GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: May 21, 2002

SUBJECT: BZA Application #16876
Application of 1531 P Street Associates, LLC
1531, 1533 and 1535 P Street, NW
Square 0194, Lot 0111

I. APPLICATION-IN-BRIEF

Relief Sought: Variance to construct an addition to a non-conforming structure that is devoted to conforming uses
From Section: 11 DCMR §2001.3(a)
Zoning: SP-1
Regulations Require: No addition without a variance, because existing pre-1958 building already occupies 93.13% of the lot in a zone that allows no more than 80% lot occupancy.
Relief Sought Under: §3103.2

The applicant is nearing completion of the renovation of three rowhouses in the greater 16th Street Historic District, and the conversion of those structures into 8 condominium units. The contract purchaser for the largest unit wishes to be certain that he will be able to construct a private recreation space on top of his unit. The Zoning Administrator has determined that construction of the approximately 8 foot high roof structure, which would provide stairway access to the proposed roof deck, would:

- constitute an addition of a conforming use to an existing structure that does not conform to its zone's lot occupancy requirements (80% in an SP-1 zone [see Section 532.1]), and would;
- therefore require a variance under Section 2001.3 (a).

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends that the variance request be APPROVED.

BZA
Case No. 16876
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16876
EXHIBIT NO.26

III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

Square 194 in northwest Washington is bounded by:

- North: Church Street
- East: 15th Street
- South: P Street
- West: 16th Street.

The Square is rectangular. It is "landlocked" and has no alley access[1]. Lot 111 is a consolidation of three lots, and located towards the 16th Street end of the north side of P Street. It is across from the side entrance of the Jewish Community Center. The three 19th century rowhouses, now converted to 8 condominium units, occupy 93 percent of the site.

1531 P Street is a three-story, mid-to-late 19th century rowhouse, located between the Dupont Circle and Logan Circle neighborhoods. It is one of the three townhouses on a single lot of record that have been converted to condominiums. All three were last used, as a unit, by the Green Door, a non-profit social services provider. This block has become increasingly residential in the last five years.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachement 1)*

The site is zoned SP-1. This zoning is part of a long strip of SP zoning that borders 16th Street. On either side of the SP zone district, the land is generally zoned for residential uses. In the vicinity of the applicant's property, the nearby residential zoning is R-5-B.

The buildings are within the Greater 16th Street Historic District, and are considered "contributing structures" to the historic district. They are not individually landmarked.

V. PROJECT DESCRIPTION

The applicant has made eight condominium residences from three townhouses on three lots that had already been combined into one lot. The condominiums include five single-level units with one or two bedrooms; two duplexes, and one triplex unit. The contract purchaser of the triplex unit has asked the applicant (who is the developer) to seek a variance so that the contract purchaser can have private recreation space on the roof above his unit.

Most, but not all, of the units have outdoor recreation space attached to them. The duplexes and triplexes are designed to share a common courtyard deck on the main building level (*see Attachment 3, Illustrations 1 and 2*). Because the second stories of the duplex units at 1531 and 1535 P Street extend to the rear lot line (*see Attachment 3, Illustration 3*), they are able to have additional, private, recreation space on top of the rear projections, without increasing the project's lot occupancy. However, the triplex at 1533 does not have a projecting wing at the second story and cannot, therefore, gain additional, private, recreation space anywhere but on the roof. The applicant has, therefore, applied for a variance in order to construct such space *(See Attachment 3, Illustration 4)*.

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[1] As contributing structures to the historic district, on site parking is not required.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 2)*

The Comprehensive Plan's Generalized Land Use Map designates the area for Medium Density Residential Land Use. The condominium project returns three historic townhouses that had been used for offices to fee-simple housing. This is consistent with the emphasis in the Ward 2 element of the Comprehensive Plan on the retention of housing in the ring of land surrounding the central employment area. The Ward 2 element also emphasizes the need to provide adequate recreation space for the Ward's residents, but does not specifically address private recreation space.

VII. REQUESTED ZONING RELIEF

Pursuant to 11DCMR Section 3103.2, the applicant is requesting a variance from 11 DCMR Section 2001.3 (a):

Enlargements or additions may be made to the structure [in this case, a conforming use added to a non-conforming structure]; *Provided, that the following requirements shall be met:*
(a) The structure shall conform to percentage of lot occupancy requirements; and
(b) The addition or enlargement shall itself conform to use and structure requirements; and;
(c) The addition or enlargement itself shall not increase or extend any existing nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

The proposed roof access construction and deck, themselves, meet the requirements of subsections (b) and (c). However, the existing structure, at 93% lot occupancy, exceeds the 80% lot occupancy limit for structures in an SP-1 zone by 13%. In order to gain access to the proposed deck, the building code requires the construction of a roof structure that has a code compliant door and landing for the stairs. This roof structure would be eight feet high and would therefore constitute an addition to a structure that is already non-conforming with respect to lot occupancy. It would not increase the existing structure's non-conformity with the lot occupancy requirements; it would merely add a roof structure that is tall enough to be considered an addition to a group of row houses that do not now conform to the lot occupancy requirements.

VIII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. **UNIQUENESS:** ***With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:***

   It does meet this test.

   - The property is exceptional by virtue of its physical characteristics. Because of the land-locked nature of the properties on Lot 111, and their high percentage (93%) of lot occupancy, the very non-conformity of the existing structure makes it impossible to add recreation space to the residential unit in question without increasing the existing structure's non-conformity. There is essentially no more room to occupy in the back.

- The physical characteristics also include the historic nature of the properties. As contributing structures to the historic district, the applicant would be unable to add recreation space via balconies, etc. to the front of the unit. The D.C. Court of appeals allows historic worthiness to meet the standards of uniqueness.[2]

2. ***With respect to the* "Practical Difficulties"** ***that would be "unnecessarily burdensome" and impose* Undue Hardship** ***to the Applicant should the application for a variance allowing a the addition of a conforming use to a non-conforming structure not be approved:***

   It does meet the tests.

   The historic properties have been deemed worthy, by the government, of preservation and restoration. The applicant chose to buy these properties in order to restore them to their historic residential uses. The buyer of the triplex unit, which is the largest in the condominium project, would like to have recreation space commensurate with the size and quality of the unit. The landlocked nature of the property and the existing lot occupancy present a practical difficulty that make it impossible for the applicant to locate this space anywhere but on the roof.

3. ***Can The Relief Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the* Intent, Purpose and Integrity of the Zone Plan** ***as Embodied in the Zoning Regulations and Map?***

   It can.

   Based on field inspections by the two sections of the Office of Planning, the addition of the roof structure would be invisible from the street, would not block anyone's sunlight or air, or impede anyone's view. The intent of the applicable sections of the Zoning Regulations is to avoid increasing the lot occupancy or density of buildings that already do not conform to the 1958 Zoning Regulations. The proposed construction will not increase lot occupancy. It will not allow the addition another unit to the project. It will not even allow the addition of an occupiable room to an existing unit. It just, in effect, allows the creation of "backyard" recreation space on a roof, where it will have no negative impact on anyone.

IX. COMMUNITY COMMENTS

ANC 2F has voted to support the project. As of May 14, 2002, the letter of ANC support was not yet in the case file.

X. OTHER AGENCY COMMENTS

The staff of the Historic Preservation Review Board approved the roof structure and deck application without referral for Board action, after staff field-checked the lines of site for the proposal.

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[2] *Clerics of St. Viator Inc v. D.C. Board of Zoning Adjustment (320 A. 2d 291; 1974 D.C. App.)*

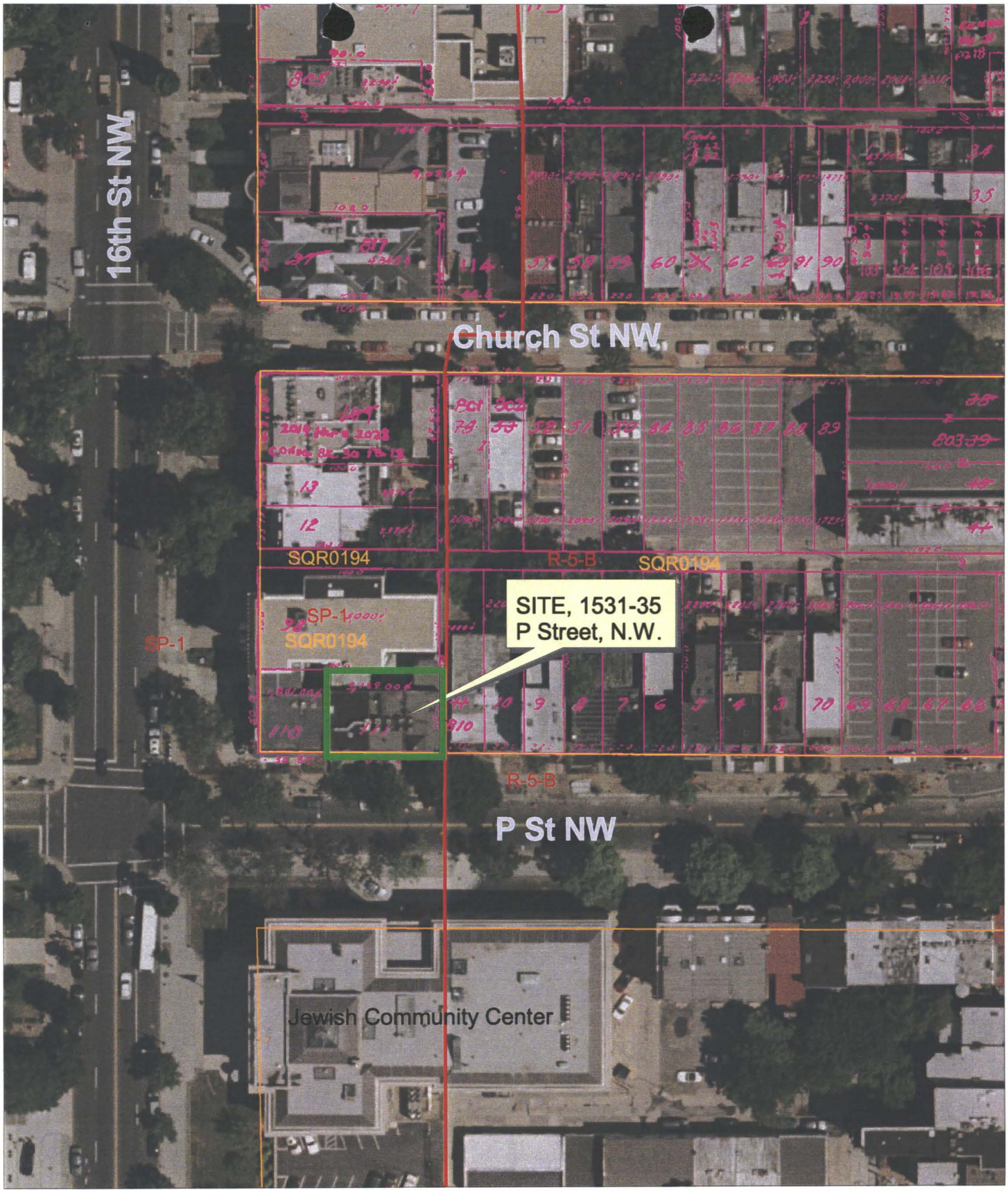
There are no other agency comments.

XI. OP SUMMARY RECOMMENDATION

OP RECOMMENDS THE BZA APPROVE THE VARIANCE REQUEST. Approval of the request would allow completion of a quality unit of housing that would be located in the central city, but that would still have some of the outdoor recreation space more typically offered in the inner suburbs. Completion of this project would advance the District's objective to preserve historically significant structures. Because the project is re-converting office space, it also increases the stock of market housing without reducing the supply of low income housing.

Approval of this application would be consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the zoning regulations.

Aa/slc
Attachments (3)



Feature Key

Zoning Boundaries
Square Index

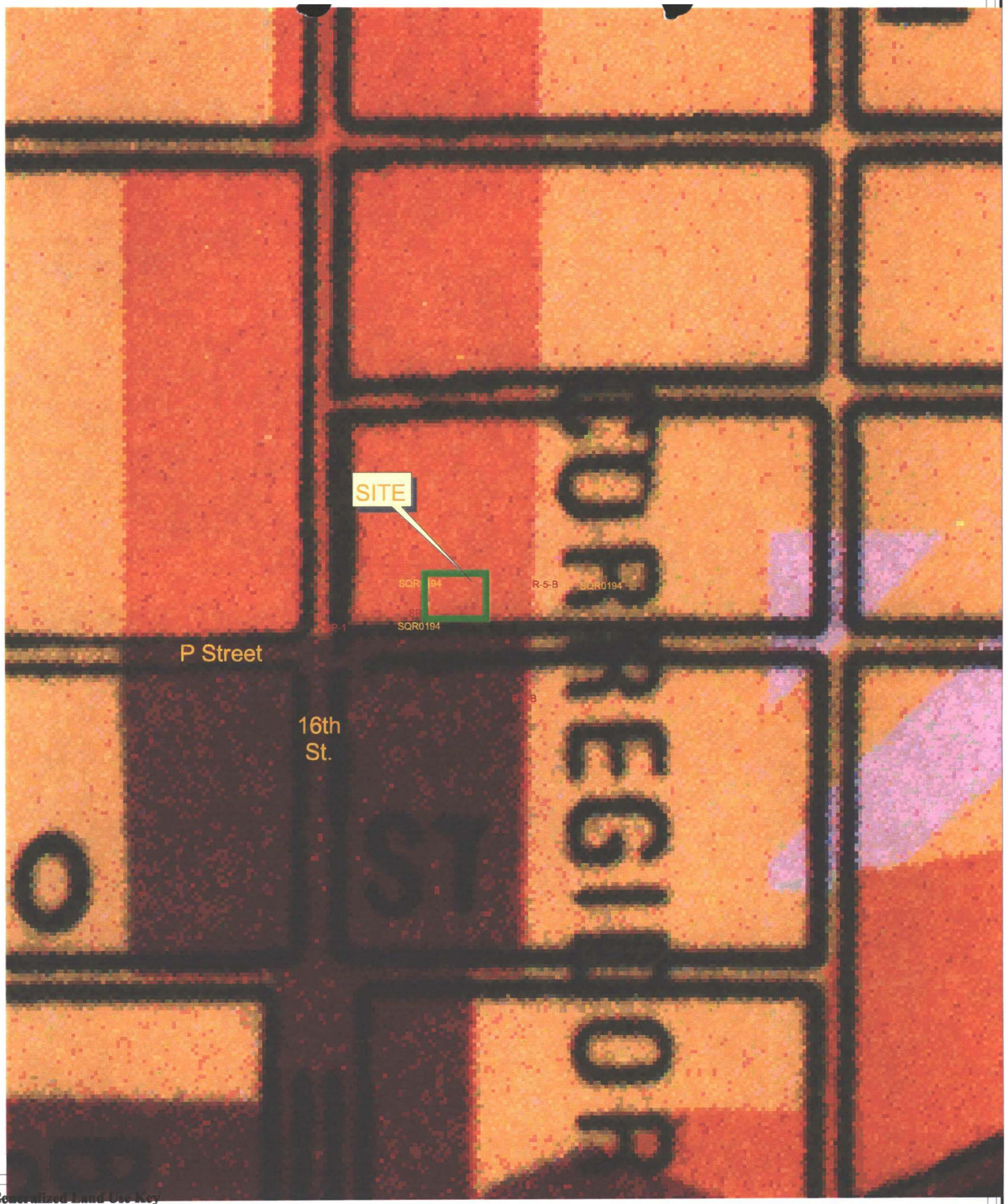
Application No. # 16876
Square 194, Lot 111
Board of Zoning Adjustment

DC Office of Planning
May 13, 2002

Scale 1:872

25 0 25 50 75 Feet

Attachment 1



Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse
BZA Case No. 16876

DC Office of Planning
May 13, 2002

Scale 1:1703

0 150 Feet

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Attachment 2

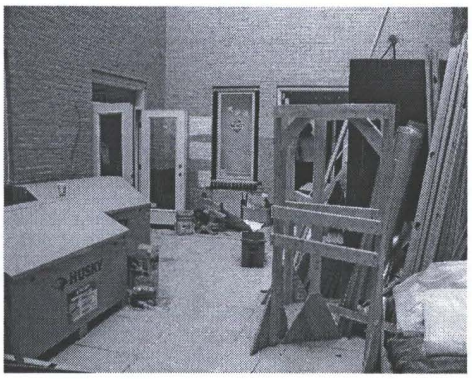


Illustration 1: Common Area Recreation Space for Duplexes at 1531 and 1535, and Applicant's Triplex at 1533 P St.

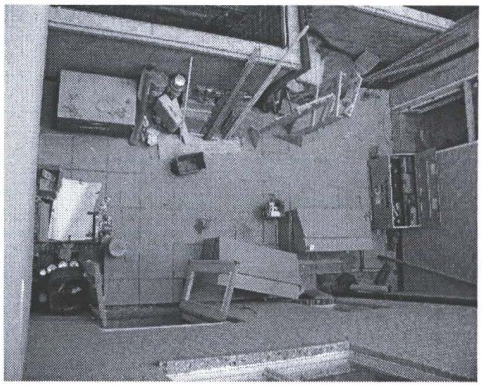
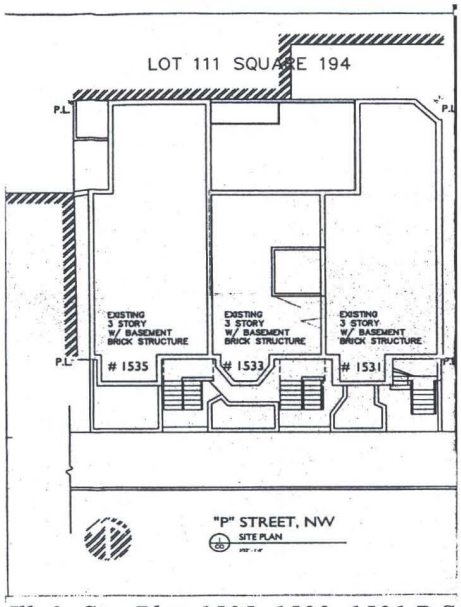


Illustration 2: Common Area, Seen From 3rd Floor Window of Triplex at 1533 P Street.



Ill. 3: Site Plan 1535, 1533, 1531 P St.

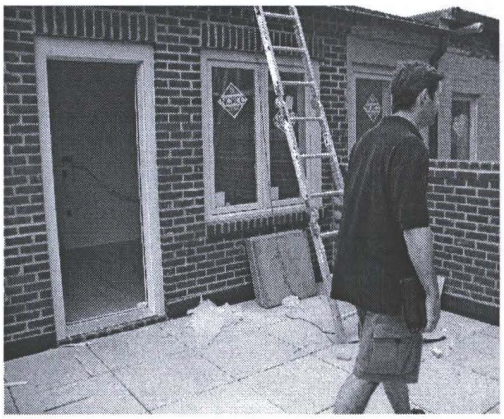


Illustration 4: Private Recreation Space for Duplex at 1531. 1533 is to right.

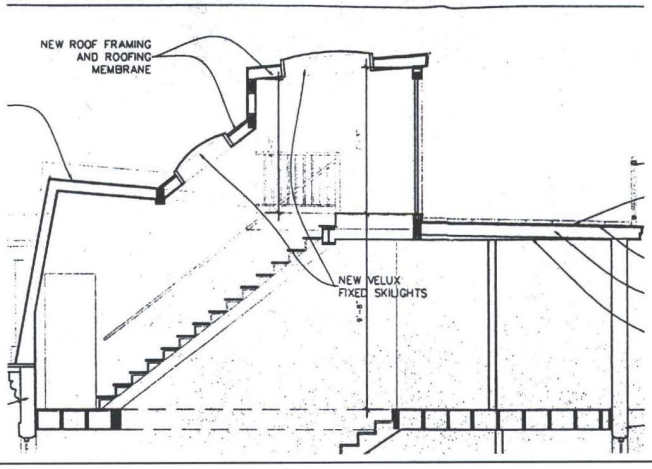


Illustration 5: Stairs/roof structure/roof deck, 1531 P St.