GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

DATE: June 10, 2003

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 17026
Schortinghouse Property
1326 Girard Street, N.W.
Square 2860 Lot 821

Summary

The applicant seeks a variance from the rear yard provisions of §404.1 to allow a rear yard of zero feet in the R-4 zone. The applicant seeks to convert the existing four-unit apartment to a seven-unit apartment by connecting the accessory carriage house to the principal structure by decks. The remaining rear yard not occupied by the carriage house will be covered by a carport and deck. The resulting combined structure becomes the primary structure on the lot, which requires a rear yard variance. The carriage house will then be converted to a dwelling unit, where it was previously limited to permitted accessory uses.

Recommendation:
The Office of Planning recommends denial of the variance based on the following findings:

- The applicant has not shown an exceptional situation that creates the need for the relief sought. No unique physical aspect or condition of the property exists that is related to the need for the proposed deck or the connection to the existing carriage house. All the structures on this block of Girard Street are similarly set back from the street.. No evidence was provided that showed an exceptional situation

BZA
Case No. 17026
Exhibit No. 31

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that would warrant converting the existing carriage house to a dwelling unit and constructing the related decks.

- ❖ No evidence has been provided to document that the strict application of the zoning regulations results in a practical difficulty. There remains reasonable use of the property as an apartment building and the use of the carriage house for a permitted accessory use.
- ❖ The intensified use of this property is not consistent with the intent of the zone plan, the character of the R-4 zone, or the public good. As stated in §330.3, the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement. Though the minimum lot area per dwelling unit requirement is not exceeded by the proposed development, granting a variance for the sole purpose of adding a dwelling unit in the carriage house is not consistent with the intent of the zone.

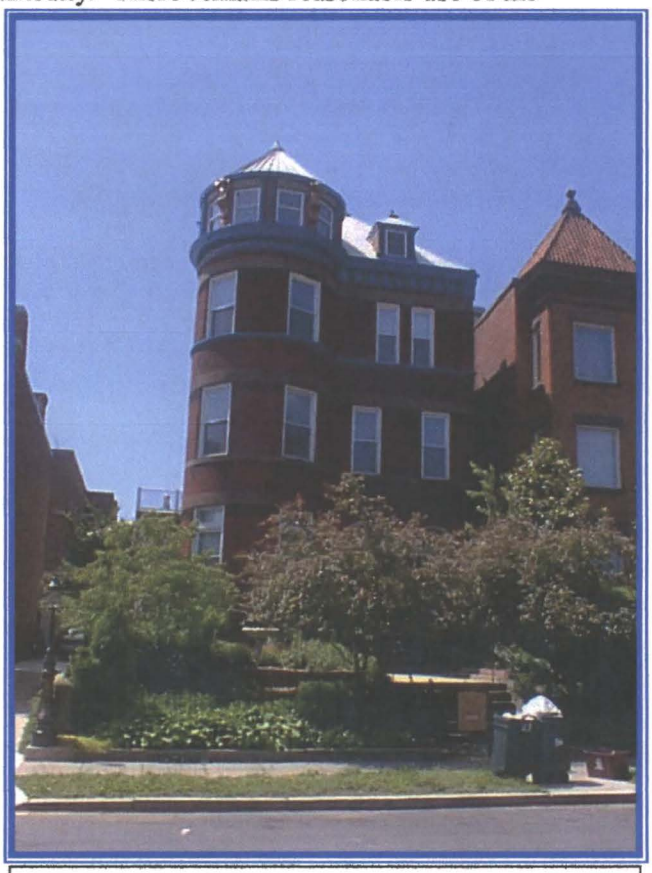


Figure 1 1326 Girard Street, N.W.

Background

The applicant, William F. Schortinghouse, owns 1326 Girard Street, N.W. (Square 2860 Lot 821). The property lies in the R-4 Zoning District and contains approximately 7,387 square feet of land. The lot is improved with a 3-story with mezzanine detached structure. The property, an interior lot, is bounded on both sides by a set of rowhouses. The structure is larger than the adjoining structures and enjoys a much larger lot. Built around the turn of the century, the rear yard contains a two-story carriage house. The carriage house abuts the rear property line that once extended the full width of the lot, but was modified during an alley "widening", which turned the portion of the rear yard that was not occupied by the carriage house into public alley. Rowhouses are the predominant uses in the area (Attachment 1).

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The existing structure is occupied as a four-unit apartment and, according to the applicant was once a six-unit apartment. The spacious house has approximately 12,000 square feet of usable floor area. A driveway along the east side of the house provides access to an open courtyard in front of the carriage house, an impressive structure itself with two stories and a footprint of approximately 704 square feet. A small 170 square foot, 1-story addition was built along the east side of the original house.



Figure 2 Front of Carriage House

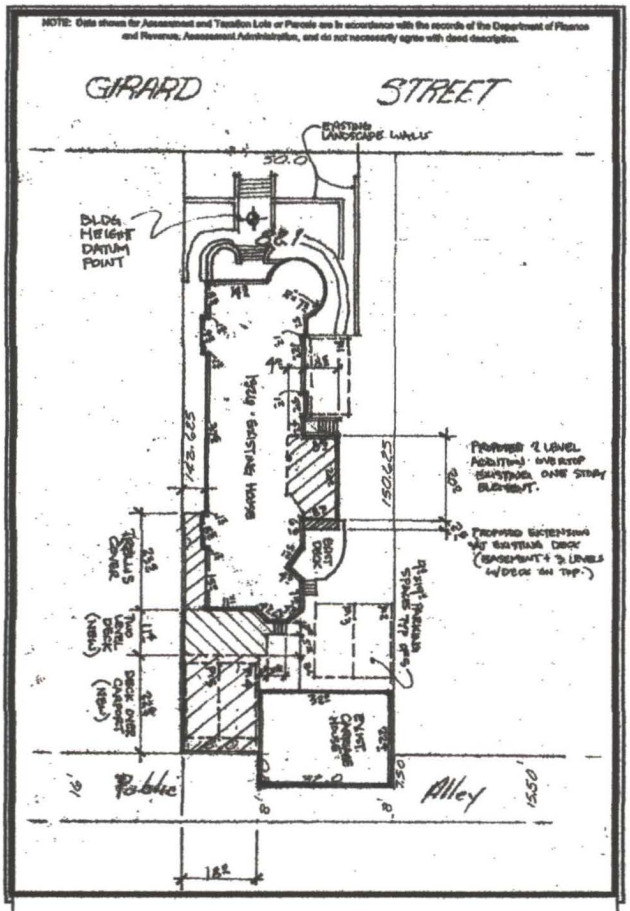


Figure 3 Site Layout Plan

Project Description

The applicant proposes to construct a carport and deck in the portion of the rear yard not occupied by the carriage house. The deck will provide outdoor recreation space and an alternate means of egress for the accessory carriage house that is proposed to be connected to the main house and converted into a dwelling unit. Other improvements included in the project include reconstruction of a 1-story addition on the side of the house as a 2-story addition, new decks, a small lattice cover to screen mechanical equipment on the west side and renovation of the attic to create an additional dwelling unit.

The project will provide a total of five parking spaces. One along the side of the house, two in front of the carriage house, and two in the rear yard. The spaces in the rear yard will be accessed through the alley. The other three are accessed from the driveway off of Girard Street. These areas are

already paved and no additional paving is proposed with the project.

Comprehensive Plan

The property is identified as moderate density residential on the General Land Use map (See Attachment 2). The moderate density designation includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing (§1103.2).

A major theme of the Comprehensive Plan is to stabilize and improve District neighborhoods (§101.1(a)). The granting of a variance to §330.3 in the R-4 zone would allow an increase in number of units, that would increase parking and traffic, though minimally, in an area experiencing growth pressure and parking shortages. Therefore, granting this variance would be inconsistent with the objectives and policies of the Comprehensive Plan.

Zoning

The R-4 Zone District requires a 20-foot rear yard and the applicant is seeking relief under 11 DCMR §3103 for an area variance from the provisions of §404.1. The R-4 District sets forth the following purposes:

> 330.1 The R-4 district 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.
>
> 330.2 Very little vacant land shall be included within the R-4 district, since its primary purpose shall be the stabilization of remaining one-family dwellings,
>
> 330.3 The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.

Section 403.2 requires that conversion of existing structures to apartments provide 900 square feet of lot area per unit. For seven units a total of 6300 square feet would be required. The property has 7,387 square feet, which can accommodate the additional units.

Area Req.	Existing	Required/Allowed	Proposed	Variance	Code Ref.
Height	36.83'	40'	36.83'	None	§400.1
Min. Lot Area	7,387 SF	900 SF/Unit or 6,300 SF	7,387 SF	None	§401.3
Lot Occupancy	47%	None Prescribed	60%	None	§403.2
Rear yard	33.8'	20'	0'	20' (100%)	§404.1
Side yard	0' and 8'	None or 8'	0' and 8'	None	§405.9
Parking	3	2	5	None	§2100
Loading	0	None	0	None	§2200

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

In accordance with §3103.2, which gives the Board the authority to grant a variance if, by reason of exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property a



Figure 4 Setbacks Along Girard Street

variance may be granted.

There is no evidence provided that there is a unique or exceptional condition of this specific piece of property that would result in peculiar and exceptional practical difficulties. The property is a 4-unit apartment, a use that can be reasonably continued and is allowed in the zoning district. In addition, a 5th and 6th unit can be added without zoning relief. The applicant's statement presents four arguments to address this test:

1) The structure is set back 25 feet from the front property line;
2) The existing structure is deeper than surrounding houses;
3) The existing carriage house is one of the few remaining intact, brick, two-story, double-wide carriage houses in the District and,
4) The District, through it's eminent domain action in 1910 to widen the alley, created an 8' encroachment into the original rear yard.

Regarding the first point, all of the houses along Girard Street are similarly setback. Due to the alley widening, adjoining lots are actually shallower than the subject lot, which maintained its depth around the existing carriage house. The property benefits from its uniqueness with a larger lot, larger structure and 2-story carriage house.

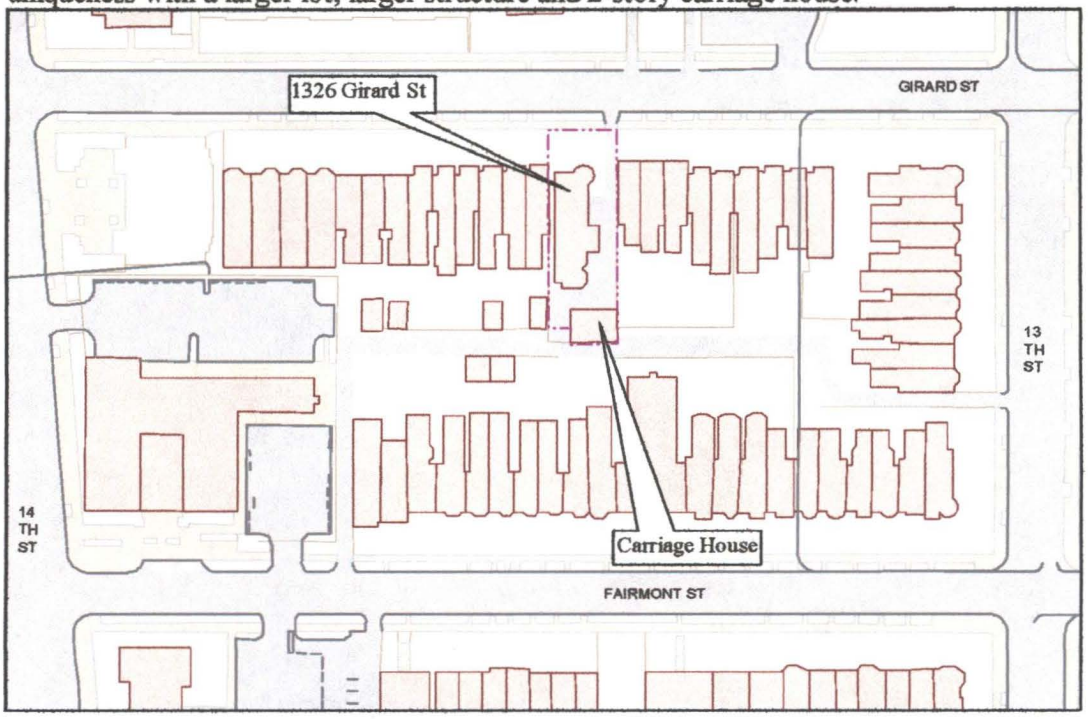


Figure 5 Larger Structure and Carriage House

Practical Difficulty

The practical difficulties identified by the applicant that result from the strict application of §404.1 are:

1. The difficulty of providing adequate life safety egress from the second floor unit and from the carriage house.
2. The difficulty in providing both additional parking spaces for the development and adequate outdoor recreation space, which would compete for the existing yard space that could be shared, if a variance were granted, by providing a deck/carport.

The first difficulty assumes it is necessary to convert the carriage house to a habitable unit. The carriage house may legally continue as an accessory structure. Reasonable alternative uses exist for the carriage house, which are customarily incidental to an apartment building such as storage, leasing office, or common recreation space.

The expansion of the existing use of the property from 4 units to 7 units creates the demand for additional parking space, so the practical difficulty is essentially self-created.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested could be granted, provided that it will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. The application proposes that three points address this standard:

1) The proposed deck will provide the benefits of yard space (i.e. open recreation area);
2) The placement of the deck between two existing structures ensures that there will be no impact on light and air.
3) The provision of additional on-site parking will be an asset to the community; and,
4) The granting of the variance will have no impact on the intent, purpose, and integrity of the zone plan.

However, OP cannot conclude the expansion will not impair the intent of the Zoning Regulations or the integrity of the Plan. As §330.3, specifically states, "*the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.*" The minimum lot area per family requirement, found in §403.2, requires a minimum of 900 square feet of lot area per dwelling unit. Though the applicant meets this requirement the effect of the variance will be to provide an additional dwelling unit in an R-4 zone already experiencing pressures from lack of available parking. The additional parking, loading and trip generation of the proposed use are not compatible with the existing neighborhood. Though the applicant indicates that these impacts are minimal they are still an increase over the matter-of-right use of this property and cumulative impacts of such "overcrowding" on the residential neighborhood could have substantial impacts.

ANC Recommendation

ANC 1B supports the application. The contribution of additional parking on the site was important in the ANC's decision.

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Recommendation

The applicant has not met the burden of proof for a variance and the Office of Planning recommends the case be denied.

Attachments:

1. Zoning and Use Map
2. Comp Plan Map
3. Aerial Photo



Zoning and Land Use
BZA Application #17026

Feet

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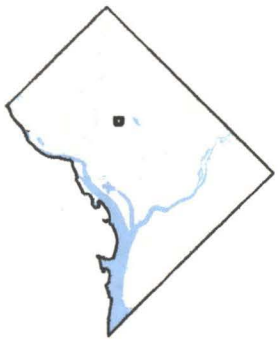
Office of Planning ~ May 27, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

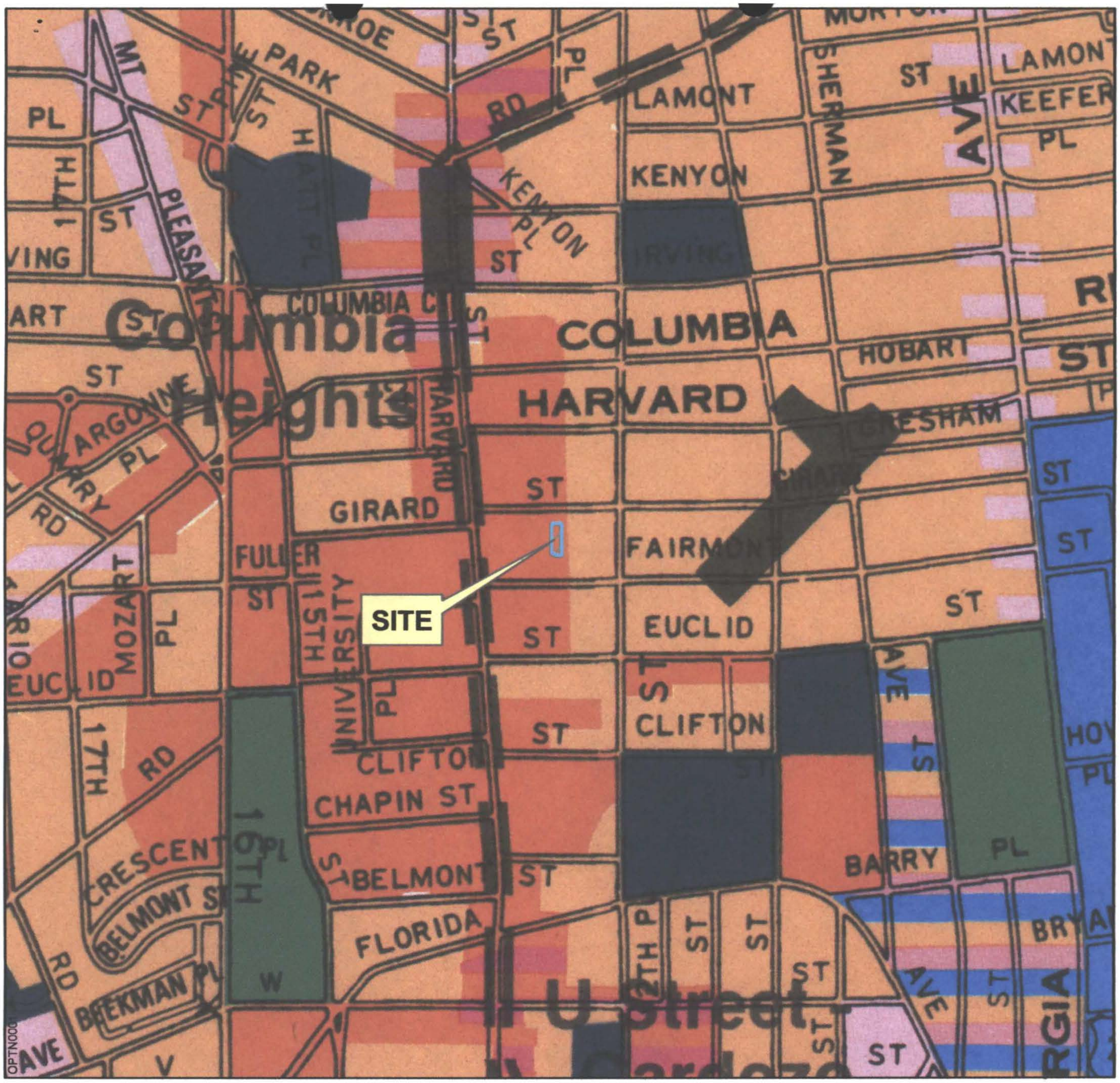
Note: Land Use Info based on OTR records.

Land Use Legend

- Non-Conforming
- Single Family Dwelling/Flat
- Res. Condo
- Multi-family Dwelling
- Hotel/Motel/Boarding
- Retail Store
- Restaurant
- Office
- Auto-oriented Service
- Parking Garage/Lot
- Theater
- Industrial
- Religious
- Medical
- Educational
- Public Service
- Museum, Library, Gallery
- Recreational
- Special Purpose
- Vacant



Attachment 1



Comprehensive Plan Map
BZA Application #17026

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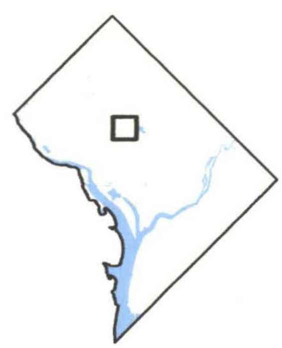
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Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment



Attachment 2



Aerial Photo
BZA Application #17026

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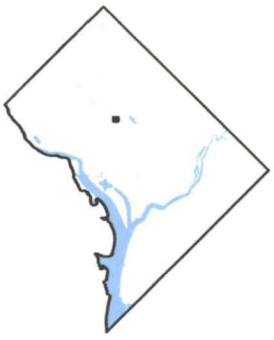
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Attachment 3