Plan Section 1104.1(b) outlines a policy to "conserve and maintain the District's sound, established neighborhoods through the strict application and enforcement of housing, building, and zoning codes and the maintenance of the general level of existing residential uses, densities, and heights."

This development is not consistent with these goals.

Zoning

The subject property is in the DD/R-5-B zone. The purposes of the Downtown Development Overlay (DD) District are set forth in §1700.3 as follows:

The most important general purposes shall include:

(a) To create a balanced mixture of uses by means of incentives and requirements for critically important land uses identified in the Plan, including retail, hotel, residential, entertainment, arts and cultural uses;

(b) To guide and regulate office development, which is generally favored by market forces over the other desired uses, so as to further the land use objectives for retail, hotel, residential, entertainment, arts and cultural uses;

(c) To protect historic buildings and places while permitting sensitive and compatible new development subject to the historic preservation review process of D.C. Law 2-144;

Given the conceptual approval of the Historic Preservation Review Board the proposed development is not inconsistent with these purposes. The purposes of the General Residential (R-5-B) zone district are set forth in §350.1 as follows:

The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts.

The proposed use is not compatible with the purposes of this District, particularly in regard to area requirements.

A summary of the zoning relief requested is shown in the table below.

	Permitted/Required	Provided	Variance
Building Height	50 ft.	46'-10"	N/A
Lot Area	None	3,795 sq. ft.	N/A
Lot Width	30 ft.	32.25 ft.	N/A
Lot Occupancy	60%	68.8%	8.8%
Rear Yard	15'	0 ft.	15 ft.
Side Yard	None	None	N/A
Court (Open)	14'	18'	N/A
Parking	3	4	N/A

Analysis

Extraordinary or Exceptional Situation

The applicant has presented to the Office of Planning that the exceptional situation is the inability of the applicant to develop its property to the maximum matter-of-right potential under the R-5-B zone due to design restrictions of the historic district. Though this may be true, it is not the intent of the variance provisions to provide zoning relief in this

situation. The adjoining properties are similarly constrained by historic preservation controls and there are no unique aspects of the lot regarding size, shape or topography.

Practical Difficulty

The applicant has failed to show the Office of Planning that there exist practical difficulties in meeting the strict provisions of the zoning regulations with respect to rear yard, lot occupancy or the non-conforming structure provisions.

The proposed trellis connection between the historic carriage house and the main building permits the carriage house to be occupied as a dwelling unit, but creates the need for the rear yard variance. This represents a self-imposed difficulty as the carriage house can be used as an accessory private garage use under §351 subject to the provisions of §2300:

2300 PRIVATE GARAGES AND CARPORTS

2300.1 A building erected, altered, converted, or reconstructed for use as a private garage shall be subject to the provisions of this section.

2300.2 A private garage that is an accessory building in a Residence district shall be subject to the following special regulations in regard to its location:

(a) It may be located either within a rear yard or beside the main building; Provided, that if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side yard and from all building lines a distance of not less than ten feet (10 ft.); and

(b) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens.

2300.3 An artist studio shall be a permitted use in either a private garage that is an accessory building located in a Residence District, or in a building located on an alley lot., subject to the provisions of this section and the following criteria:

(a) Occupancy of the private garage shall be limited to one artist and one apprentice for each four hundred fifty square feet (450 f.s) of gross floor area;

(b) All operations and storage of materials shall occur inside the building:

(c) Incidental sales of art work produced by the occupants of the studio shall be permitted within the studio;

(d) The artist may teach the art to one or more apprentices; and

(e) In addition to any parking spaces which may be required by §2101 or any other provision of this title, parking for the studio use shall be provided at the rate of one (1) parking space for each three (3) occupants of the studio.

2300.4 A private garage constructed on an alley lot shall be set back at least twelve feet (12 ft.) from the center line of the alley on which the lot abuts.

2300.5 A private garage constructed on an alley lot shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy for the district in which it is located.

2300.6 A private garage permitted in a Residence district as a principal use on a lot other than an alley lot shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of any building line or within twelve feet (12 ft.) of the center line of the alley upon which it opens.

2300.7The lot upon which a private garage permitted in a Residence district is located shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy for the district in which it is located.

2300.8A carport shall be attached to the main building and shall not be located along the side of the building that faces a building line except, if approved by the Board of Zoning Adjustment, a carport may be located subject to the conditions for accessory open parking spaces set forth in §§2104.3 through 2104.6.

Therefore, renovation and use of the second floor of the carriage house as an artist studio, would be an acceptable alternative use for the space without having to provide the trellis connection and obtaining a variance.

With respect to lot occupancy, the applicant has provided no evidence that the new construction cannot meet the lot occupancy requirements. As can be seen from the plan, a very small area of the lot provides space for outdoor activity, light and air. The small garden could be expanded by reducing the lot occupancy.

Finally, regarding the variance from the non-conforming structure provisions. The Office of Planning is not convinced that the proposal requires relief from this section. If such relief were required as part of the proposed development further information would be required to evaluate this variance request.

Substantial Detriment

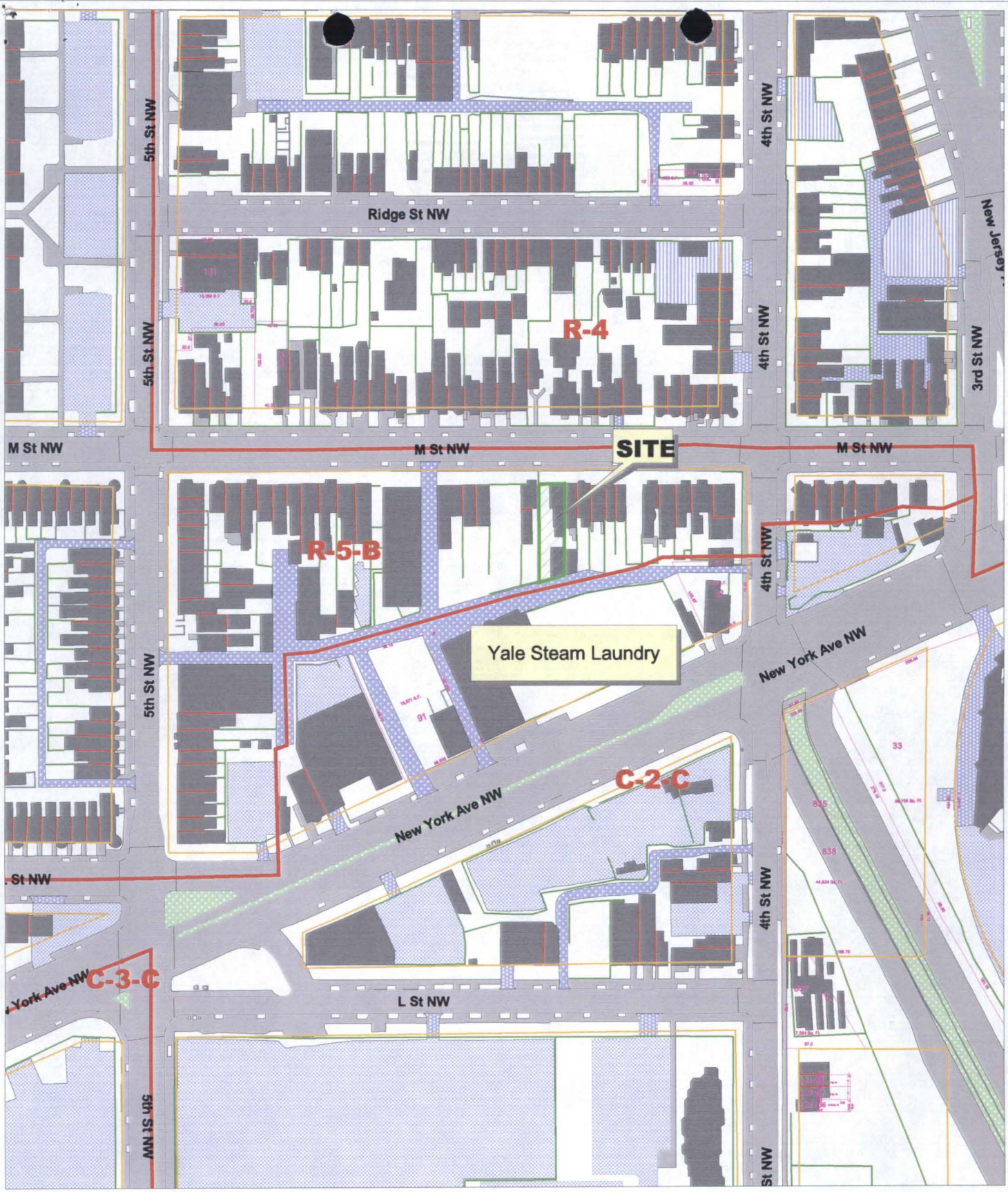
The applicant has not shown that the proposed development will not be a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan. The Office of Planning does not believe that the construction of the trellis will impair the intent of the lot occupancy or rear yard provisions, however, by permitting residential use of the carriage house it may impair the intent of §2300.3, which may have been intended to encourage the development of artist studios. Also, the additional 212 square feet of unoccupied lot area required (discounting the 122 square foot trellis), might provide needed recreational open space useful to the future residents of this development.

Recommendation

The Office of Planning recommends approval of BZA application 16832 requesting variances from the requirements of §§403, 404.1 and 2001.3 be denied.

ATTACHMENTS:

1. Location Map
2. Agency Report - HPO



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. #16863

DC Office of Planning
May 13, 2002

Scale 1:2000

25 0 25 50 75 100 Feet

Attachment 1