BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

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I. Nature of Relief Sought

This is an application by Manna, Inc. for variance relief pursuant to Section 3103 of the Zoning Regulations and special exceptions pursuant to Section 3104 to allow construction of a townhouse development of 12 units on alley lots in Square 274. The variances being requested are as follows: width of alley for street access (§ 2507.2); minimum lot width and area (§401.3); rear yard setback (§404.1); side yard setback (§405.1); maximum lot occupancy (§403.2); and required parking spaces (§2101.1). A special exception is required to locate required parking spaces other than on the lot with the principal building (§2116). These areas of required relief are identified in the Zoning Administrator's memorandum dated June 17, 2002 submitted with this application. The areas of relief apply to varying numbers of lots – not all lots in each case. The subject property is zoned R-4.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to Sections 3103 and 3104 of the Zoning Regulations.

III. Background

The residential project proposed in this application ("Temperance Row") reflects a partnership effort between Manna and the Public Welfare Foundation ("PWF"), which purchased and by Spring 2001 had renovated the historic True Reformer building at 1200 U Street, N.W. to be its headquarters building. When PWF acquired the True Reformer

BZA
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building, it also purchased some additional land in the block -- the interior lots referenced in this application – to be used for a project that would benefit the surrounding community. The subject lots were part of an accessory parking lot in the interior of Square 274 that was approved in 1987 but never constructed.

The Public Welfare Foundation sponsored several community meetings to obtain community opinion and ideas for beneficial uses for these lots. The Foundation also undertook a survey of neighborhood residents as to what type of project would best serve community needs. Affordable housing was the leading vote-getter. Subsequently, several developers submitted specific housing proposals to PWF, and Manna's proposal was selected for its development to be known as "Temperance Row." The Public Welfare Foundation not only donated the land to this project but also committed a substantial grant of additional funds to support the affordability of the dwellings for occupancy by low-income families.

IV. Description of the Subject Property and Vicinity

The subject property is located in the interior of Square 274, which is bounded by T, U, 12th and 13th Streets, N.W. Part of the site is paved and is used informally for parking. In 1987, the Duron Paint store, then located in the True Reformer building, was granted approval in Board of Zoning Adjustment ("BZA") Case No. 14574 to improve these lots for use as an accessory parking lot. The parking lot, however, was never constructed nor officially established.

The 12 proposed lots are located on the east and west frontages of a 25-foot-wide alley named Temperance Avenue or Temperance Court, N.W.[1] Nine lots will front on

[1] Temperance Court seems to be the current usage, and will be used in this statement.

Temperance Court on the west side and three lots on the east side. Temperance Court is part of an H-shaped alley system that includes two east-west alleys, each 15.25 feet in width extending from 12th to 13th Streets. Temperance Court is 25.25 feet wide and runs north-south in the center part of the square, connecting the two east-west alleys. Parallel to Temperance Court are two 10-foot-wide, north-south alleys that define the rear boundaries of the subject lots in this application.

At present there are 22 vacant lots (Lots 804-820 and 57-61 in Square 274), each 11-12 feet wide and 47 feet deep. Manna's proposal is to create 12 lots with larger dimensions as described below. The proposed subdivision of the 12 lots is in progress as part of Historic Preservation Action No. 02-183, discussed later in this statement, and is also contingent upon approval of the variances requested in this application.

To the west and south of the property are the rear yards of a continuous row of three-story townhouses that front on 13th Street and two-story townhouses facing T Street. Both are within a large R-4 district that extends to the south, east and west. (See the Site Plans included with this application.) To the north is the west entrance to the U Street/Cardozo Metrorail station, together with its plaza area and surplus WMATA land proposed to be improved with an office building in the C-2-A/Arts District. The remainder of the U Street frontage in this square is developed with a low-rise commercial building and, at the corner of 12th Street, the midrise True Reformer Building, a historic landmark recently restored by its current occupant, the Public Welfare Foundation. Immediately to the east of the subject property and also in the interior of the square is a one-story, brick utility building owned by the Washington Metropolitan Area Transit

Authority. To the east of this utility building is the Public Welfare Foundation's parking lot along 12th Street.

The general land use and zoning context in the larger neighborhood includes commercial and mixed-use zoning on the U Street frontages (C-2-A/Arts on the south side, CR/Arts and C-2-B/Arts on the north side), C-3-A/Arts zoning along 14th Street, and residential R-4 zoning generally to the east, west and south. Commercial buildings along U Street are generally at moderate scale and include numerous restaurants and retail shops, as well as a major arts use – the Lincoln Theater. North of U Street, new residential and mixed use buildings at midrise scale are in the approval process. The R-4 areas in the heart of the Shaw neighborhood are developed with row houses, or townhouses, conversions and scattered small apartment buildings.

V. Subject Property Zoning

The property is zoned R-4, which permits matter-of-right development of residential uses, including single-family detached, semi-detached and row dwellings, as well as flats. Conversions of existing buildings to apartments are permitted with a restriction of 900 square feet of lot area per apartment unit. The minimum lot area in R-4 is 1,800 square feet, minimum lot width is 18 feet, the maximum lot occupancy is 60 percent and the maximum height is three stories and 40 feet.

The Zoning Regulations, in Section 2507, provide special regulations for development on alley lots. The applicable provisions, in summary, are as follows:

2507.1 A one-family dwelling is the only use allowed;

2507.2 The one-family is only allowed if all alley segments reaching a public street are at least 30 feet wide;

2507.3 Not applicable – relates to existing structures;

2507.4 The maximum permitted height of a building is equal to "the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley," i.e., the maximum height is the width of the alley unless the building is set back from the alley, in which case additional height is obtained in direct proportion to the setback.

2507.5 Not applicable – artist studios; and

2507.6 Not applicable – storage and parking on alley lots.

VI. Project Description

Manna's proposed project is to build 12 small townhouses or row houses for ownership and occupancy by low-income households. (Computations are attached to the Zoning Administrator's memorandum dated June 17, 2002, a copy of which is included with this application. Building plans have been submitted with this application as well.) The existing 11-foot by 47-foot lots would be subdivided into much wider 18-foot and 20-foot lots. The depth of the lots cannot be increased because of the alleys to the rear of the lots. On the west side of Temperance Court a row of nine houses will be constructed, and three houses will be constructed on the opposite, east frontage. The exterior materials will be split-faced concrete block and contrasting banding for the foundation and the string courses, except that on the rear walls the siding would be vinyl. The front windows will be metal frame, industrial style windows. There will be metal stoops with projecting metal canopies accessing the front doors. The houses will be two stories and

33 feet, three inches in height, based on the width of Temperance Court at 25 feet three inches plus an eight-foot setback.[2]

As shown on the site plan, one parking space will be provided on each of the three lots on the east side of Temperance Court. For the nine houses on the west frontage, a total of seven parking spaces will be provided on separate lots at the ends of the row of dwellings – five spaces at the north end and two spaces at the south end. Thus, the Temperance Row development will provide 10 parking spaces for 12 dwellings, whereas Subsection 2101.1 of the Zoning Regulations requires one space per dwelling. Thus, this application includes two special exceptions. The first is for a reduction of parking under §2108; the second is to provide parking elsewhere than on the lot with the principal building, pursuant to §2116. The applicant has initiated a discussion with the Department of Public Works as to whether parking might be allowed on one side of Temperance Court, given its width of 25 feet and the small number of dwellings served by the alley.

VII. Conceptual Approval – Historic Preservation Review Board

Because the property is within the Greater U Street Historic District, the applicant applied to the Historic Preservation Review Board ("HPRB") for approval of the proposed subdivision as well as the exterior design. Historic Preservation Application ("HPA") No. 02-183 was presented to the HPRB on February 28, 2002, and was granted conceptual approval, with a delegation to the staff to resolve specified design adjustments with the applicant. The staff report to the HPRB stated, in part:

> *The proposal is a creative solution, both in its siting along an alley and in its architectural styling and use of materials. Its compatibility with the*

[2] This determination was approved by the Acting Zoning Administrator, so that no height variance is required.

historic district would be in its recreation of the overall form of alley buildings, and in its reintroduction of the hierarchy of building types that were found within a block, with larger houses facing the streets and smaller ones lining the alleys. Stylistically, the buildings are somewhat evocative of early modernist efforts at providing affordable housing in Holland and Germany in the 1920s, as well as Greenbelt, Maryland in the 1930s. The design is stronger collectively than the houses would be individually, and the same architectural solution might not work in an alley that still contained a collection of 19th century buildings. However, in this situation, on what is a large, open site without existing historic alley buildings, the contemporary vocabulary and materials use is appropriate in clearly identifying it as a product of the time in which it was built. (Staff Report, pp. 1-2)

VIII. Rationale for the Variances

The requested area variances require a demonstration that some exceptional or unique condition of the property creates a practical difficulty for the owner in using or developing the property. The Board must also find that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

A. An exceptional or unique condition creates a practical difficulty in using the property. In this case the practical difficulty is created by the existing H-shaped alley system, together with the very small size of the existing alley lots and the limitations imposed by historic preservation regulations. All of the requested variances derive from the history of these alley lots and the configuration and dimensions of the alley system. These lots were improved with alley dwellings until they were demolished in the 1950s. The existing lots have typical dimensions of only 11.8 by 47 feet and are unbuildable by modern building and zoning code requirements. The proposed plans would widen the lots (and the proposed row houses) to 18 to 20 feet each, making them

conforming under the R-4 minimum width requirement of 18 feet.[3] Because the two rows of lots are bound by alleys to the front and rear, the depth of the lots may not be increased. Any additional widening of the lots (and thus the houses) would create problems of inefficient layout of interior space, but more importantly, unusually wide row houses with exterior proportions that would look awkward and out of character in the historic district. The Greater U Street Historic District is dominated by established, typically Victorian, row house character with deep, narrow lots. If the lots were made approximately 38 feet wide to achieve the minimum lot size of 1,800 square feet in R-4, it is doubtful that the design could be approved by the HPRB. Thus, the subject property is constrained by exceptional conditions relating to the alley system and historic preservation requirements that constitute a practical difficulty on the owner in using or developing the property. The lots cannot be reasonably made large enough to comply with minimum area requirements, nor to accommodate one off-street parking space per dwelling, as required by the Zoning Regulations.

The staff report to the HPRB indicates some of the constraints in reusing lots previously improved with alley dwellings:

> *Alleys have provided a location for affordable housing in Washington since the city's inception. However, by the early 20th century, their often cramped, substandard and unsanitary conditions made them a target of progressive reformers who worked successfully to abolish alley dwellings – and often the alleys themselves – in many areas of the city. While alley buildings are an important part of the historic and physical fabric of a number of historic districts – Foggy Bottom, Capitol Hill, 14th Street, U Street, Shaw, Mount Vernon Square, Georgetown, and Blagden Alley/Naylor Court – there remain significant zoning and code restrictions limiting the reuse of existing buildings and the construction of new dwellings, from which the applicants will need to seek relief.*

[3] One of the lots is 17.feet, 1 ¾ inches wide and requires a variance.

In summary, the applicant believes that the practical difficulty of using the property under R-4 standards derives from the very small size of the existing lots, the limitations on the dimensions of the lots as constrained by the existing alley system, and the location of the property in the Greater U Street Historic District.

The creation of single-family, owner-occupied row dwellings is a use of the property in keeping with the character of the immediate and larger neighborhood. The row houses will be more compatible with the neighborhood than the existing, unsightly, semi-paved, unauthorized parking use of the Property.

B. The requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan. The proposed variance can be granted without any detriment to the public good. The 12 small townhouses that will be built and occupied if variance relief is granted are unlikely to have any adverse effects on neighboring properties or the surrounding neighborhood. The presence of residents in the large interior of Square 274 will likely improve public safety by the addition of "eyes on the street." Traffic generation will be minor, as the number of units is a small fraction of the dwelling units plus commercial uses already in existence on the block. The site is located immediately adjacent to a Metrorail station, so that residents will be able to use public transit rather than private automobiles for many work and other trips. The appearance of the alley will be greatly improved by construction of attractive townhouses, approved conceptually by the Historic Preservation

Review Board, in place of the existing deteriorated paving, chain link fence and unkempt condition generally.

As to the intent and purpose of the zone plan, specifically the R-4 District, the primary use encouraged in this zone is row dwellings for residential occupancy. The proposed row dwellings will, moreover, be subsidized for ownership and occupancy by low-income households. Temperance Row will be one of the only, perhaps the only, affordable townhouse development to be constructed in the 14th and U Street, N.W. area in the current time period. The residential development and reuse market has surged in this area in recent years, with significant increases in prices and rents. Thus, this development, if approved, will help maintain diversity of household incomes in the neighborhood, as well as provide sorely needed housing in the lower cost range. Manna's ownership plan is for a limited equity cooperative form of homeownership, so that the dwellings will continue to be affordable over time, with changes of individual owners.

It should also be noted that the proposed row dwellings continue a tradition of historic residency in this alley going back to alley dwellings constructed in the 19th century, the difference being that the dwellings proposed herein are larger and will have indoor plumbing and other modern amenities. Finally, as summarized below, affordable housing was the use of the property preferred by the majority of residents in the area.

As to the minor parking variance requested, the applicant notes the following. The row dwellings will be small in size and will accommodate relatively small households and a moderate number of automobiles. A quiet residential situation is projected, with a modest level of visitors. Curbside parking and metered parking are available on nearby

streets. The parking situation is relatively tight, but the subject 12 units add very little parking demand to a fairly dense, mixed use neighborhood setting. The subject property is immediately adjacent to the U Street-Cardozo Metrorail Station entrance at 13t^{h} and U Streets, N.W. The shortage of only two parking spaces in the subject development (10 spaces for 12 units) is very minor.

IX. Special Exception

Parking Location. Subsection 2116.1 provides that required parking spaces must be located on the same lot as the building(s) or use(s) being served, and §2116.2 indicates allowed locations on the lot for locating parking spaces. By way of special exception relief from these locational requirements, §2116.5 and .6 allow the Board to authorize parking spaces to be located other than on the subject lot, provided that the normal, on-site location is not practical due to:

(a) Unusual size, shape and dimensions of the lot (among other things). *The subject lots are quite unusual as to size and dimensions, as indicated in this statement.*

(b) Lack of appropriate ingress or egress. *In this case the access and egress is unusual in that the building lots are themselves alley lots. A variance is requested from the requirement that dwellings on alley lots must be served by alleys at least 30 wide connecting to a public street. In this sense, the site does not have appropriate access and egress.*

(c) Traffic hazards caused by unusual street grades. *This condition is not applicable to the subject property.*

(d) The location of the parking spaces other than on the same lot as the principal building will result in "more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties." *Because of the small size of the affected lots (the row of nine houses on the west frontage of Temperance Court)*[4]*, providing parking pads or garages on them would severely impair the amenity of the rear yards and landscaping and mar the visual quality of the houses. Turning movements in and out would likely be constrained as well. Moreover, locating parking spaces at the ends of the western townhouse row makes the parking more accessible from the wide alleys and therefore easier for the residents to use.*

The applicant believes that the project qualifies for the requested special exceptions for the reasons stated above.

X. Community Participation

As stated previously, the Public Welfare Foundation conducted meetings and a survey to determine the preferred use of the subject interior lots. The community voted in favor of developing affordable housing. Manna then held two public meetings to describe the Temperance Row development plan, answer questions, and get feedback. At meetings held in the evenings of October 22, 2001 and January 15, 2002, Manna staff showed drawings of the planned development, including the site plan, and also described the projected resident groups and how a housing cooperative will be formed to operate the project. Manna also met with the Cardozo Shaw Neighborhood Association and met with the chair of their Historic Preservation Committee, and engaged in

[4] The three proposed lots on the east frontage of Temperance Court are sufficiently large to accommodate required parking on-site.

numerous telephone discussions with individuals. The concept of providing affordable ownership through a co-op was especially applauded, and many favorable comments were made about the aesthetics of the design, including the predominant use of split-face concrete block. The parking plan was also accepted by most attendees.

Two or three neighbors living to the west of the site in houses fronting on 13th Street expressed the concern that Temperance Row will physically establish the eastern boundary of the 10-foot-wide north-south alley and thereby constrain their turning movements into garages or parking pads. Currently the area is unfenced and unbounded physically. Temperance Row will provide rear yard fences that will bound the alley on its east side. As a result of this feedback, Manna has modified its site plan by moving the fence line two feet into the lots, so as to effectively create a 12-foot-wide alley for better maneuverability of automobiles into adjacent rear yards.

XI. Conclusion

Based on the analysis and rationale presented in this statement and other evidence submitted to the record of this case, the Applicant believes that the requested variances and the special exception are justified. The Applicant respectfully requests approval by the Board.

Sincerely,

Nathan W. Gross

Cynthia A. Giordano

Attachments