GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: October 31, 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

SUPPLEMENTAL

The applicant, S & P Properties, LLC, has provided additional information supporting the requested variances, minimized the amount of variance requested, and changed the relief requested. As indicated in the initial report, the owner of the subject property seeks approval of variances from the maximum allowed lot occupancy requirement for a structure of §403 and the requirements regulating additions to non-conforming structures of §2001.3. The original request of relief from the minimum rear yard setback requirement for a structure in the DD/R-5-B zone of §404 is not necessary.

BZA
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Exhibit No. 36A

Recommendation:

The Office of Planning recommends approval of the variance based on the following findings:

- The applicant has shown that there exists an extraordinary condition of this property that justifies the requested variances. The need to preserve this historic structure and adaptively reuse it and its lot, the size of the lot, and the width of the lot provide an extraordinary condition of the property.
- The applicant has shown a practical difficulty in the strict application of the zoning regulations, because of the minimum corridor that is required to access the rear carriage house.
- The applicant has shown that the proposed development will not be

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a substantial detriment to the public good or impair the intent, purpose and integrity of the zone plan.

Analysis

Extraordinary or Exceptional Situation

The exceptional situation arises from the existing improvements on the lot, which are protected by historic preservation law. The adaptive reuse of the property for a multi-family dwelling, which is permitted as a matter-of-right in the R-5-B zone, necessarily includes the conversion of the second story of the carriage house into a residential unit. Initially the application did not clearly show that the existing carriage house was connected to the house, this existing connection provides more legitimacy to the trellis connection as it changes its status from the initial perception of being new construction to reconstruction and reuse. The need to reuse the existing carriage house is key to its preservation and maintenance. In its initial report the Office of Planning suggested that the carriage house could be used as an artist studio; however, the Office of Planning has reconsidered, given the observations of the applicant, and feels this may not be a reasonable use of this particular carriage house. Given that preservation and reuse of the carriage house is desirable and the most reasonable use to support this preservation is residential, the configuration of the main house, carriage house and available remaining street frontage create an exceptional situation.

Practical Difficulty

The practical difficulties of providing a unit on the second floor of the carriage house arise when attempting to comply with the building code requirement that dwellings be addressed on a street. This requires that a passageway be provided through the proposed building to the rear of the structure to permit access to the carriage house. Because of the narrow width of lot remaining between the existing house, which must be preserved, and the western lot line the passageway creates practical limitations on the design of the new building. These limitations can be relieved by a minor variance from the lot occupancy requirements.

Regarding the variance from the non-conforming structure provisions, the Office of Planning is still not convinced that the proposal requires relief from this section. However, if such relief were required by the Zoning Administrator as part of the proposed development the Office of Planning would have no opposition to including variance relief from this provision.

Substantial Detriment

The proposed development will not be a substantial detriment to the public good. First the redevelopment will restore a vacant and abandoned property to a residential use. Second, the redevelopment will permit restoration and preservation of a historic structure. Finally, the development will be providing additional housing and will hopefully stimulate further reinvestment in housing in the area.

The intent of the lot occupancy requirements is to provide light, air and recreation space to residents. The applicant has done several things to reduce the impact of the variance. First the applicant is reconstructing the existing connection between the main house and the carriage house with a trellis, which provides less impact on light, air and outdoor recreation space that the existing structure. Second, the applicant has made the unoccupied space attractive and minimized the visual and environmental impact of the driveway access by using a grass and paver surface in that area. In addition, the development has been approved by the Historic Preservation Review Board, which considers impact on the character of the area.

Recommendation

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