GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman for
Director

DATE: March 5, 2004

SUBJECT: BZA Application 17136 - Request filed by Africare for two **area variances** for the proposed construction of a 3-story annex for property at 440 R Street, N.W.

APPLICATION
Application of Africare Inc. for:

1) **A variance to §403.2 of Title 11 DCMR** from the strict application of the lot occupancy requirements; and
2) **A variance to §404.1 of Title 11 DCMR,** from the rear yard requirement in an R-4 residential Zone District,

for a proposed annex at 440 R Street, N.W., Square 509, 805.

SUMMARY RECOMMENDATION
Based on the information provided, the Office of Planning does not find sufficient evidence that the applicant has satisfied the tests for its requested variances. Unless the applicant can provide more compelling evidence of institutional necessity and inability to redesign to meet the Zoning Regulations, then OP must recommend denial.

BACKGROUND AND PROJECT DESCRIPTION



The subject property is located on the south side of R Street, between 5th Street and New Jersey Avenue, N.W., in Square 509. Square 509 is bounded by R Street to the north, New Jersey Avenue to the east, Warner Street to the south and 5th Street to the west. The property abuts a 10-foot wide alley system to the east and rear. The 18,318-square foot lot site is improved with a former school building (Morse School) currently occupied by the non-profit organization, Africare. The subject property is zoned R-4.

BZA
Case No. 17136
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17136
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Africare was granted a use variance by the Board in 1983 (#13904) to occupy the building for its headquarters as a charitable organization. The applicant proposes to expand the existing building area by constructing an annex, which will be connected to the main building by a covered portico. This would allow the proposed structure to comply with the requirement that only one principal structure occupy a single lot of record.

The proposed development includes a 12,633 square foot (Gross Floor Area), three story building, to the west of the existing structure, and will occupy the current surface parking area which serves the organization. The annex will be a masonry structure designed to be compatible with the existing building, with two (2) below-grade levels, which would provide parking and storage for records and art. The parking area will connect to the basement level of the existing building.

In 1999, the Board granted the applicant a variance (use/area) (Summary Order #16506) to construct the subject annex. However, the order lapsed and the applicant is now before the Board to request a rear yard and lot occupancy variance to allow the construction of the building as proposed in submitted plans.

RELIEF REQUESTED

Existing Zoning:

Section 330.1 describes the R-4 District as "designed to include those areas now developed primarily with row dwellings"... It is not an apartment district as contemplated under the R-5 regulations and conversions are controlled by a minimum lot area per family requirement. The 5,781 square foot structure predates the 1958 Zoning Regulations and occupies 31.56% of the lot. Since it is no longer a public school, §403.2 classifies the structure as "all other structures", with a prescribed 40% lot occupancy limit.

Variance to Section 403 and 404

The submitted design of the annex requires two area variances to permit its construction.

§ 403.2 of the Zoning Regulations requires:

> No structure, including its accessory building, shall occupy its lot in excess of the percentage lot occupancy..." - 40%.

§ 404.1 outlines the minimum depth of the rear yard as 20 feet in the Zone.

Section	Permitted	Existing	Requested	Deviation
403 - Lot Occupancy	**Other Structures (40%)**	**31.56%**	56.8%	**16.8%**
404 - Rear Yard	20 Feet	14 Feet	14 Feet	6 Feet

The applicant has to meet the burden of proof requirements outlined in 11 DCMR §3103.2 for the variance relief from these area provisions.

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

Rear Yard: The existing structure has a 14-foot rear yard and the existing former school structure predates the 1958 Zoning Regulations. The applicant's proposal to construct an annex to the building would extend this non-conformity by an additional 81feet to

accommodate the applicant's design. The applicant claims that creating a 20-foot rear yard would reduce the foot-print of the annex and cause re-alignment of the below-grade connection of the two buildings. The 18,318 square foot property is flat, trapezoidal in shape, with no exceptional narrowness or topography.

There is no unique feature of the property that prevents the applicant from meeting the rear yard requirement of the Zone. OP contends that the below-grade alignment could be satisfied while meeting the rear yard requirement, since underground excavation within property limits does not have to meet above grade setback requirements.

Based on submitted drawings, there is more than 6,561 square feet of flat, open area to the west of the existing building to design an annex of approximately 4,157 feet with comparable features of the main building. Meeting the rear yard setback would represent a loss of 486 square feet (81'x6') for a remaining total of 6,075 square feet. OP believes that a rectilinear design, which may result in less courtyard space, could create a structure, which satisfies the proposed use. OP believes that the reduction of the footprint by six feet to accommodate the space requirements of Africare is a function of design and not due to any unusual condition of the property.

Lot Occupancy: A public school building of this size (5,718 square feet) or any non-residential structure in the R-4 Zone is permitted a maximum lot occupancy of 40% per Section 403.

Since there is no uniqueness in shape or size of the property, OP believes that the percentage of lot occupancy may be reduced if the rear yard requirement for the subject annex was met. The applicant has not provided sufficient justification for the lot occupancy to go from 30.56% to 56.8%, (a difference of 26%) or 17% above the 40% permitted for the R-4 District. The applicant claims that the increase in space is an institutional necessity. The test cannot be met on the basis that the applicant wants more space. OP believes that the proposed design would create a structure that is out of character with this residential zone district.

(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.*

Since no exceptional condition of the property has been established, OP does not find that a strict application of the Regulations will result in an exceptional practical difficulty upon the owner of the property. The proposed annex can be designed to meet the required rear yard setback. Such compliance could also contribute to minimizing the lot occupancy variance.

(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.*

OP is concerned about the proposed intensity of use of the building. The applicant has claimed that "institutional imperatives" require the expansion and OP has observed from submitted plans and through conversations with the applicant that space is desired to host functions for dignitaries and similar events. No information is provided for a projected number or type of events per year or number of visitors who typically are expected to attend these events. While current and

projected number of parking spaces is adequate, any large event may increase demand for off-site parking in the immediate neighborhood. Currently, the neighborhood is experiencing a revitalization of its older abandoned row homes, which in turn would require more consideration be given to traffic and parking concerns for residents of the community.

The proposed intensity of use would be detrimental to the public good and will impair the intent, purpose and integrity of the zone plan and be especially contrary to the R-4 zone and the standard for variances.

The intent of the rear yard and lot occupancy requirements is to control siting and massing. The proposed annex is shown with a height of 40 feet which is permitted in the R-4 Zone. Extending this solid wall six feet into the required rear yard has a somewhat cavernous effect on the adjoining residential lot where the zoning regulations anticipate 20 feet. The required 20 foot rear yard is maintained by the three adjoining rowhouses to the west.

COMMUNITY COMMENTS

The applicant informed OP that ANC 2C has expressed support for the application. This will be included as part of the public record.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, and the standards for variance relief.

Africare was given approval by the Board in 1983 (#13904) to occupy the former school site when neighborhood conditions at the time were less than desirable. OP is aware of and commends the non-profit's participation in the community and other important services it provides.

OP is aware of, and concerned about, the demands currently being placed on the R-4 Zone District to include uses not typically assigned by the Zoning Regulations and the impact of their expansion on the immediate neighborhoods. The general provisions of the R-4 zone District are outlined in Section 330 as follows:

330.1 The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been 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 one-family dwellings.

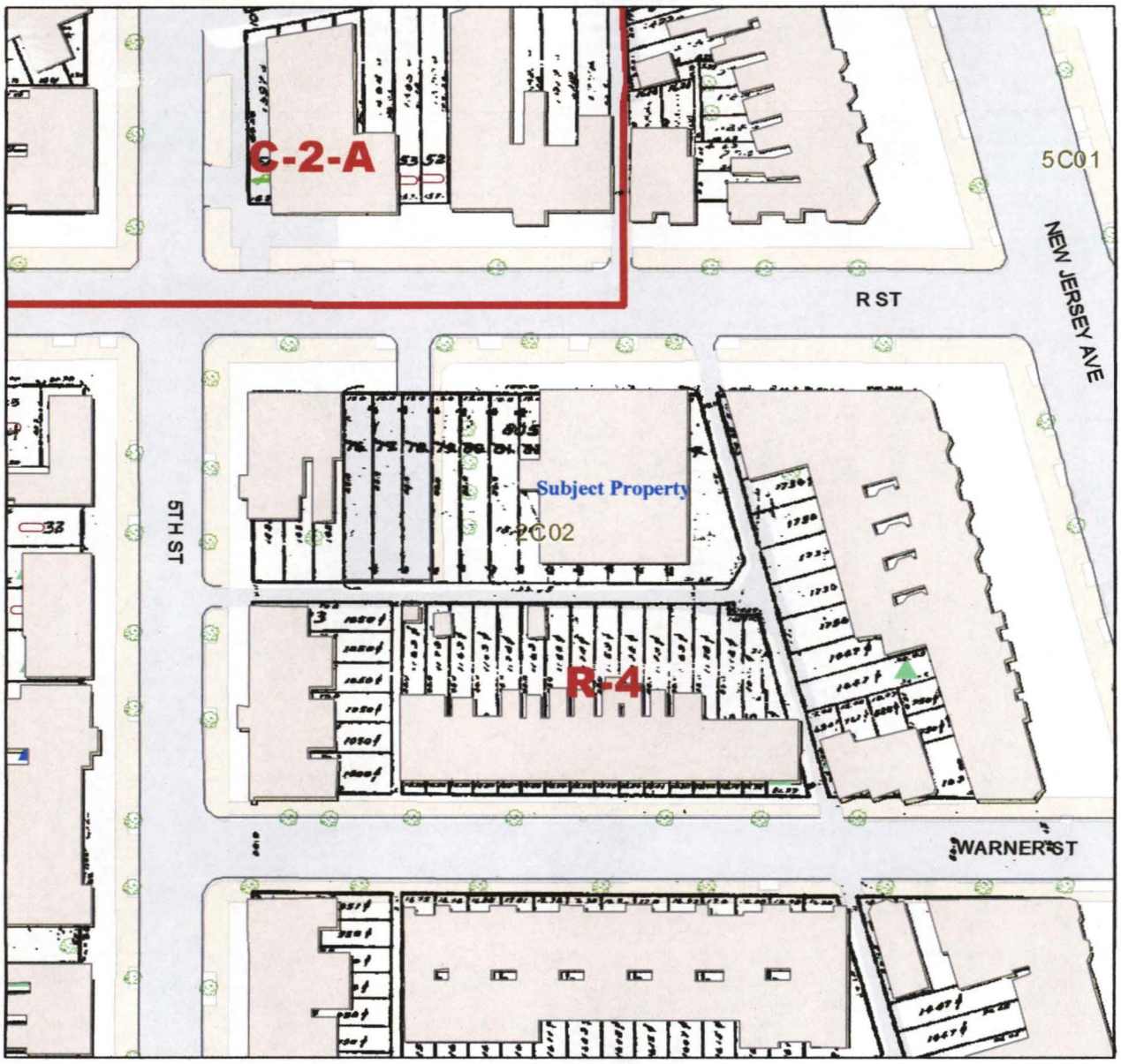
While the claim can be made that the use may be less intense than other permitted uses in the zone, the applicant has submitted there has been an expansion of its staff over the past two decades, from a total of 40 employees anticipated at the time of its opening in 1983. Currently there are 56 employees, and according to the applicant, the proposed expansion may accommodate up to 20 more.

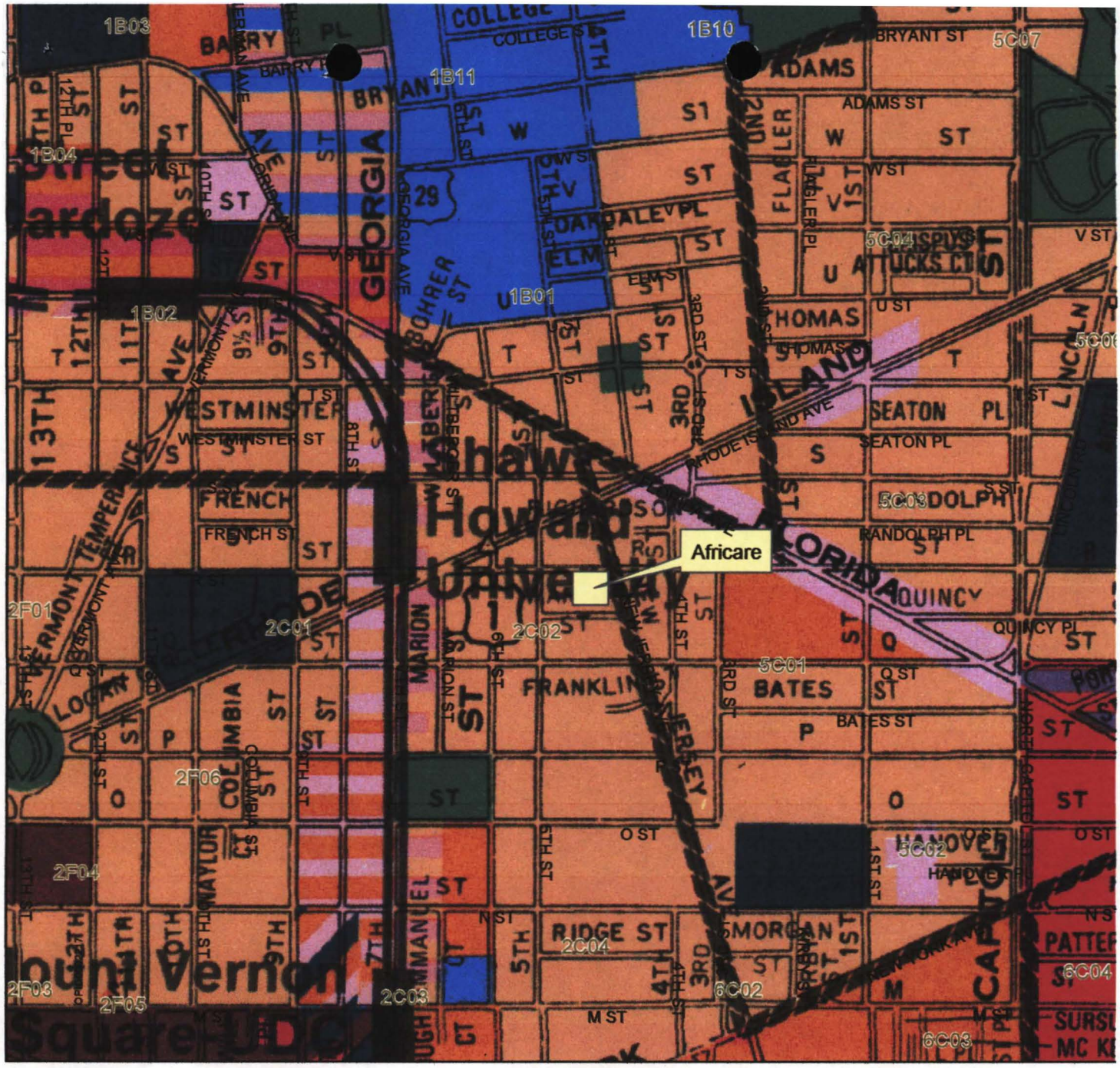
The applicant has not provided sufficient justification for the necessity to construct a building in excess of the R-4 development standards. The applicant claims that the former school building is relatively inefficient as offices, since there are large interior areas devoted to stairwells and a

central hall. However, the applicant has not demonstrated whether or not the existing structure may satisfy the ground floor and conference room requirements of their proposed plans and whether or not a smaller structure to the west of the building may meet some of their office space requirements.

OP believes that in this instance, no situation exists where the submitted design cannot be made to accommodate the property in a manner consistent with the Zoning Regulations. Additional information is needed to justify the requested variances. For these reasons, OP recommends the Board deny the requests for a variance from the rear yard and lot occupancy requirements of the R-4 Zone District.

Zoning Map


C-2-A
5C01
NEW JERSEY AVE
R ST
Subject Property
2C02
5TH ST
R-4
WARNER ST



Office of Planning ~ March 2004

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

Note: Land Use Info based on OTR records.

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. Oblique imagery ©2003 Pictometry International

Comprehensive Land Use
BZA Application #17136

Moderate Density



Attachment 1