GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: ALS for Andrew Altman
Director

DATE August 28, 2003

SUBJECT: BZA Application **17058**
D.C. Fire Department – 915 Gallatin Street, N.W.

APPLICATION
The applicant, The D.C. Fire Department, requests variance relief from the use provisions of §320.3 to allow a ready rescue facility for apparatus storage to be constructed on a vacant lot located in an R-3 residential zone district. The applicant is also requesting variance relief from the area requirements of §§403.2 and 404.1

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the use and area variances requested by the applicant.

SITE AND AREA DESCRIPTION
The subject property is located at 915 Gallatin Street, N.W. (Square 3002, Lot 64), which is currently a vacant property abutting three public alleys at the sides and rear, with frontage at Gallatin Street, N.W. The property is fenced and paved with abandoned vehicles on the lot. The main facility, Engine Company #24, also faces Gallatin Street and is separated from the subject lot by a 20-feet wide alley. The surrounding area is designated an R-3 zone District, developed with a mix of rowhouses, semi-detached and detached single-family dwellings and some apartment buildings. According to available records, including the Sanborn maps, the lot was never improved with a structure.

PROJECT DESCRIPTION
The applicant proposes to construct a single story building, including a first floor and mezzanine level as an extension of the Fire Department's Engine Company #24. This building will provide storage space for ready rescue equipment in need of maintenance and repair currently stored in various parts of the city. The facility will also store firefighter's emergency equipment for large-scale emergency response. According to submitted plans, the building will occupy 92% of the 16,500 square foot lot, and

ZONING COMMISSION
District of Columbia
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Exhibit 20
Board of Zoning Adjustment
District of Columbia
CASE NO. 17058
EXHIBIT NO. 20

approximately 12 feet of the required 20-foot rear yard setback. Municipal uses, including a fire station and their accessory buildings are currently not incorporated as a matter of right use in residence districts, including the R-3 District. Therefore, the applicant's request includes a use variance, as well as area variance relief from the lot occupancy and rear yard setback requirements of the R-3 zone District.

ZONING REQUIREMENTS

A variance from the use provisions of 11 DCMR 320.3 is required to establish the rescue equipment storage facility as an operational extension of Engine Company #24 at 5101 Georgia Avenue, which is zoned C-2-A. The application also requests area variances, including lot occupancy and rear yard, pursuant to §§403.2 and 404.1 as follows:

Item	Existing	Required	Proposed	Variance
Lot Area	16,500 sq. ft.	N/A	-	-
Lot Occupancy	Vacant	40% M-O-R 60% S.E per §223	92%	52% 32%
Rear Yard	Vacant	20 feet	8.2 feet	-11.8 feet
Height	Vacant	40 feet	36 feet	-

ANALYSIS

USE VARIANCE

Grant of a use variance pursuant to 11 DCMR §3103.2 requires evidence that strict compliance with the Zoning Regulations will create an undue hardship upon the owner in efforts to make reasonable use of property. This hardship must arise out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. In addition, the Board must find that granting the application will not be of substantial detriment to the public good, and will not substantially impair the intent, purpose and integrity of the zone plan.

(a) *The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;*

The applicant asserts that the lot size is not typical of the R-3 Zone District, which has a typical lot width of 20 feet. If the subject lot were sub-divided to create 5 lots with frontage along Gallatin Street, the resulting lots would be "exceptionally long and narrow" at 165 feet in length. This is approximately twice as deep as any other residential lot in the square. Sub-dividing the lot along its length would yield 7, 29x100 feet lots, subject tot dedication of at least 10 additional feet to the western alley to meet minimum alley width of 30 feet required for alley dwellings. Homes on such alley lots however, would also face either east or west, which is the rear of the main fire station or the rear yards of existing homes abutting the alley. Facing the rear of the fire station is an exceptional situation that would create privacy issues due to the 24-hour operations. Facing the rear of the residential lots would have privacy

issues for the existing dwellings. There is also an exceptional situation in the adjacency of the lot to Engine Company #24, which would allow for the needed security and proximity of uses.

While there is no substantial proof of soil contamination, the applicant contends that the possibility exists due to underground storage tanks in the immediate area of the property. This is also an exceptional situation since the lot would not provide the best location for residential uses without extensive remediation.

OP agrees with the applicant's submission that these situations are exceptional conditions on the property.

(b) *By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.*

The lot's location among the existing alley system and the adjacent fire station would create undue hardship on the owner to develop a prescribed matter of right residential use on the property, including a family dwelling, community based residential facility, child development center or youth residential care home. Construction of residential units is due to the impractical alignment of homes along the alleys. Strict compliance with the Zoning Regulations would also result in the exceptional hardship on the applicant through the lost opportunity to locate the vital emergency equipment in a location that can be secured and operated in conjunction with an existing engine house, which would result in time and economic savings to the Fire Department and the District.

Finally, OP notes that there is no use provision whatsoever for a fire station in any zone, and currently no matter where the use is proposed a use variance is required.

(c) *The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

The proposed use would not generate additional traffic through the neighborhood, nor will any noise be generated from the facility. Stored equipment will only be accessed infrequently. Security lighting will be directed on the building to prevent light intrusion on adjacent residential properties.

Based on the applicant's design of the proposed structure, OP believes an effort was made to complement the design of the main building, which was completed in 1995. The new building would provide a visual and acoustic barrier for the residential neighbors abutting the alleys at the rear.

As a city-owned site, the proposed location of this facility is an extension of an existing amenity, which would provide storage for surplus working equipment for other fire companies in the District.

It is important to note that this is not a maintenance and repair facility, so there will be little noise generated by the facility.

AREA VARIANCE

The applicant must show that a practical difficulty exists in upholding the lot occupancy and rear yard requirements of the R-3 zone District.

(a) *The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;*

As previously stated, OP believes that the applicant has established that the property is unique by its exceptional situation and condition, including its unusual length and location among a three-sided alley system, and its adjacency to the existing Engine Company #24.

(b) *By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.*

The facility's proposed design accommodates the space requirements of the Fire Department's apparatus, including bays for fire trucks. The width and depth of the property makes it ideal to stack vehicles of various sizes and store the majority of the Company's Ready Reserve Fleet on location. 40% lot occupancy and the 20-foot required depth of rear yard yields a buildable area of only 6,600 square feet compared to the requested 15,180 square feet. Inability to increase the site's buildable area would create a practical difficulty for the Fire Department, since its fleet will lose approximately 8,580 square feet of possible storage space.

(c) *The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

Granting the area variances will not cause substantial detriment to the public good since the District is desirous of providing a public amenity on a site it owns. A 20-feet wide alley separates the site from the main facility, which is in the C-2-A zone District. However, the proposed building will function as an ancillary building to store the Department's apparatus and as such will not bring additional traffic or need for on-site maintenance. The applicant states that there would be less traffic generation with no more noise generation than an R-3 use.

The Generalized Land Use Map indicates that the area abutting the Square is mixed use commercial with moderate density housing. OP questioned whether a rezone of the property from R-3 to C-2-A might have been more appropriate. However, the subject property is identified as moderate density residential and a map amendment would allow too broad a range of use. OP believes that the proposed use is ancillary to the main use, and the site has remained vacant since the 1958 Zoning Regulations. In this instance, OP supports the request as an extension to a necessary public amenity.

COMMUNITY COMMENTS

OP has not received ANC 4D's report but the applicant indicated that they were informed about the project and indicated the community's support for the project.

CONCLUSION

OP was concerned about the proposed height of the building (48 feet) as shown in the submitted plans. However, §199 defines the building height as follows:

> "In those districts in which the height of the building is limited to 60 feet, the height of the building may be measured from the finished grade to the middle of the front of the building to the ceiling of the top story."

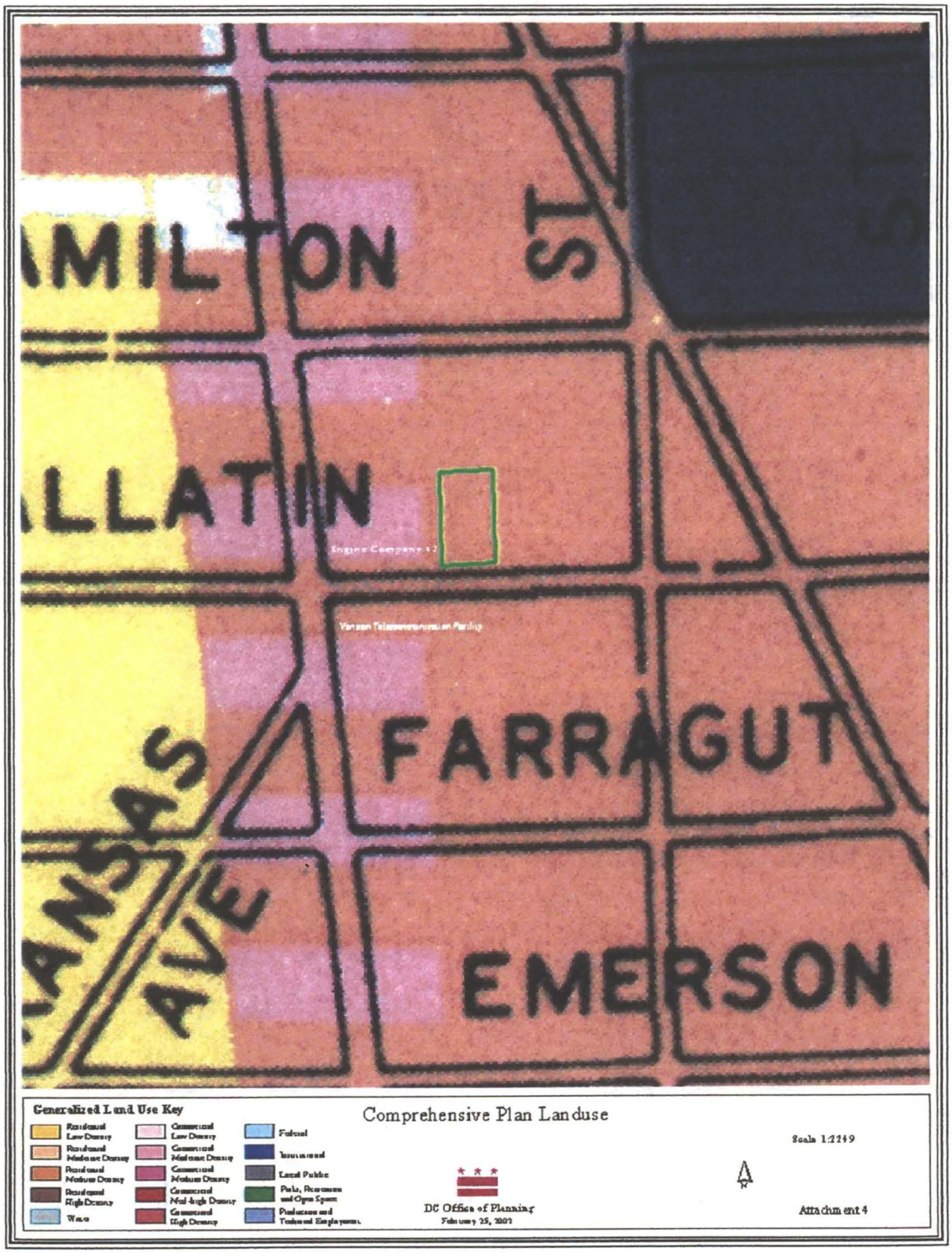
The applicant has subsequently decided to amend the existing plans to provide a ceiling at the mezzanine level at 36 feet (plus or minus a foot) above the finished first floor elevation. Therefore, the height of the building will be below the zone's requirement, per §199's definition.

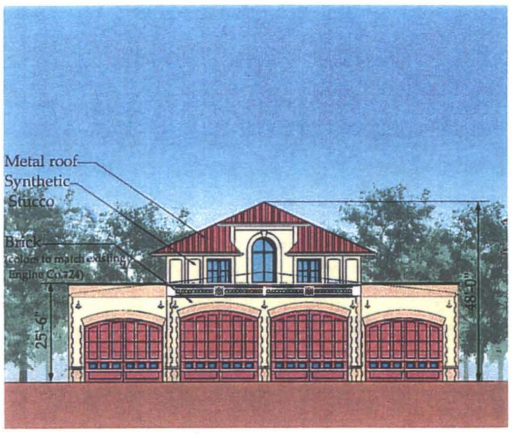
OP's analysis of the subject site's development proposal concluded that grant of the use and area variances would not impair the intent, purpose and integrity of the R-3 zone requirements, even though the proposed municipal use is not a designated use within this zone District. The site has not been developed since the 1958 Zoning Regulations and the proposed use provides a buffer between the residential uses and the C-2-A zone District, which is prescribed along Georgia Avenue and abuts the R-3 zone to the rear of the main Fire Department's facility. OP does not believe the intent of the Regulations will be compromised, since the applicant has made efforts to abide by the other bulk regulation of the zone including the height limitation at 40 feet.

OP therefore recommends approval of the applicant's request for use and area variances for the site's proposed development as a ready rescue facility for the storage of the Fire Department's (Engine Company 24) apparatus.

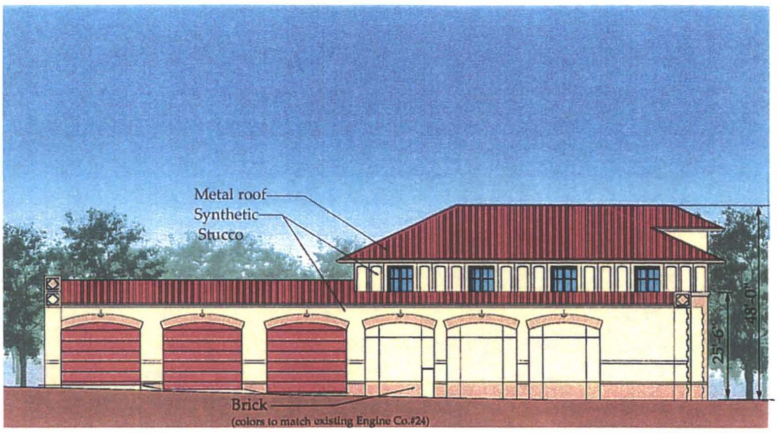


Figure 1 - Proposed Location and Zoning

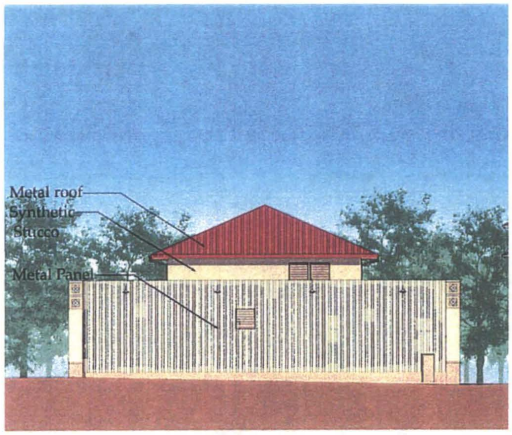

MILTON ST
LLATIN
FARRAGUT
ANSAS AVE
EMERSON
Generalized Land Use Key
Comprehensive Plan Landuse
Scale 1:2249
DC Office of Planning
February 25, 2002
Attachment 4



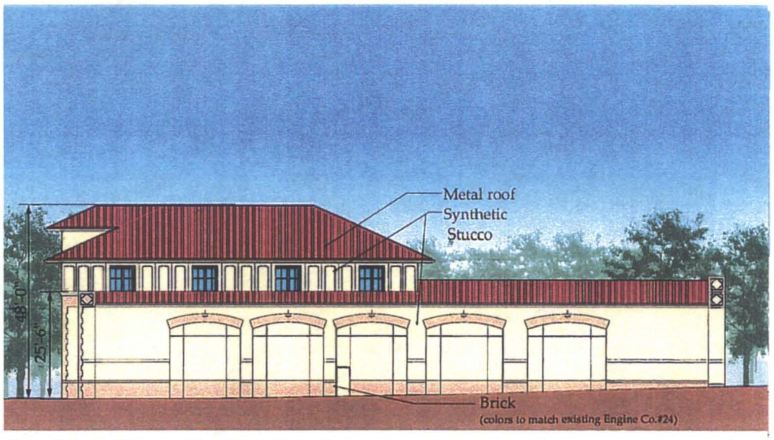
New Ready Reserve Facility - View from Gallatin Street



New Ready Reserve Facility - View from existing Engine Company # 24



New Ready Reserve Facility - View facing Gallatin Street



New Ready Reserve Facility - View facing Georgia Avenue GRAPHIC SCALE 25'

4 Building Elevations