GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE November 19, 2002

SUBJECT: **BZA Application 16951 – Request filed by Greenstein, Delorme & Luchs, P.C. a use variance** to establish a "consolidated management office" at 1921 Kalorama Road, N.W., Suite 103, proposed by Southwest Properties, Inc.

APPLICATION
Application of Southwest Properties, Inc.:

> **Use Variance from §350.4 pursuant to §3103.2 of Title 11 DCMR** to permit a commercial consolidated management office in a residential building (at property located at the northeastern corner of 20th Street and Kalorama Road), 1921 Kalorama Road, N.W., Square 2539, Lot 300. The property is located within the R-5-B, moderate density general residence district.

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of the request for a use variance.

PROJECT DESCRIPTION
The applicant proposes to establish a "consolidated management office for related residential properties" within an existing terrace level residential apartment consisting of approximately 500 square feet. Access to the proposed office is from an existing building entrance on 20th Street. The consolidated management office is proposed to serve the subject building, plus five other apartment buildings within the District of Columbia. The 20th Street lobby is proposed by the applicant to be modified to provide access to the management office only so as to maintain security for the residents of the building. The main entrance to the building will remain on Kalorama Road.

BZA
Case No. 16951
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16951
EXHIBIT NO.28

SITE AND AREA DESCRIPTION

The property consists of Lot 300, Square 2539, in the North West quadrant of the District, and is improved as an apartment building constructed in 1929 with 57 residential units. The site is located within the Kalorama Triangle Historic District. The building is located at the northeast corner of 20th Street and Kalorama Road. It is 5-stories in height as viewed from the front and 7-stories in height as viewed from the rear. The main entrance to the building is on Kalorama Road. A secondary entrance from 20th Street provides direct access to the terrace level. There are other residential apartments on the terrace level. No off-street parking is provided and the subject property has no alley access.



View of subject property from 20th and Kalorama Road, N.W.

The surrounding neighborhood is residential in character, including row houses, and mid and high-rise apartment buildings and is zoned R-5-B. To the east is a 6-story apartment building known as Connecticut Gardens, constructed in 1940. To the south, across Kalorama Road, is a 5-story apartment building known as The Knowlton at the southeast corner of 20th Street and Kalorama Road, and a 5-story apartment building known as The Wobern. To the west, across 20th Street, are 3-story row houses. To the north of the subject property is a portion of the parking lot belonging to the Connecticut Gardens apartment building; beyond that are 2.5 story row houses, constructed in 1912. All surrounding properties are located within the R-5-B zoning district and the Kalorama Triangle Historic District.

ZONING REQUIREMENTS
The subject property is located in the R-5-B moderate density residence district.

> *"The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through §360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts."* (§350.1)

Offices that are accessory to a permitted use are also allowed. A management office is permitted as an accessory use to an apartment building. However, this management office proposes not just to serve the apartment building in which it is located, but also five other apartment buildings in the District, making it a commercial office use. Therefore, a use variance is required in order to permit a commercial use within a residential zoning district.

Offices are permitted as a matter of right within the C (commercial) and M (industrial) districts, within the districts that encourage a mixture of uses, such as the CR (mixed use) and W (waterfront) districts, and within the SP (special purpose) district subject to BZA approval.

No parking spaces are required for the existing property under §2100.5 of the Zoning Regulations, because the subject property is located within a historic district.

RELIEF REQUESTED
Variance to the use provisions of §350.4, pursuant to §3103.2

> *"The following uses shall be permitted as a matter of right in an R-5 district:*
>
> *(a) Any use permitted in the R-4 district subject to the requirements of §410 of chapter 4 and §353 of chapter 3 of this title;*
> *(b) Greenhouse or horticultural nursery;*
> *(c) Multiple dwellings subject to the requirements of §353 and §410 of this title; Provided, that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one month;*
> *(d) Hotel, only in R-5-B, R-5-C, R-5-D, or R-5-E districts, in existence as of May 16, 1980, ...*
> *(e) Residence for teachers or staff of private schools;*
> *(f) Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including...*

(g) *Child/Elderly development center in R-5-D and R-5-E districts; Provided, that the center shall be limited to no more than twenty-five (25) individuals."*

The Board of Zoning Adjustment is empowered to grant variances as provided by Section 3103.2 as follows:

> *"As set forth in D.C. Code Ann. §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can 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."*

The subject property is neither exceptionally narrow, shallow, of an exceptional shape, nor constrained by exceptional topographical conditions. The subject property is improved with a conforming apartment building use that was constructed in 1929. According to the application, the subject unit was last used as an apartment, but is "not well-suited for continued residential purposes because of its undesirable exterior view, immediate proximity to the 20th Street entrance and high traffic volume of residents."

Although the subject unit of this 73-year-old building may contain an undesirable view, this is not an extraordinary or exceptional situation that prevents the unit from being used for residential purposes. In addition, the adjoining building next door was constructed in 1940, and therefore the view from the subject unit has not changed for 62 years. The location of the unit to the 20th Street entrance, including the high traffic volume of residents indicated in the application, is also no different from that of Apartment 3 as shown on the partial Terrace Level floor plans submitted as a part of the application. The Office of Planning assumes that Apartment 3 is used for residential purposes as there are no BZA cases on file with the Office of Zoning and the applicant has not submitted any information indicating otherwise.

It is the Office of Planning's conclusion that the criteria for variance relief of §3103.2 has not been satisfied, in that it has not been documented that the subject property *"by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property... would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property..."* (§3103.2).

COMPREHENSIVE PLAN
The Generalized Land Use Map recommends the Moderate Density Residential land use category for the subject property- "Row houses and garden apartments are the predominant uses; may also include low density housing."

The Comprehensive Plan includes the following action and policy for Ward 1:

> "To address the erosion of the housing stock that has resulted from increasing numbers of... incompatible facilities and services." (1207.1(g))
>
> "To promote the conservation, enhancement, and revitalization of Ward 1's residential neighborhoods for housing and neighborhood related uses." (1230.1(a))

COMMUNITY COMMENTS
The Office of Planning has received no comments from **ANC 1C**. A letter was submitted to Board of Zoning Adjustments from a neighborhood resident indicating opposition to the application.

CONCLUSION
The subject property is improved with a building that is a conforming use as an apartment building. The unit proposed for use as the consolidated management office was, according to the application, used for residential purposes. The fact that it does not have desirable views from its windows, or is located near the 20th Street entrance to the building and is impacted by the associated foot traffic associated with that entrance does not result in an exceptional or extraordinary hardship, especially as there are other apartment units located near this entrance.

RECOMMENDATION
The Office of Planning has reviewed the application in terms of the property's zoning and the standards for a variance. OP concludes that the proposal does not meet the required variance test and cannot 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."*

The Office of Planning recommends denial of the following:

> **Variance to Section 350.4 pursuant to Section 3103.2 of Title 11 DCMR** to permit a commercial consolidated management office.

AA/sjm$_{AICP}$



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16951

DC Office of Planning
November 4, 2002

Scale 1:1057

25 0 25 50 75 100 Feet

Attachment 1