Mr. Permit

By Hand

September 3, 2002

Mr. Geoffrey Griffis, Chairman
District of Columbia Office Of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Second Floor South
Washington, DC 20001

Re: Board of Zoning Adjustment Case No. 16863 - S & P Properties - 420 M Street, NW - Square 514 Lot 863, additional comments

Dear Chairman Griffis and Members of the Board of Zoning Adjustment:

This is a pre hearing submission regarding the uniqueness of the property, and other relevant zoning issues relating to this case. These comments are also being supplied to the Office of Planning under separate cover.

The subject property is unique. The uniqueness of this site is due to several reasons.

1. It is the only two story frame house on a street and in an area that is all brick houses. This property does not have the curb appeal of the other Federal and Victorian "Daughters" that characterize this street and the surrounding streets. It is unique with respect to the fact that the existing two story frame single family house is historically protected. There are approximately 57 buildings fronting on the 400 block of M Street, NW, and none are of less height than the subject existing property. There are eight to nine buildings on the entire both sides of the street that have two stories plus a basement, but are nevertheless taller than the subject existing building. The remaining 48 (+/-) buildings are either three or four stories, and most have English basements which raises their overall height much taller than the subject existing property. While we were able to get added height on the adjacent frontage addition, nonetheless, the

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BZA
Case No. 16863
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16863
EXHIBIT NO.29

HPRB has imposed a height restriction on the existing building to its current two story height. The property is unique due to the limitations on height imposed by the Historic Preservation Review Board. The Applicant originally requested to add a third floor to the existing building among the other proposed improvements. This was rejected by the HPRB, and as a result the project was re-designed omitting the third floor addition to the main house. The existing construction height for the main existing house is approximately 21 feet, while the R5B zoning envelope allows for a 50 foot height limit on massing. Thus the footprint tends to be slightly larger in percent lot occupancy to provide for a usable floor plan for the proposed unit in the revised original building.

2. Currently there is one single building on the lot. It is unique because it has no rear yard. An oversized brick carriage house portion is at the rear of the lot on the alley, with an existing cinder block connecting structure to the main house that serves as storage space, although in deteriorated condition. The property is unique due to the fact there is no rear yard.

3. The property is finally unique due to the carriage house that is two stories and occurs at the rear lot line adjacent to the alley. This carriage house is protected from demolition by the HRPB. Attention is directed to the original Office of Planning report that contains a map of the existing buildings on the square. The south side of the 400 block of M Street, NW, has a substantial alley, which contains 29 properties, but only has five residential carriage houses on this side of the street. The North side of M Street, NW, has no alley.

Extraordinary or Exceptional Situation

The unique aspects of this property have directed the design of this project proposal. We have an exceptional situation with respect to artist studio use as a matter of right. Due to the fact that this project involves the renovation and expansion of the property into a residential condominium, the use of the carriage house as a residential condominium unit as an artist studio is not practical, since strict interpretation of the artist studio sections of the zoning code do not provide for residential occupancy of the artist studio. Imposing the use restriction on the carriage house second floor as an artist studio will not present a saleable condominium unit, but most likely will result in a rental unit as an artist studio, that will require management by the new and small residential condominium unit owner's association. Further, it is questioned whether it is appropriate to have an essentially commercial use tucked away on the second floor of the carriage house. This will tend to distract from the quality of life aspects of the other condominium unit owners, and could pose a distraction from the immediate neighbors. Since comparable sized residential condominiums are self-managed,

in this case the creation of an artist studio will provide an unnecessary burden on the to be formed condominium unit owners association if they have to hire outside management services to preside over the management of the studio. In addition, should the artist studio have "openings" or "showings" or "sales" on the premises, it is illegal for the artist studio to have persons park in the alley to access the studio, and it is not practical to have artist studio patrons access the carriage house from the front of the lot, as required. The imposition of additional commercial artist studio use in this area will tend to restrict the overall available on-street parking, and as the block is rebuilt and emerges as a viable neighborhood, the amount of available on-street parking spaces will be substantially reduced over time. Thus, the burden of parking for patrons or additional workers in an artist studio on M Street, NW, is not appropriate.

Practical Difficulties

It is a practical difficulty about the case due to the necessity to provide access to the carriage house from the front of the building, to be able to use it as a separate defined use such as an apartment unit. Zoning and building code regulations do not allow "alley-only" access to a building when the lot fronts on a street. This is a difficult problem, since the existing two story front of lot building is protected, and cannot be sufficiently modified to provide for a hallway from front to rear of the main house to provide access to the existing carriage house and retain a usable residential space within it. The development proposal calls for the new four story additional the front of the lot to contain the direct passage from the front to the rear of the house (code requires 44" net passageway, not including walls necessary to make this passageway) and thus a visitor, the police, fire and emergency rescue, and occupants gain access to the rear directly from the front of the lot. This causes the available footprint to the front of apartment house addition to be very narrow To compensate for this long and narrow resulting floor plan design, the footprint of the addition needs to be slightly longer than would be occurring normally, to allow the addition to contain a usable residential footprint.

Substantial Detriment

This project as designed will not be a substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan or map for the following reasons:

1. There is an existing connection between the main building and the carriage house. While applicant proposes to change this connector in its current location to be a garden trellis instead of a cinder block storage area connector, it will not impair the intent of the lot occupancy or rear yard provisions. In fact, by substituting a garden

trellis for an enclosed structure, the actual use of the space under the trellis will become open space, available for use by the occupants of the new residential condominium, instead of merely being a storage room.

2. The Applicant believes that the proposal to use the second floor of the carriage house as a residential unit instead of an artist studio is in the best interest of the project, and will have no actual effect on the surrounding neighborhood. Instead, imposition of an Artist Studio in this space would be a detriment to the peace, order and quiet of this alley. Applicant believes that the introduction of an Artist Studio, with management responsibilities, will impose a commercial use at the rear of this lot, with lack of customer parking on site, with the difficulty of traversing through the main building to access the artist studio, as required by code, along with potential non residential noise coming from the artist studio, are substantial detriments to the occupants and to the surrounding neighborhood.

3. The amount of open space provided in the resulting open court created at the rear of the building is available to the occupants of the building for outside activities such as cookouts, as the parking is confined to the space inside the existing first floor of the carriage house, except for one outside parking space.

Under separate cover, the Applicant is mitigating its request for a variance for 68.8 percent lot occupancy to 66.62 percent, by reducing the connector three feet wide instead of the 4'-9" shown on the site plan, and by reducing the rear of the single family house component by three feet. These reductions are shown on a revised site plan presented separately.

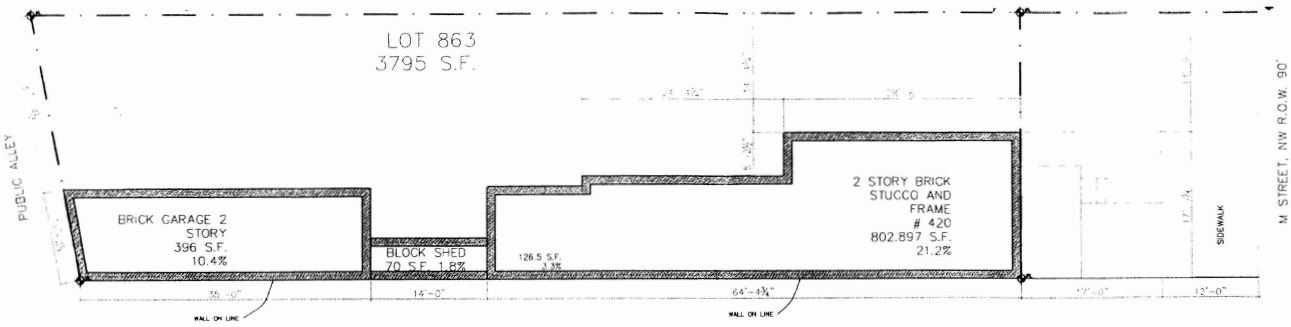
Attached is a three page exhibit showing the existing site plan and elevations, existing site photographs, and a strip map of each side of the 400 block of M Street, NW. Note that the subject property is so short it is hidden by a tree.

Sincerely,

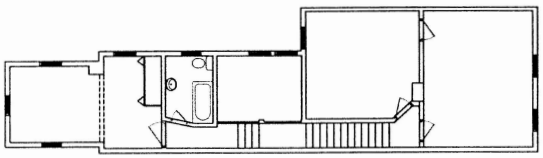
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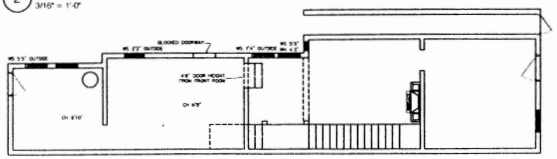
420 M STREET, NW BZA # 16863



1 EXISTING SITE PLAN
3/16" = 1'-0"



2 EX. SECOND FLOOR PLAN
3/16" = 1'-0"



3 EX. SECOND FLOOR PLAN
3/16" = 1'-0"



4 EX. FRONT ELEVATION
3/16" = 1'-0"



5 EX. REAR ALLEY ELEVATION
3/16" = 1'-0"

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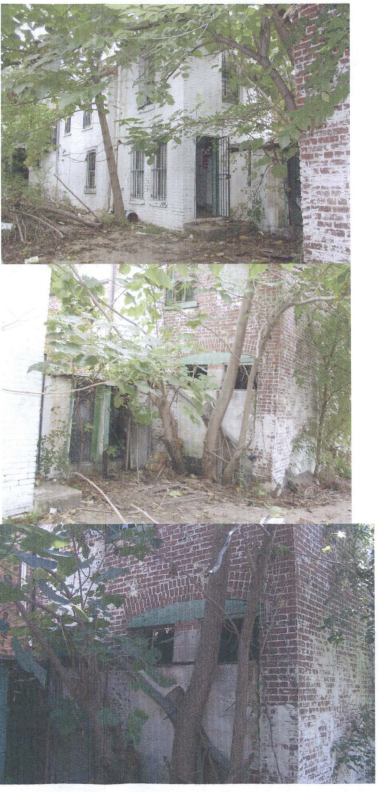
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