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RECEIVED
D.C. BOARD OF ZONING ADJUSTMENT
2004 MAR 16 PM 2:55

March 16, 2004

HAND-DELIVERED

Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application No. 17136
- Africare, Inc.

Dear Mr. Griffis:

This firm represents Africare, Inc. (the "Applicant") in connection with its application for variance relief associated with the development of an annex building located at 440 R Street, N.W. (Square 509, Lot 805). On behalf of the Applicant, we submit herewith twenty (20) copies of the Applicant's Supplemental Information.

Very truly yours,

George R. Keys, Jr.

Enclosures

cc: Karen Thomas, Office of Planning
Advisory Neighborhood Commission 2-C

BZA
Case No. 17136
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17136
EXHIBIT NO. 25

2004 MAR 16 PM 2:55

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

SUPPLEMENTAL INFORMATION

In Re: Application of Africare, Inc. for variances from: (1) the 40% lot occupancy limitation of Section 403.2, and (2) the 20-foot rear yard requirement of Section 404.1 in an R-4 Zoning District.

Subject Property:

Lot 805, Square 509
440 R Street, N.W.

JORDAN & KEYS, LLP
George R. Keys, Jr.
1400 16th Street, N.W., Suite 520
Washington, D.C. 20036-2217

Dated: March 16, 2004

BZA Application No. 17136

Pursuant to § 3113.8 of the Board of Zoning Adjustment Supplemental Rules of Practice and Procedure, the Applicant herewith submits the enclosed information as a supplement to its application for: (i) a variance from the rear yard requirement of § 404.1 of the District of Columbia Zoning Regulations, 11 DCMR *Zoning* (February 2003), as amended (the "Zoning Regulations"), to permit a rear yard of less than twenty feet (20') in an R-4 District; and (ii) a variance from the lot occupancy limitation of forty percent (40%) applicable to the R-4 district pursuant to § 403.2.

With this submission the Applicant offers more detail concerning the testimony to be presented at the public hearing on March 30, 2004, as to why the particular variances requested are necessary to the development of the subject property. Dr. Julius E. Coles, the president of Africare, Inc., and Joseph Handwerger, the architect who planned the renovation of the Morse School in 1983 and who has designed the annex building, which is the subject of this application, will testify at the hearing as to the institutional imperatives which shaped the nature of the Africare annex and how the architectural solution arrived at in the special context of the subject property necessitated the particular variance relief requested.

The first and most compelling impulse to the development of the subject property was the increase in the size of the Applicant's staff over the 20 years of its operation within the

Morse School and the inflexibility of the existing building to accommodate that growth, which facts are discussed more fully at pages 3, 11 and 12 of the narrative statement submitted with the application. The Applicant's specific program charge to its architect was to add the following features to the subject property: (1) additional office space to accommodate up to twenty (20) employees which could be flexibly configured in open space, partitioned work or traditional office areas; (2) meeting space large enough to accommodate the entire staff and to host occasional public program and private diplomatic gatherings; (3) sufficient document storage space for the extensive records which the Applicant as a contractor to several governmental agencies is required to maintain; (4) secure parking spaces for staff and visitors; and (5) an attractive landscaped courtyard which would link the two buildings, enhance the community and continue to showcase the local landmark: the renovated Morse School building.

Basis for the Lot Occupancy Variance

The architect quickly realized in analyzing the subject property that given the 31.56% lot occupancy of the Morse School no additional space could be developed to meet any of the program requirements if it was limited to the 1,546 square feet available for matter of right development under the lot occupancy limit of 40% in the R-4 zoning district. This true because so much of any multi-story building must include a core of non-program space for stairways, mechanical systems, elevators and restrooms. Allowing

for this essentially non-reducible core of non-program functions leaves little left over for program space if the 40% lot occupancy is to be maintained. Thus, it became a necessity to increase the amount of lot occupancy in order to make any feasible use of the undeveloped portions of the subject property.

Recognizing the need for a lot occupancy variance, the architect attempted to design a building which would intrude as little as possible on the Morse School, would not overwhelm the neighborhood with its bulk and would permit as much open space between the two buildings as possible. The architectural solution to that equation called for a multi-story building, which is situated at the western edge of the property with its bulk shifted to the rear of the subject property in order to preserve open space and sight-lines to the Morse School, with as much of the program requirements as possible located below-grade (e.g., parking and document and art storage).

Basis for Rear Yard Variance

The basis for the requested rear yard variance arises not from a single factor, such as topography, but results from the interaction of several variables in the design equation. These variables include: (1) the small floor-plate of the proposed building which renders it relatively inefficient in the ratio of floor area devoted to building core compared to program functions; (2) the need to maximize the parking potential of a below-grade parking garage; and (3) aesthetic considerations

which really relate to how the Africare complex interacts within the local community context.[1]

In order to meet the minimum program requirements, the architect determined that the non-program core functions should be grouped together in such a way that the largest area of contiguous space for program function would result. Therefore, the elevator, one set of emergency stairs, mechanical and support spaces and the mandatory restrooms were aligned closely and in a linear fashion. This building core constitutes about thirty percent (30%) of the entire gross floor area and a larger percentage of gross floor area on the first floor of the building. Because the architect did not want to obscure the Morse School building, he arranged the proposed building in such a manner as to frame the courtyard along its southern and western edges. The fact that the Morse School itself possesses only a 14-foot rear yard meant that a similar orientation for the proposed building would maintain the visual symmetry and orientation of the two structures on the subject property. Since the courtyard and R Street sides of the proposed building contained the view opportunities outward toward the very

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[1]For example, and as noted in the application, in response to concerns of the Office of Planning about the massing of the R Street facade of the proposed building, the Applicant voluntarily eliminated about 2.6% of the originally-designed gross floor area (360 square feet) in order to achieve a more satisfying visual relationship with the adjoining townhomes and minimizing the bulk of the building impinging directly on R Street.

significant Morse School and would be windowed, it was natural for the core functions to be pushed to the rear of the proposed building. Such functions do not generally require light and air. Moreover, in order to preserve an adequate courtyard which afforded a sufficient separation between buildings, the architect wanted the profile of the proposed building to be as narrow as possible as it faced R Street. This consideration again favored moving the core functions to the rear of the building where additional width would not destroy the effect of the courtyard.

The result of balancing this design equation is a proposed building that, while not as efficient as might be desired, does function effectively with the Morse School as a single building under the Zoning Regulations, and yet does not detract from the significant community landmark which the Morse School has become. The preservation of the courtyard and the narrow, articulated profile along R Street were sacrifices the Applicant made in siting the proposed building that enhance the urban design qualities of the site and relate less obtrusively to the community context of row houses. The corresponding price for this enhanced design is a 6-foot variation from the rear yard requirement.

In this instance, the R-4 district requires a 20-foot rear yard, while the Applicant has put forward a site plan that provides only a 14-foot rear yard. In order to attain this rear yard, the Applicant could bring the existing design into

compliance with this particular zoning requirement by slicing a six-foot section from the building's program space and moving the rear of the building forward to provide for the 20-foot rear yard. In practical terms, this represents losing another 270 square feet per floor for a total of 1,355 square feet of gross floor area out of the 12,633 square feet of gross floor area being added by the proposed building. Another way of expressing this consequence is to say that the proposed building becomes ten percent (10%) less efficient as more program space is eliminated. If the reduction in the building footprint is carried below grade, it also means the loss of not less than three (3) parking spaces in the basement level.

It is also fair to inquire as to what might be gained by strict compliance with this particular zoning requirement. As we understand the rationale for required rear yards, the objective is to afford light and air to structures abutting the subject property to the rear and to adjacent structures. Because the residential lots to the rear of the subject property facing Warner Street, N.W. in Square 509 are long and narrow (typically 90-feet deep), the houses on such lots are set well back from the rear lot lines. The 6-foot variance in the rear yard of the subject property has only negligible impact on these properties.

In addition, to the extent that a rear yard can be utilized

lawfully under the Zoning Regulations for off-street parking[2], the provision of a rear yard may increase the parking potential of the subject property. In this instance, however, the subject property abuts a public alley only ten feet (10') wide and the additional depth of the rear yard does not allow sufficient space to permit head-in parking perpendicular to the public alley which might allow the Applicant to add parking spaces to those lost by the reduced footprint of the building.

We believe that entire record to date, as supplemented by testimony at the public hearing, supports a conclusion that the Morse School constitutes an "exceptional" circumstance inherent in the subject property which makes strict compliance with the rear yard and lot occupancy standards in the R-4 zoning district an outcome presenting significant "practical difficulties" for the Applicant, if it is to sustain its organizational needs in the current location. The architectural design solution embodied in this application can be implemented without harm to the public good or the zoning scheme.

Respectfully submitted,

George R. Keys, Jr.
Counsel for the Applicant

[2]See, § 2116.2(b)(1) of the Zoning Regulations.