Advisory Neighborhood Commission 1C
PO Box 21652, NW, Washington, DC 20009
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Tuesday, December 3, 2002

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Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW – Suite 210 South
Washington, DC 20001

RE: BZA Case No. 16924, Application of Jemal's Wheel, LLC

(a) Report of ANC 1C in BZA Case No. 16924, Application of Jemal's Wheel, LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under section 441, and a special exception (or variance) from the Reed-Cooke Overlay building height requirements under section 1403, and pursuant to 11 DCMR § 3103.2, a variance from the lot occupancy requirements under section 772, a variance from the residential recreation space requirements under section 773, a variance from the parking aisle width requirements under section 2117, and a variance from the loading berth requirements of section 2201, to permit the construction of a 65 unit apartment house in the RC/C-2-B District at premises 1701 Kalorama Road, NW (Square 2566, Lot 90).

NOTE: As a result of negotiations with the community, Jemal's Wheel LLC has agreed to several changes in its original plans that affected ANC 1C's recommendation. These changes include the removal of one story from the top of the proposed structure, the reduction in the number of units from 64 to 54, the placement of two units on the street level (one of which would be an affordable housing unit), the removal of eight parking spaces to accommodate those street-level units, and certain other adjustments. Jemal's Wheel LLC originally sought a variance from the floor area ratio (FAR) requirements under section 771, but their revised project no longer necessitates such a variance and they agreed to withdraw the FAR variance request; therefore, ANC 1C made no recommendation on that particular variance.

BZA
Case No. 16924
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO.16924
EXHIBIT NO.45

(b) A public meeting of ANC 1C to consider the above-referenced application was held Monday, November 18, 2002.

(c) Proper notice of said meeting was duly given.

(d) ANC 1C has nine members, and five members must be present to constitute a quorum. Six commissioners were present at the time that the vote was taken: Miscuk, Roth, Gibson, Bailey, Johnson, and Wright.

(e-1) ANC 1C concluded that the requested special exception from the roof structure requirements of 11 DCMR § 441 is justified. It is "in harmony with the general purpose and intent of the Zoning Regulations and Maps," in that only a tiny section of the roof exceeds mandatory setback requirements. For the same reasons, this special exception does not "adversely affect the use of neighboring property." In the public discussion of this property, this special exception was not considered controversial.

(e-2) ANC 1C concluded that the requested special exception/variance from Reed-Cooke Overlay building height requirements of 11 DCMR § 1403 is justified because "the property is unique by reason of...exceptional topographical conditions" and "other extraordinary or exceptional situation or condition." These practical difficulties are unique to the property, and therefore the strict application of the Zoning Regulations would be unnecessarily burdensome. Specifically, given the above-average ceiling heights in the existing structure, more building height is required to attain the desired number of residential floors. Additionally, given that much of the existing first floor is built into a slope, and the requirement that all residences must include windows, none of the square footage on that floor beyond the two new residential units added by community request can be used as residential space. The seven feet requested above the Reed-Cooke Overlay's maximum height of fifty feet is not considered by ANC 1C to be of "substantial detriment to the public good [or the] zoning plan." Given that the primary intent of the Reed-Cooke Overlay is "to provide for the development of new housing," the variance considered here is deemed warranted.

(e-3) ANC 1C concluded that the requested variance in lot occupancy requirements of 11 DCMR § 772 is justified for the "unique" property and "practical difficulties" reasons cited in (e-2). In order to adapt the existing structure into residential units, a lot occupancy variance is necessary. There is no impact on the public good or the zone plan. In the public discussion of this property, this variance was not considered controversial.

(e-4) ANC 1C concluded that the requested variance in residential recreation space requirements of 11 DCMR § 773 is justified for the "unique" property and "practical difficulties" reasons cited in (e-2). Given the reuse of the existing structure, and the limited use of the ground floor since it is built into a slope, a variance from residential recreation space requirements is warranted. There is no impact on the public good or the zone plan. In the public discussion of this property, this variance was not considered controversial.

(e-5) ANC 1C concluded that the requested variance in parking aisle width requirements of 11 DCMR § 2117 is justified for the "unique" property and "practical difficulties" reasons cited in (e-2). Given the reuse of the existing structure, and the distances between existing structural pillars, a variance from parking aisle width requirements is warranted. There is no impact on the public good or the zone plan. In the public discussion of this property, this variance was not considered controversial.

(e-6) ANC 1C concluded that the requested variance in loading berth requirements of 11 DCMR § 2201 is justified for the "unique" property and "practical difficulties" reasons cited in (e-2). Given the location of the structure on an alley that will also serve a forthcoming mixed-use residential/commercial building (the Colortone Building), providing a loading berth on that alley would pose public safety and other problems. Loading can occur through this proposed structure's street-level garage entrance and a loading zone can be provided on the street, warranting a variance from loading berth requirements. There is no impact on the public good or the zone plan. In the public discussion of this property, this variance was not considered controversial.

(f) ANC 1C recommends that the above-mentioned special exception(s) and variances be granted, *subject to the incorporation in the BZA order of a construction plan designed to minimize inconvenience to other residents and businesses in the area to the extent practical.*

(g) ANC 1C voted 4-2 in favor of the foregoing recommendation.

(h) This report may be presented to the BZA by Commissioner Andrew Miscuk (Chairperson) or Commissioner Josh Gibson (Single Member District 1C07, in which the property is located).

Please feel free to call me if you have any questions, 202-667-1488

Thank you for your consideration.

FOR THE COMMISSION,

Andrew James Miscuk
Chairman, ANC 1C