GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: February 10, 2004

TO: District of Columbia Board of Zoning Adjustment

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

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 17116
1701 18th Street, NW
Square 153 Lot 132

SUMMARY

The applicant, 1701 18th Street, LLC, the owners of the subject property seek approval, pursuant to 11 DCMR § 3103.2, of a variance to allow renovation of an existing structure as a multi-family dwelling in the D/DC/R-5-B District at premises 1701 18th Street, NW (Square 153, Lot 32). Variance relief is requested from maximum FAR requirement of §402.4, the court requirements of §406.1, and the conforming use in a non-conforming structure requirements of §2001.3 for the proposed renovation.

Recommendation:

The Office of Planning recommends approval of this application based on the following findings:

- The exceptional condition of the existing structure creates a peculiar and exceptional practical difficulty to the owner in redevelopment of the lot.
- The proposed construction will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.
- The proposed construction will not tend to affect adversely the use of neighboring property.

BZA
Case No. 17116
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17116
EXHIBIT NO. 25

Board of Zoning Adjustment Case No. 17116
1701 18th Street, NW
Square 153 Lot 132
February 10, 2004

Background

The subject property, at 1701 18th Street, NW (Square 153, Lot 132), is currently occupied by an existing four-story structure, currently vacant, that was most recently used as a chancery by the Taiwanese Government.



Prior to this the structure held two other institional office uses, the Disabled American Veterans Association and the National Recreation and Parks Association. The mansion build in 1906 was used as a single-family home until 1945. This Victorian style mansion contributes to the Dupont Circle Historic District.

This corner property's main entrance is on 18th Street and occupies approximately half the block along 18th Street from R Street, NW to Riggs Place, NW. A 12-foot, mid-block alley borders the site to the north, providing access to a rear courtyard that is approximately 13 feet by 32 feet in size. To the east along R Street is an adjoining three-story row dwelling.



Project Description

The applicant proposes to divide the existing interior three-story room into separate floors. This will provide additional space on the second and third floors, when combined with existing floor area, to provide two additional units. The existing large window that provides light to this three-story space will be preserved and a specially designed connection, as shown in Figure 1, will be constructed.

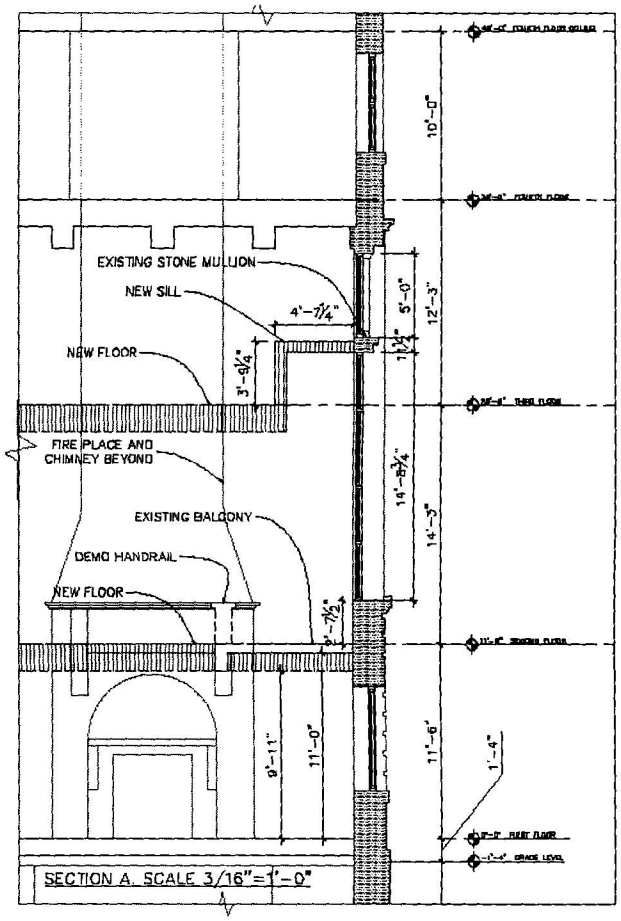


Figure 1 Section showing proposed connections to the existing balcony and window

The interior renovation will provide new heating and air conditioning systems, electrical systems, plumbing systems and appliances. The applicant proposes to preserve the existing lobby, commons spaces, and fireplace mantels. Original flooring and doors will be reused where possible and exterior doors and windows will be restored or replicated. The applicant is working with Historic Preservation staff and staff has no objections to the exterior improvements proposed.

In addition to the interior construction and renovation, the court will be converted into a vehicular ramp allowing access to the basement to provide underground parking (5 spaces) in the existing basement. The new ramp increases the height of the court, which is measured at the lowest level of the court. The horizontal dimensions of the court will not change.

As part of the renovation the existing roof structures will be modified and enclosed with a conforming roof structure. The existing concrete slab in public space at the northern corner of the building will be removed and converted to landscaping along with new landscaping in the public space for both frontages of the building.

Comprehensive Plan

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Comprehensive Plan Section 1104.1(h) outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and

new construction of detached and row housing." The proposed development is compatible with these goals. The property is identified as moderate density residential on the General Land Use map, which The moderate density residential land use category includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing. (See Attachment 2). The proposed use is consistent with this designation.

Zoning

The R-5-B District is designed to allow moderate height and density residential development (11DCMR§350.2). As indicated in the table below the existing structure is non-conforming with resect to building height, lot occupancy, floor area ratio, and open court width,

Area Req.	Existing	Required/Allowed	Proposed	Variance	Code Ref.
Height	59 ft.	50 ft.	59 ft	None[a]	§400.1
Min. Lot Area	4,885 SF	None	4,885 SF	None	§401.3
Floor Area Ratio (FAR)	3.0	1.8	3.53	1.73 (96%)	§402.4
Lot Occupancy	89.5%	60%	89.5%	29.5%	§403.2
Rear yard	0 ft.	4"/ft. of ht., but min. 15 ft.	0'	None[b]	§404.1
Side yard	None	None	None	None	§405.9
Open Court Width	13.1 ft.	21.3	13.1 ft.	8.2 ft. (38.5%)	§406.1
Roof Structure FAR	0.01	0.37	0.15	None	§411.7
Roof Structure Setback	20.6 ft.	1 to 1 (7.0 ft. new)	7.0 ft.	None[c]	§400.7
Roof Structure Height	12.6 ft.	18.5 ft	7.0 ft. (new)	None[c]	§400.7.
Parking	1	None	5[d]	None	§2100
Loading	None	None	None	None	§2200

a The existing building height is non-conforming, but the building height will not be altered with this development.

b The existing rear yard is non-conforming, but the rear yard will not be altered with this development.

c The existing roof structure will remain with the addition of a new 7-foot enclosure. According to the Historic Preservation Office the portion of the existing structure that will extend above the new enclosure essentially becomes an architectural embellishment that should be maintained as an important architectural detail of the historic structure.
d The new use would require 5 parking spaces, except the structure is a contributing building to a historic district. Five 8' x 19' parking spaces are provided in the basement, but they do not meet the dimensional requirements of §2115.1 (9' x 19').

The use of non-conforming structures is subject to the provisions of §2001.3,which states:
Enlargements or additions may be made to the structure; provided:

(a) The structure shall conform to percentage of lot occupancy requirements;
(b) The addition or enlargement itself shall:
    (1) Conform to use and structure requirements; and
    (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined.

The applicant seeks relief from the above provisions. The existing structure does not conform to the percentage of lot occupancy requirements (§2001.3(a)), though the proposed alterations will not alter lot occupancy. The enlargement itself does not meet the requirements of §2001.3(b) as it will not conform to the FAR and court requirements and will increase the non-conforming FAR and court width.

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
The Office of Planning finds that the existing historic structure and the configuration of the interior space of this structure create an exceptional condition of the property. There is an existing three-story atrium space, which consumes a large portion of the volume of the existing structure. The existing court and lot occupancy conditions and the historic nature of the structure combine to create an exceptional situation. The structure was built in 1906 and pre-dates the zoning regulations. It is physically impossible for the property to expand and due to the mansion's being a contributing structure within a historic district the mansion cannot be reduced in size. The lack of ability to bring the existing historic structure into conformance with the zoning regulations is an exceptional condition of this property.

Practical Difficulty

The exceptional conditions of the property and resulting non-conformities create practical difficulties in the redevelopment and renovation of this historic property.

Enlargement of Non-Conforming Structures

The non-conforming lot occupancy and court width is not reasonably remedied except by partial demolition of this historic structure. Since partial demolition of a contributing historic structure is not an acceptable option, these conditions force the application of §2001.3 to the proposed development. The nature of the enlargement is interior to the existing building so, the intent of §2001.3 to limit the physical non-conformities of the structure, when strictly applied, has the effect of requiring maintenance of a large 3-story atrium space. Therefore, the strict application of §2001.3 creates a practical difficulty in the reasonable renovation of the existing three-story space, which if left unaltered would leave a very awkward space, bisecting the full height of the interior, for the proposed use.

Floor Area Ratio

Given the practical difficulty identified above, the similar strict application of the floor area ratio requirements creates a practical difficulty in the renovation and use of the existing three-story room. The existing configuration of the building entrance, the elevator and the stairs and the space requirements for the substantial heating, air conditioning, electrical and plumbing systems required to convert the structure to provide for the modern use of this building create further practical difficulties in the reasonable reuse of this room. Any modifications to the room that might be done to make the space usable would trigger a variance from the floor area ratio requirements.

Court Width

As discussed above under "enlargement of non-conforming structures" existing conditions create a practical difficulty that cannot be reasonably remedied. The existing court cannot be made wider by partial demolition of the building and the construction of ramp in the court does not impact the horizontal size of the court. The strict application of the zoning regulations, inadvertently, creates a practical difficulty in providing additional parking for the proposed development.

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. Since the proposed development would not increase the bulk of the building nor decrease the width of the court there is no impact on adjoining properties. The light and air available to windows facing the court is not impacted by the proposed ramp.

The slight increase in floor area proposed makes more efficient use of an existing

structure and allows for slightly more spacious apartments than could otherwise be provided. The proposed use is consistent with the R-5-B Zone District and the close proximity of the site to a mass transit station mitigates the slight (if any) increase in traffic. The provision of underground parking, which necessitates the court width variance, actually reduces the impacts of the reuse of this existing historic structure. Therefore, the Office of Planning finds that granting the proposed relief will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan

Community Comments

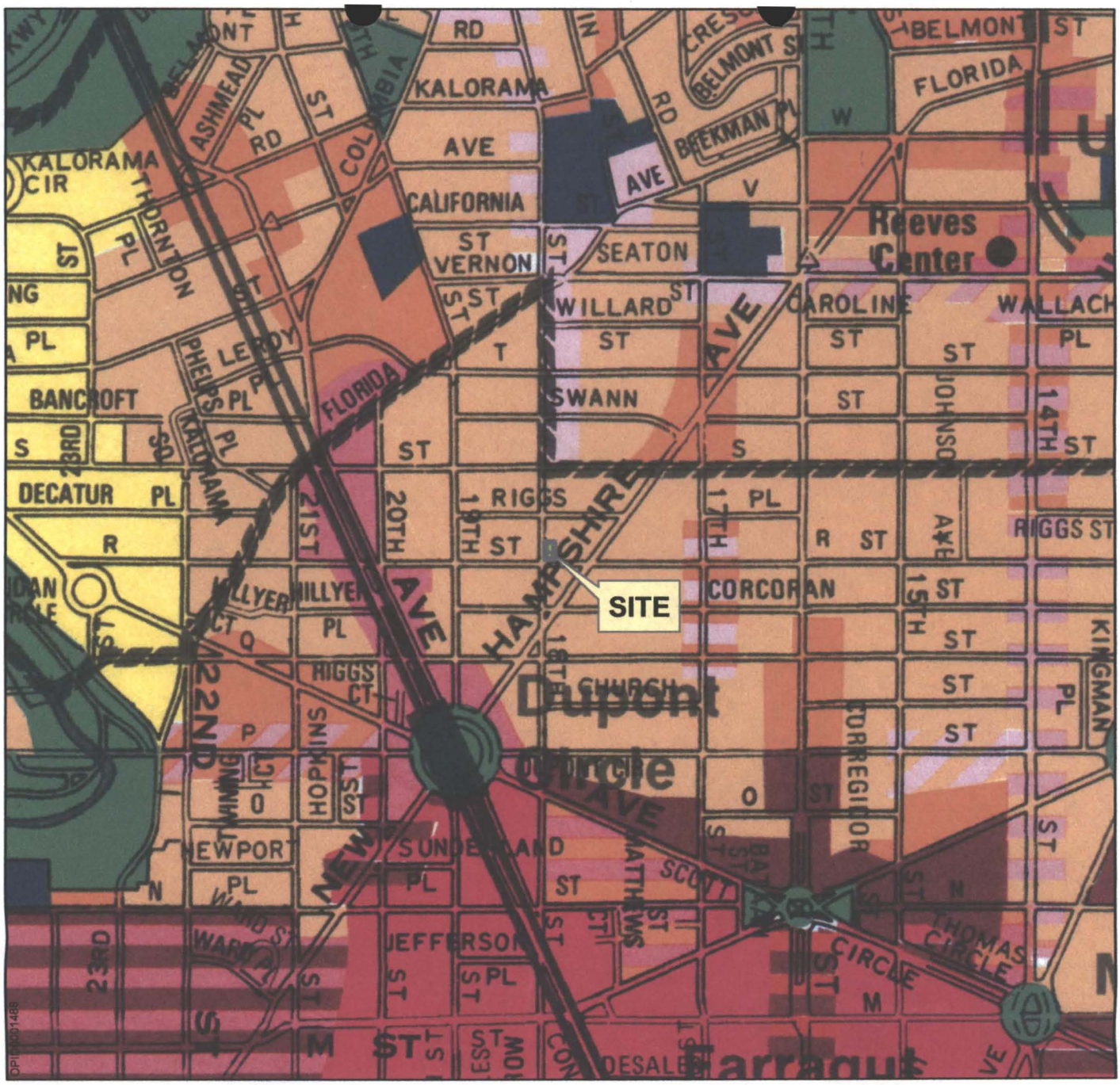
ANC 2B voted unanimously to support the application.

Recommendation

The Office of Planning recommends approval of BZA application 17116 requesting four variances for the renovation of the existing structure as proposed in the application.

ATTACHMENTS:

1. Zoning and Land Use Map
2. Comprehensive Plan
3. Aerial Oblique Photos



Comprehensive Plan Map
BZA Application #17116

N

Feet

0 500 1,000

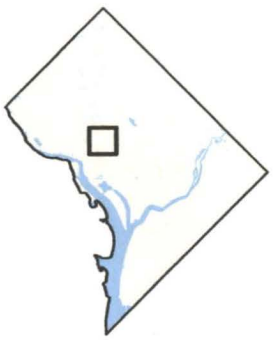
★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ December 11, 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.

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 #17116

N

Feet

0 25 50 75

★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January 22, 2004

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purposes from a variety of sources.
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Attachment 3



OPID0001494

Aerial Oblique Photos
BZA Application #17116

Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ January 12, 2004

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☆ Subject Site - 1701 18th Street, NW



Attachment 4