GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 17, 2003

SUBJECT: **BZA Case #17025, 1627 Marion Street NW, Variance Request**

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends that BZA Case #17025, 1627 Marion Street NW, Variance Requests for Lot Area, Lot Width, and Court Width be approved; and that Variance Request for Lot Occupancy be denied.

II. APPLICATION-IN-BRIEF

Location	1627 Marion Street NW, Washington DC Square 444, Lot 131, Ward 2; ANC 2C
Applicant:	Shahla O. Mazanderan, owners
Zoning:	R-4
Proposal:	Construction of a new row dwelling with English basement.
Relief Sought:	Variances to lot area, lot width, open court width, and lot occupancy.

III. AREA AND SITE DESCRIPTION – Refer to Location Plan, Attachment I

The subject property is in the Logan Circle / Shaw neighborhood in Ward 2. Square 444 is bound on the west by 7th Street NW; on the north by Rhode Island Avenue NW; on the east by 6th Street NW; and on the south by Q Street NW. Marion Street NW runs north-south through the center of the square. There is an alley with brick pavers to the rear of the subject lot. The block is developed predominantly with row houses; a large apartment building with parking access from Marion Street is to the west of the site. The property is close to the Howard University green line Metro station.

The property has been vacant for many years – the applicant indicated that the former rowhouse burned down in the 1950's. Historic land use maps indicate that that the former row house had a long and narrow court along one side. In 1989, in BZA Case # 15057, the current owners requested variances to lot area and lot width for a rowhouse with English basement which otherwise conformed to zoning regulations. Following design modifications, the local ANC, the Office of Planning, and most local residents supported the application. The BZA unanimously approved the variances, but, in accordance with §3130.1, that approval expired and the property has remained undeveloped.

IV. PROJECT DESCRIPTION

The owners have resubmitted a new application for the rowhouse with English basement. The design appears virtually identical to the revised design of the building approved in 1989. It would be a two story plus basement brick clad structure.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17025
EXHIBIT NO. 21

BZA
Case No. 17025
Exhibit No. 21

V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated "moderate density" residential (row houses and garden apartments being the predominant use) on the Comprehensive Plan Generalized Land Use Map. The proposal would not be inconsistent with this designation, and would further the following Comprehensive Plan objectives:

§1104 *Policies in Support of the Land Use Element Residential Objectives*:

§1104.1 (h) *... encourage the ... rehabilitation and new construction of detached and row housing, apartments, and accessory apartments in single-family residences, while exercising great care to avoid undermining neighborhood quality and stability;*

§1305 *Ward 2 Actions In Support Of Housing Objectives*:

§1305.1 (a) *The District government shall encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives*;

VI. AREA ZONING

The subject property is zoned R-4. Most of the square is also zoned R-4, which is "*designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families*" (§330.1). The zone permits row houses, detached dwellings, conversions, and flats. Directly to the west is a large apartment building zoned C-2-A, facing 7th Street and Rhode Island Ave.

VII. REQUESTED ZONING RELIEF (refer to Project Profile, Attachment II)

The proposed new townhouse would require the following variance relief pursuant to §3103.2:

1.	Zoning Regulation:	Proposed:
§401	**Lot Area:** -1,800 sq.ft. min.	1,552 sq.ft., **variance of 248 sq.ft.**
§401	**Lot Width:** - 18' min.	17 feet, **variance of 1 foot.**

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

Yes. The property was created prior to current zoning regulations. Although smaller than what would now be permitted in a new subdivision, it is a lot of record, and is of a similar size, shape and orientation to other properties on the street. It was previously developed with a rowhouse.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant with regard to the lot area and width?

Yes. The property, which is surrounded by rowhouses of a similar size on lots of similar size and dimensions, would not be developable, meaning that it would remain vacant and undeveloped.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Yes. Permitting development of the existing lot with a rowhouse, an intended use in the R-4 zone, would be consistent with zoning regulations. It is also consistent with the Comprehensive Plan Land Use Map, which designates this side of Marion Street as "moderate density" residential development, with row houses and garden apartments as the predominant uses.

2.	Zoning Regulation:	Proposed:
§406.1	**Open Court Width:** - 4" per foot of height = approx. 8 feet min.	4 feet, **variance of 4 feet**

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant with regard to the court?

Yes. A conforming court would have a width of about 8 feet, leaving only 9 feet for building. This would create an unnecessarily large court which would be larger than similar basement stairwells for other rowhouses on the street, would be out of character with the alley-scape, and would not appear to provide significant benefit to neighbors. A review of aerial photographs indicates that non-conforming courts, to provide basement access, are common in the area.

The provision of a secondary means of egress from the basement unit is a building code requirement, so providing a conforming alternative to the stairwell exit would result in extensive design changes to the basement level, and would likely result in a poorly designed and inefficient space that is not in character with the development pattern of the square.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Yes. The open court width provision is intended to ensure the provision of light and air. The variance should not substantially impair this intent given the form and orientation of the adjacent rowhouses. The most impacted property to the north has a similarly long and narrow court with windows - eliminating the court on the subject property would make the existing one feel particularly narrow and confined and would impede light and air access to that unit. The two courts together provide a width of at least 8 feet, which meets the intent of the regulations.

3.	Zoning Regulation:	Proposed:
§403	**Lot Occupancy:** - 60% max.	61.97%, **variance of 1.97% (30.6 sq.ft.)**

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant with regard to lot occupancy?

No. The proposed lot occupancy variance does not appear to be the result of any lot constraints or non-conformity. Although the lot is smaller than currently permitted, OP believes that the permitted lot occupancy is adequate to provide a reasonable amount of development on this site.

Minor adjustments to the proposed plans for the new building should eliminate the lot occupancy variance request. The building, slightly redesigned to conform to lot occupancy, would not be unlivable, and would remain in character with other area rowhouses.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

No. Although the requested lot occupancy relief is small and requiring conformity would not result in a significantly decreased building bulk, lot occupancy is intended to ensure that the footprint of buildings has a direct relationship to the amount of lot upon which the structure is to be located. In this zone, lot occupancy and height are the means used to regulate building bulk, as there is no floor area ratio. Requiring conformity in this case is in keeping with the intent, purpose and integrity of the Zoning Regulations and Map.

VIII. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 2C considered this item at its Wednesday, June 04, 2003 meeting. The applicant advises that the ANC voted to recommend approval of the proposal.

IX. OTHER AGENCY COMMENTS – refer to Attachment IV

The Department of Consumer and Regulatory Affairs, DC Parks and Recreation Department, and the DC Department of Housing and Community Development all indicated no objection to the proposal. The Fire and Emergency Medical Services Department noted no objection provided the applicant installs a residential fire sprinkler system. The DC Water and Sewer Authority (WASA) noted the information they will need to review the building permit.

X. OP SUMMARY RECOMMENDATION

The proposed rowhouse is identical to the one approved by the BZA in 1989, although OP has not been able to determine why the former application did not also include lot coverage and court width relaxation requests. The Office of Planning recommends that the BZA approve the variances related to lot area, lot width, and open court width. However, OP feels there is not sufficient justification for the minor lot occupancy variance. This recommendation is consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the Zoning Regulations.

AA/jl

ATTACHMENTS:

I Location Map
II Context Map
III Project Profile
IV District Agency Comments



Feature Key

Zoning Boundaries

Square Index

Ortho-Photography was taken in 1999.

Board of Zoning Adjustment

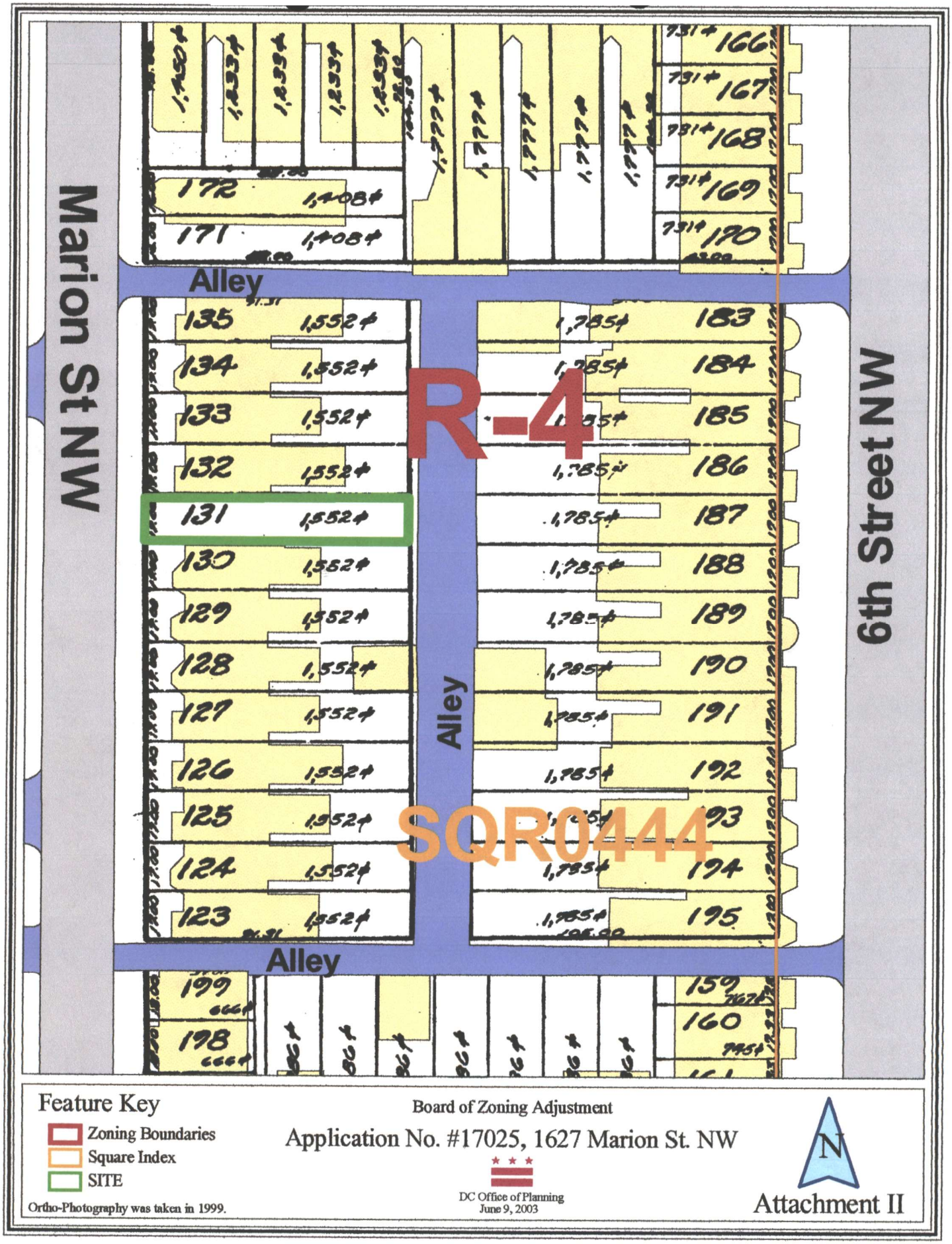
Application No. #17025, 1627 Marion St. NW

DC Office of Planning
June 10, 2003

N

25 0 25 50 75 100 Feet

Attachment I



Feature Key

- Zoning Boundaries
- Square Index
- SITE

Ortho-Photography was taken in 1999.

Board of Zoning Adjustment

Application No. #17025, 1627 Marion St. NW

DC Office of Planning
June 9, 2003

N

Attachment II

Standard	R-4 Zone Regulations	Proposed [1]	Variance
Height: (§400)	40 ft. max.	approx. 28 ft.	conforming
Stories: (§400)	3 max.	3	conforming
Lot Size: (§401)	1,800 sq.ft. min.	1,552.3 sq.ft.	**Variance required – 247.7 sq.ft.**
Lot Width (§401):	18 ft. min.	17 ft.	**Variance required – 1 ft.**
Floor Area Ratio: (§402)	n/a[2]	885 sq.ft. per floor; 2,655 sq ft. total	n/a
Lot Occupancy: (§403)	60% max = 931.4 sq.ft. total	61.97% 962 sq.ft.	**Variance required – 30.6 sq.ft.**
Rear Yard: (§404)	20 ft min.	26.3 ft.	conforming
Side Yard: (§405)	not required	0 ft on each side	conforming
Open Court Width: (§406)	4" / ft of building height = +/- 8 ft.	4 ft.	**Variance required – 4 ft.[3]**
Parking: (§2101.1)	1	1	conforming

1 Information provided by applicant.
2 This zone does not establish a maximum FAR.
3 Similar courts providing stairwell access to basements are common in the area.

ATTACHMENT IV

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

June 6, 2003

MEMORANDUM

To: **Joel Lawson**
Office of Planning

From: **Denzil L. Noble**
Administrator and
Acting Zoning Administrator

Re: **BZA Application No. 17025**
1627 Marion Street, NW
Square 0444/Lot 0131/Ward 2

We have examined the drawings and other information furnished in your May 28, 2003 communication.

The Office of the Zoning Administrator has no objection to the owners of the property captioned above seeking a variance(s) for the proposed construction.

Should you require additional information, contact me at 442-4576.

941 North Capitol Street, N.E., Suite 2000 Washington, DC 20002 Phone: (202) 442-4576 Fax: (202) 442-487

06/09/03 08:36 FAX 2024424871 002

ATTACHMENT IV

May 29, 2003

Joel Lawson
DC Office of Planning

The DC Parks and Recreation Department has no comments on this application.

Thank you.

Theodore Pochter
Chief, Planning and Design
DC Parks and Recreation Department
3149 16th Street, NW
Washington, DC 20010

ATTACHMENT IV

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Lawrence C. Cager, Jr.
Deputy Director for Development Finance

DATE: JUN -4 2003

SUBJECT: Board of Zoning Adjustment (BZA) Application No. 17025 – 1627 Marion Street NW; Square 444, Lot 131, Ward 2

As requested in an Office of Planning memorandum of April 3, 2003, the Department of Housing and Community Development (DHCD) has reviewed the above referenced BZA Application, supports approval of all the requested variances, and offers the following reasons in support based upon the specific information presented in the application:

1. Lot 131 is a currently vacant lot in a contiguous row of 2 story existing brick townhouses in the 1600 block of Marion Street NW.

2. All the other existing townhouses in the 1600 block of Marion Street NW have the same lot area, lot width and lot occupancy as that proposed for Lot 131.

3. The proposed townhouse on Lot 131 has the same height and building footprint (including the 4 foot wide open court at the proposed dogleg) as the other existing townhouses in the 1600 block of Marion Street. The proposed townhouse will blend into the existing row of townhouses and will eliminate the gap in the row that is currently caused by this vacant lot.

4. Lot 131 is a smaller than minimum size lot and cannot be built upon unless variances are granted from the minimum lot size and minimum lot width.

ATTACHMENT IV

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

5000 OVERLOOK AVENUE, S.W., WASHINGTON, D.C. 20032

MEMORANDUM

June 4, 2003

TO: Joel Lawson, Development Review Specialist
Office of Planning

FROM: James J. Shabelski, Supervisor
Water and Sewer Design Section, WASA

SUBJECT: BZA Application No. 17025—1627 Marion Street, NW
Square 444; Lots 131, Ward 2.

The District of Columbia Water and Sewer Authority (DC WASA) has reviewed the information for the above referenced project. Before the consultants initiate a building design, WASA will have to carefully review the hydraulic loading that will be placed on the storm and sanitary sewers from the new building. Therefore, DC WASA will require the following:

- 15-year peak flow for post development condition.
- Proposed locations of the storm/sanitary sewers, and water lines connection.
- Future average and maximum daily water demand.
- Future average and maximum daily wastewater discharge from the new building.
- Water flow requirements for fire protection will be needed to evaluate impact of the new development on the water system. The applicant may have to schedule fire hydrant flow tests to determine if the water system can handle the expected fire flow requirements.

If you have any question, please feel free to call me on (202) 787-2379 or please send an e-mail to jshabels@dcwasa.com.