**ADVISORY NEIGHBORHOOD COMMISSION 3C**
GOVERNMENT OF THE DISTRICT OF COLUMBIA
*CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS*
*MCLEAN GARDENS • WOODLEY PARK*

Single Member District Commissioners
01-Allen Hahn; 02-Kurt Vorndran; 03-Sally MacDonald
04-Richard C. Bartel; 05-John Welsh; 06-Trudy Reeves
07-Sheila Hogan; 08-Nancy Nord; 09-Nancy MacWood

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# ANC3C RESOLUTION 2003-011

16970

## Resolution Regarding Variance Application by NCRC

WHEREAS National Child Research Center (NCRC) is seeking variance relief from sections 3202.3, which prohibits more than one principal building on a single record lot, and 2100.6, which requires parking spaces when the intensity of use of a building is increased due to an addition or increased number of people using the building; and

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WHEREAS section 5.420 of the DC Code provides the granting of variances by the Board of Zoning Adjustment (BZA)

> Where, 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 zoning regulations] would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize,…a variance from such strict application so as to 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; and

WHEREAS the BZA has not determined whether a use or area variance is the necessary relief for the proposed second principal building on NCRC's single record lot; and

WHEREAS a use variance "cannot be granted unless a situation arises where reasonable use cannot be made of the property in a manner consistent with the Zoning Regulations" and thus, would result in exceptional and undue hardship*; and

WHEREAS NCRC is currently operating a successful child development center in a sought after residential neighborhood; and

WHEREAS an area variance is based on a showing that "compliance with the area restriction would be unnecessarily burdensome"* due to peculiar and exceptional practical difficulties; and

WHEREAS it is "fundamental that the difficulties or hardships be due to unique circumstances peculiar to the applicant's property and not to general conditions in the neighborhood"*; and

BZA
Case No. 16970
Exhibit No. 142

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.142

WHEREAS sect. 2100.6 requires the provision of parking spaces for additions when the intensity of use will be increased; and

WHEREAS the zoning regulations provide an exemption from the parking requirement only when a building is located in a historic district and has been certified by the State Historic Preservation Officer as contributing to the character of that historic district; and

WHEREAS Advisory Neighborhood Commission 3C has unanimously opposed the NCRC application on historic preservation grounds (Resolution No. 2002-042) and the application for special exception relief under section 205 for NCRC (Resolution No. 2003-001):

BE IT RESOLVED that ANC 3C finds

1. that there is no exceptional narrowness, shallowness, or shape of the NCRC property or any exceptional topographical conditions that are unique to this property;
2. that NCRC has not shown that its property, which is zoned residential, could not be put to a conforming use without a variance;
3. that there is no unnecessary burden placed on NCRC by either continuing to operate under current conditions or complying with the zoning requirements to create a second record lot for the proposed second principal building; other similar lots on the same street have been subdivided and the new structures have complied with the area zoning requirements;
4. that there is no extraordinary or exceptional situation or condition of the NCRC property , including the fact that it is in a historic district since this fact is not unique to this property in the neighborhood;
5. that granting the variance could result in substantial detriment to the public good because it would allow NCRC to build a new principal structure and avoid side yard, rear yard, lot occupancy and other residential zoning requirements that protect neighboring property owners;
6. That with the proposed addition and proposed increase in enrollment and faculty there will be an increase in intensity of use and we further find that the new principal building would not be certified by the State Historic Preservation Officer as contributing to the historic district and therefore, it does not qualify for a parking exemption under sect. 2100.6.

THEREFORE BE IT FURTHER RESOLVED that ANC 3C finds that the requested variance should not be granted and urges the BZA to deny the application.

RESOLVED that the Chair, Commissioner Welsh, or the chair's designee is authorized to represent the ANC on this matter.

Attested by Nancy J. MacWood, Chair, on April 28, 2003
Date

* *Gardner E. Palmer,et al. v. Board of Zoning Adjustment, 287 A.2d 535; 1972 D.C.App*