BRIEF STATEMENT OF EXISTING AND PROPOSED USE
1326 GIRARD STREET, N.W.
LOT 821 (Per Sub) in SQUARE 2860

BOARD OF ZONING ADJUSTMENT CASE NUMBER 17026

BACKGROUND INFORMATION

The subject property is **zoned R-4 residential, multi-family for more than five units**. Pursuant to 11DCMR, the D.C. Zoning Regulations, the uses permitted as a matter of right are single family dwellings, row dwellings, semi-detached dwellings and two unit flats. Under Section 330.1 subparagraph (c), the General Use Provisions, " the **conversion of a building** or other structure existing before May 12, 1958, **to an apartment house** as limited by subsections 350.4(c) and 401.3" **is allowed as a matter of right** in the R-4 residential zone.

The existing structure was built in 1900 as a single family dwelling with a two-story carriage house located to the rear (see Columbia Heights 2002 Tour Guide). Mr. William Schortinghouse purchased the property in May of 1995. The prior owner purchased the structure in 1981. The property at one time was heir property (unoccupied and abandoned) that sat in litigation for approximately twenty years.

Certificate of Occupancy number B177851 was issued to William Schortinghouse to use the premises as an apartment house with four units located on the first, second, third floors and the basement. Certificate number B99545 was issued on September 13, 1976, to Charlotte K. Thomas for an apartment house with six units on all floors. Under Section 401.3, in order to convert an existing structure to apartment units, **nine hundred square feet of land is required for each unit established**.

With regards to height, the **existing building is 38.83 feet** within defined space. The existing building has a basement, first, second and third floors and a mezzanine level. The **maximum allowed height of a building is 40 feet,** three stories and a basement in the R-4 residential zone. **No external height changes are proposed**.

The **minimum rear yard setback requirement is 20.0 feet**. The existing rear yard setback measurements varies from 28+ feet to 38.75 feet.

SITE DESCRIPTION

The existing lot consists of 7,387.0 square feet and is 50.0 feet wide. There is a public alley to the rear of the property that varies from eight feet to sixteen feet in width. The property length is 150.0 feet on the east side and 142.0 feet on the west side. The property's rear lot line extends out into the public alley eight feet at the south lot line on

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the east side adjacent to the alley. There is an eight-foot offset in the property line for the public alley on the property's west side. There is an existing city placed streetlamp post located four feet into the public alley from the south west lot line at the rear of the lot.

DESCRIPTION OF PROPOSED PROJECT

The existing building contains four apartments. Currently, there is only one unit in the basement. There is one unit on each of the first, second, and third floors. The mezzanine level is currently vacant. Mr. Schortinghouse proposes the following renovations:

1) Deck and carport additions for two spaces of covered off-street parking are proposed at the rear of the structure;
2) Create a total of seven units;
3) To continue to provide one unit at the first floor level, one unit at the second floor level, one unit on the third floor level;
4) To convert the basement into two units of approximately 1100 square feet each;
5) To renovate the mezzanine level into one unit; and,
6) To convert the existing two story carriage house into one residential unit.

Under Section 2101.1, the required number of off-street parking spaces is one space for each three dwelling units, **only two off-street parking spaces are required** for the seven proposed units. Of the **proposed five spaces of off-street parking**, one open parking space will be located in the side yard, two open parking spaces will be located in the rear yard, and two covered parking spaces will be located under a proposed carport. This carport will be open on the sides and connected to the existing apartment house and carriage house by a two story level deck. **The proposed covered spaces will extinguish the existing rear yard setback and require a zoning code area variance adjustment.**

The deck and carport additions at the rear of the apartment house will connect the existing structure to the to the proposed carport and the existing carriage house and **will result in the structure becoming one principal row structure**. The entire structure and all areas of the property are easily accessible for all firefighting and safety concerns through the existing eight-foot wide concrete private driveway that extends from Girard Street to the farthest reaches of the back of the property at the public alley. The proposed connecting decks and carport **will expand the existing lot coverage by approximately 644 square feet**. The decks, however, along with the substantial existing open yard will serve as residential recreation space.

The proposed plan expands the number of units from the existing four to seven units. The lot area required by zoning is 900 square feet per unit. With a total of seven units, the lot **area required by zoning code is 6300 square feet, well below the existing lot area of 7387 square feet.**

On the east side of the structure, there is an existing one-story portion on the building at the first floor level. The proposed construction will convert a 2.5-foot by 8.42-foot floor

area of the existing attached deck to interior floor space. The proposed construction will extend the existing structure vertically below to the basement level and above to the second and third floor levels. There will also be a deck at the mezzanine level on top of this portion of additions. There will be **no additional expansion of the building's lot coverage** from this aspect of the proposed construction.

The basement units have a nine-foot ceiling and the rest of the units have greater than ten-foot high ceilings. According to Mr. Yaw Agipong, a Senior Structural Engineer with the Department of Consumer and Regulatory Affairs, the Building and Land Regulation Department, the Building Land and Regulation Administration, 941 North Capitol Street Northeast, Second floor (April 24, 2003), **basement units are allowed provided that there is structural head-room of 7.0 feet minimum**. The units must meet all other building code requirements under the BOCA 1996 Building Code (with 1999 supplements).

With **regards to the mezzanine**, Mr. Agipong looked at the proposed plans and the existing floor plans for the mezzanine level. The head-room of the mezzanine must be 7.0 feet high and where the roof slopes any portion which has head room of six feet and eight inches **is allowable as habitable space at the mezzanine level**. Because of the available living space defined by the height restrictions, he **determined that the space meets the criteria defining mezzanines** as one-third or less of the existing floor area of the stories below.

The property owner proposes to remove an existing fire escape located on the east wall of the edifice and relocate, as necessary, the fire exits to the existing fixed fire escape iron stair on the west side of the building.

All units will be self contained and separately metered except for water, which is commonly metered but each unit has its own sub-metered feed from the common main. All units will have separate HVAC systems (electric/gas, security systems, two tankless water heaters, hardwood floors, granite surfaces, high end wood cabinetry, Jacuzzi style master bathtubs, full washers and dryers, high end kitchen appliances, marble tile, working gas log fireplaces, recessed halogen lighting, and custom oversized doors throughout the structure. All units have high ceilings. An entry hall with security controls will complete the interior design.

The **roof is made of stainless steel, stamped shingles**, with a rated 150 year life expectancy (a Sample is submitted as an exhibit). All decks will be constructed of BOCA 20 year rated virgin vinyl. The structure has highly decorative finials, caryatids, columns, intricate ornamental brickwork, and elaborately detailed and painted copper guttering.

The property has **excellent landscaping with eleven medium ornamental trees** and other plants. There are three 100 year old, City of London, cast iron gaslight lamp posts which frame the property and the private concrete driveway and complement the elegant iron fencing. A broad slate walkway, step pavers, and a multi-tiered metal fountain will

complete the professional landscaping. The proposed construction will include a professional lighting package to illuminate the building façade and grounds. **All proposed structure additions will have a brick façade.**

VARIANCE RELIEF REQUIRED FOR PROPOSED CONSRUCTION

The proposed additions, alteration, repair, and conversions will require the following relief from the Board of Zoning Adjustment:

(1) Variance from Section 404.1 the rear yard setback requirement for a structure located in the R-4 residential zone (Section 3103.2).

When all of the additions are made to the rear of the structure, **the rear yard setback of twenty feet cannot be met; therefore, an area variance of twenty feet (one hundred percent) must be approved by the Board of Zoning Adjustment.**

There are several mitigating and compensating factors offered for consideration:

1) The creation of five spaces of off-street parking in the parking distressed Columbia Heights neighborhood.

2) There is a significant compensating trade off of open yard and amenity space on the lot.

3) In addition, while the existing zoning for R-4 multi-family usage does not prescribe a lot coverage ratio, the proposed construction still complies with the more restrictive R-4 zoning lot coverage. The proposed percentage of lot occupancy will be 55.73% (which is still less than the maximum allowed lot occupancy of 60%) resulting in 44.27% of the lot used as residential yard and recreation space. The many deck additions also increase the total lot space available as residential recreation and open space.

LEGAL TEST FOR A VARIANCE

The applicant is seeking the area variance in order to construct additions and to alter the structure. The standards by which the Board of Zoning Adjustment may approve area Variances are set forth by the D.C. Court of Appeals, Palmer V the Board of Zoning Adjustment, 287 A.2d 535, 541 (D.C. 1972). Variances may be granted when the following conditions are shown to exist:

(A) The property is unique because of its size, shape, topography, and other extraordinary or exceptional situation or condition;

(B) The owner would encounter exceptional practical difficulties as a result of the strict application of the D.C. Zoning Regulations to its particular property; and,

(C) The variances would not cause substantial detriment to the public good and would not impair the intent, purpose and integrity of the Zone Plan. Carlinger V the Board of Zoning Adjustment, 412 A.2d 52, 53 (D.C. 1980); Capitol Hill Restoration Society; Inc. V District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987).

UNIQUENESS AND PRACTICAL DIFFICULTIES

The property is unique because it was built in 1900 as part of the Stone' Farm/ Columbia Heights development. The development required street setbacks of 25 feet minimum to provide for gracious, open streetscapes. (See 2002 Columbia Heights Tour of Homes photographs and Site Plan P-1 submitted). Consequently, the physical characteristics of the lot present unique topographic constraints which contributes to the existing structure. As you can see from the front elevation photograph, in order to get to the front door of the structure, two sets of steps must be climbed, and in between those steps is a walkway through the beautifully landscaped front yard. If the house had been able to be set closer to the front property line, there would be more rear yard and an area variance would not be required. This situation therefore constitutes a hardship to the property owner.

COMPREHENSIVE PLAN

The Ward 1 Comprehensive Plan contains the following objective:

"To stimulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1 and provide incentives for the full range of housing needed at desired locations throughout the ward; (Subsection 1205.1 (a))."

The Ward 1 Comprehensive Plan contains relevant policies for housing such as:

"To encourage the private sector to provide new housing to meet the needs of present and future Ward 1 residents at locations consistent with the Ward's land use policies and objectives.... (Subsection 1206.1(a))"

" To target residential development opportunity areas where significant housing development can appropriately occur and encourage multi-unit housing development including market and low density housing, where appropriate, near Metrorail stations...."

The Generalized Land Use Map for the District of Columbia designates the subject property and surrounding properties as "Moderate Density" residential, characterized by row houses and apartment houses as the predominate uses.

Section 101.1, Major Themes of "The Comprehensive Plan" includes the following Objectives:

(a) Stabilizing and improving the Districts neighborhoods ....."

(b) Developing a living downtown,....."

(c) Respecting and improving the physical character of the District of Columbia ...."

Under Section 707, The Built Environment Objectives strives "to Strengthen and Enhance the Distinguishable Physical Characteristics of the District of Columbia." The policies that are in support of this goal include:

(a) Strengthen and enhance the physical image and symbolic qualities of the District that establish its character as the Nation's Capital;

(b) Strengthen and enhance the horizontal character of buildings within the District and retain ..... and regulate the guiding design principle for protecting the skyline,.....

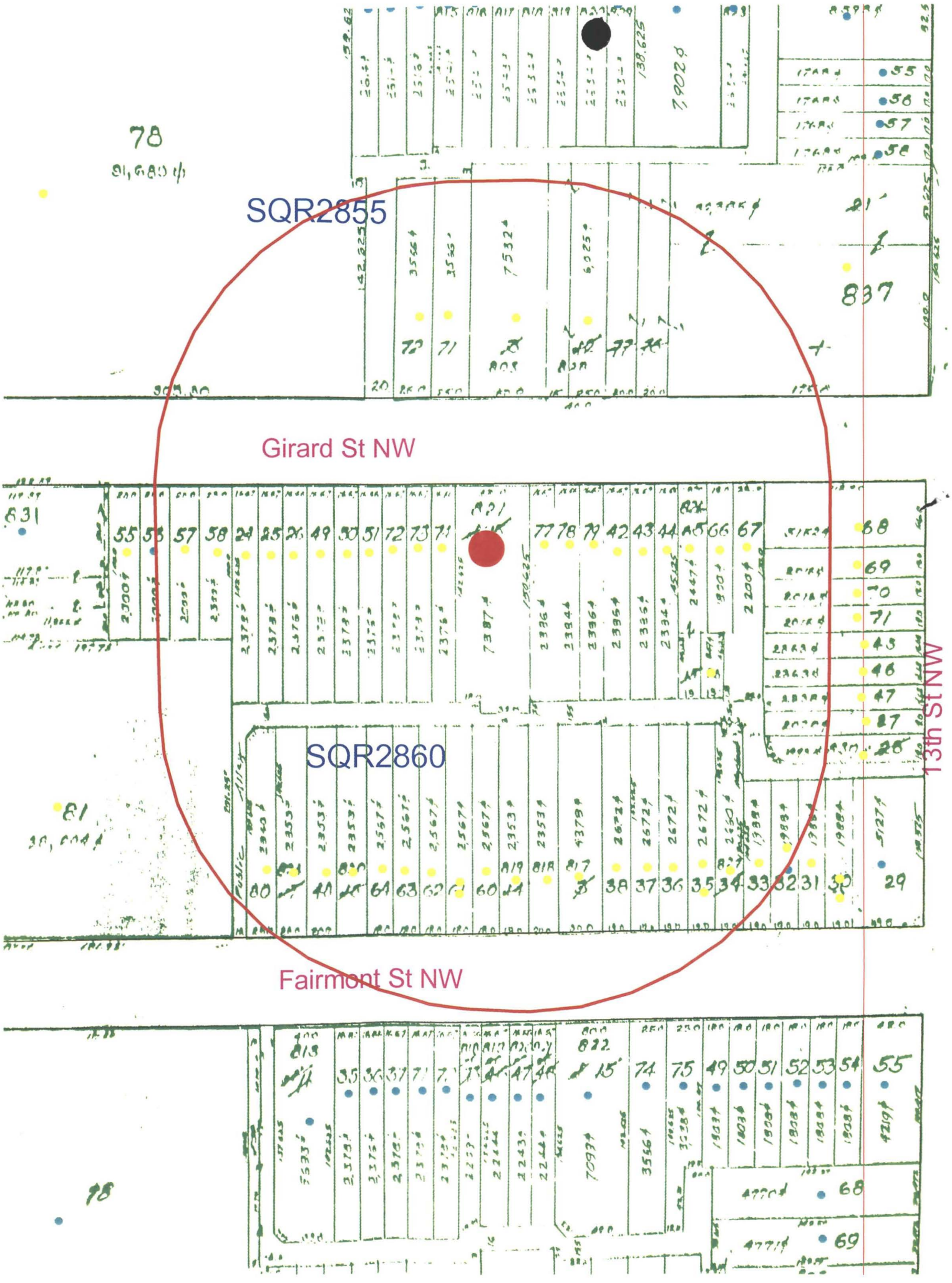
(e) Strengthen and enhance the design of the neighborhoods;....."

CONCLUSION

The proposed application is consistent with the Ward 1 Plan and the D.C. Comprehensive Plan and The Generalized Use Map for the District of Columbia. There is no threat to the public good with regards to light, air and ventilation, and, the proposed additions will increase the neighborhood housing stock by three additional units. A total of five off-street parking spaces will be provided on the lot. To provide for two spaces of covered off-street parking, the applicant respectfully petitions the Board of Zoning Adjustment for a rear yard variance from Section 404.

Gladys Hicks 4/25/03
Gladys Hicks, Zoning Consultant Date

William F. Schortinghouse 4.25.03
William Schortinghouse Date
Property Owner and Resident


SQR2855
SQR2860
Girard St NW
Fairmont St NW
13th St NW