GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: May 18, 2004

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 Application #17162
Bennett Property
1557 33rd Street, NW
Square 1272 Lot 872

SUMMARY

Jim and Mary Bennett, the owners of the subject property seek approval to allow renovation of an existing non-conforming accessory structure in the R-3 District at premises 1557 33rd Street, NW (Square 1272, Lot 872). The initial application requested a special exception, pursuant to 11 DCMR § 3104.1, for an addition to an existing accessory structure connecting to the principal structure (a single family row dwelling) under section 223, not meeting the lot occupancy requirements (section 403), the rear yard requirements (section 404), the closed court requirements (section 406) and the nonconforming structure requirements (subsection 2001.3). However, subsequent revisions based on the comments of the Old Georgetown Board and an adjoining property owner have substantially reduced the extent of the proposal to alteration of the roof of the existing structure to slightly increase its height. The Office of Planning believes the magnitude of this alteration should be permitted as a matter-of-right as permitted under §2001.2. If the Board determines that the proposed renovation is considered an enlargement, subject to the provisions of §2001.3, then the applicant would require a variance from these provisions.

BZA
Case No. 17162
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17162
EXHIBIT NO. 26

Board of Zoning Adjustment Application #17162
Bennett Property
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Recommendation:
The Office of Planning recommends that the Board determine that the proposed renovation is a structural alteration permitted under §2001.2 and therefore no relief is necessary. If the Board determines that the proposed renovation constitutes an enlargement subject to the provisions of §2001.3, then the Office of Planning recommends approval of a variance based on the following findings:

- The unusual shape of the lot and existing historic structures on the property create an exceptional situation.
- This exceptional situation and the strict application of the zoning regulations causes a practical difficulty in the preservation and restoration of the existing accessory structure
- Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.

Background

The subject property, at 1557 33rd Street, NW (Square 1272, Lot 872), is located in the R-3 Zone District and the Georgetown Historic District (See Attachment 1). An existing two-story rowhouse with an accessory garage and carriage house currently occupies the site. The brick structure and carriage house were built around the turn of the century and is a contributing structure to the historic district. The existing structure creates a non-conforming court on the north and the existing accessory structure creates a non-conforming court on the northeast. The existing lot occupancy of 62% exceeds the current R-3 requirement. The existing accessory structure exceeds the requirements of §2500.3 that no more than 30% of the area of a required yard may be occupied by accessory buildings.

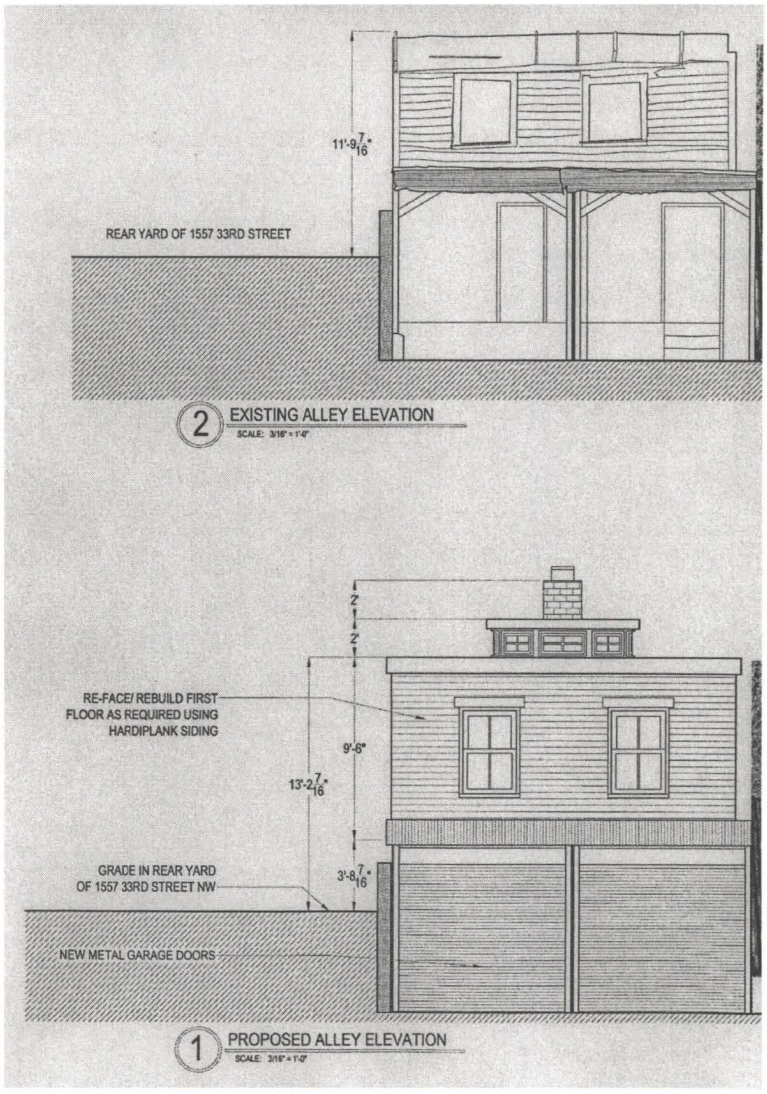
The lot is toward the middle of the block and shares common walls with rowhouses on the north and south. The neighborhood is characterized by low scale historic row structures with a commercial corridor to the east along Wisconsin Avenue. To the west along 34th Street, NW is the Georgetown Recreation Center.

The development was reviewed by the Old Georgetown Board and the Commission of Fine Arts and received conceptual approval contingent on removal of the proposed covered walkway between the main house and the accessory structure. The application was subsequently modified, removing the walkway and reducing the relief requested.

Project Description

The applicant's revised plans, dated May 12, 2004, propose maintaining the existing footprint of the accessory structure and installing a new exterior stairwell into the cellar of the existing accessory structure. The reconstruction of the roof, which is badly deteriorated will result in a slightly higher structure (1.5 feet). The interior of the existing

carriage house including the cellar will be refurbished with a library on the main floor and a wine cellar in the cellar. The proposed renovation, which will increase the ceiling height of the existing accessory structure, does not propose to increase lot occupancy or impact the existing court conditions.



Other improvements proposed with the project include reconfiguration of the stairs and railing for the rear stoop, minor revisions to the façade and restoration of the existing garage. A major benefit of the construction will be to provide access from the garage and accessory structure to the main house. Currently, from the garage, the owners must traverse the alley, which comes out mid-block on Volta Place, and walk half a block down Volta Place and half a block north on 33rd Street to their front door.

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

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Zoning

The existing main house and accessory structure do not comply with the lot occupancy requirements of §403, which permits a lot occupancy of only 60% (62.7% existing). In addition, the existing historic structure does not comply with the court requirements of §406. Nonconforming structures devoted to conforming uses are subject to the provisions fo §2001. Section 2001.2 permits ordinary repairs, alterations, and modernizations to the structure, including structural alterations. The Office of Planning believes that the proposed alteration of the roof can be made pursuant to §2001.2. If the Board determines that the proposed renovation is an enlargement, then §2001.3 governs. Section 2001.3 permits the enlargement of a non-conforming structure if the structure meets the lot occupancy requirements. Since, the existing structure does not meet the lot occupancy requirements, its enlargement requires relief from §2001.3. The zoning requirements are tabulated below:

Area Req.	Existing	Required/Allowed	Proposed	Variance	Code Ref.
Height	Approx. 25'/2 Stories	40'/3 Stories	28'[1]/2 Stories	None	§400.1
Height of Accessory Structure	11'-9"	15'	12'-8"	None	§2500.4
Min. Lot Area	2,072 SF	2000 SF	2072 SF	None	§401.3
Min. Lot Width	16'	20	16'	None	§401.3
Lot Occupancy	62.7%[2]	60%	62.7%	None[3]	§403.2
Rear yard	20'	20'	20'	None[4]	§404.1
Side yard	0'	0'	0'	None	§405.9
Open Court Width	3.8'	Approx. 8.3	3.8'	None[5]	§406.1
Parking	2	1	2	None	§2100

[1] The applicant does not propose to modify the height of the existing main building.
[2] The applicant does not propose to increase lot occupancy.
[3] Enlargement of a non-conforming structure that does not meet the lot occupancy requirements requires relief from §2001.3.
[4] Accessory garages are permitted in the rear yard, provided that they are setback from the centerline of the alley 12' (§2300.2)
[5] The applicant does not propose to modify the existing non-conforming court.

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Variance 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 T-shape of the lot, existing topography and the existing historic structures on the lot combine to create an exceptional situation of the property. The shape of the lot provides access to an existing alley that would otherwise be inaccessible to the main house. The end of the T-shape lot allows access to the alley. Because of the existing topography, the existing carriage house provides a transition from the low grade of the alley to the higher grades of the main garden and side garden. The historic status of the carriage house and the need for it to transition from the grade of the alley to the grades of the gardens, creates the exceptional situation that the carriage house must remain.

Practical Difficulty

The practical difficulty derives from the need to restore the carriage house to a functional space with appropriate architecture. If the existing structures on the site were not 2.4% over the permitted lot occupancy no relief would be necessary. The design presented, which represents a significant improvement, cannot be accomplished without raising one wall along the adjoining property line 1'-5". The proposal will not increase the footprint, existing lot occupancy, or floor area. It will take a dilapidated structure and restore is as an attractive structure that will be compatible with the character of the historic neighborhood. This design has received conceptual approval from the Commission of Fine Arts and the Old Georgetown Board and was thus evaluated for its design and compatibility with the historic district. The strict application of the regulations on this minor enlargement creates a practical difficulty in achieving a suitable design.

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 amount of yard area and configuration of the building is substantially the same as the existing building. The enlargement proposed is so minor that it cannot be a substantial detriment to the public good. The restoration of this dilapidated carriage house in a style compatible with the historic district will be a benefit to the community and neighboring properties.

Community Comments

ANC 2E has reviewed the application and supports the renovation of the existing carriage house. The applicant has been working with the property owner to the east to address his concerns.

Recommendation

The Office of Planning recommends approval of BZA application 17162 requesting a special exception pursuant to §223.1 to allow renovation of the existing carriage house.

ATTACHMENTS:

1. Location Map
2. Comprehensive Plan
3. Aerial Photo
4. Aerial Oblique Photos



Zoning and Land Use
BZA Application #17162
1557 33rd St., N.W.

N

Feet

0 50 100 150

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District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 10, 2004

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.

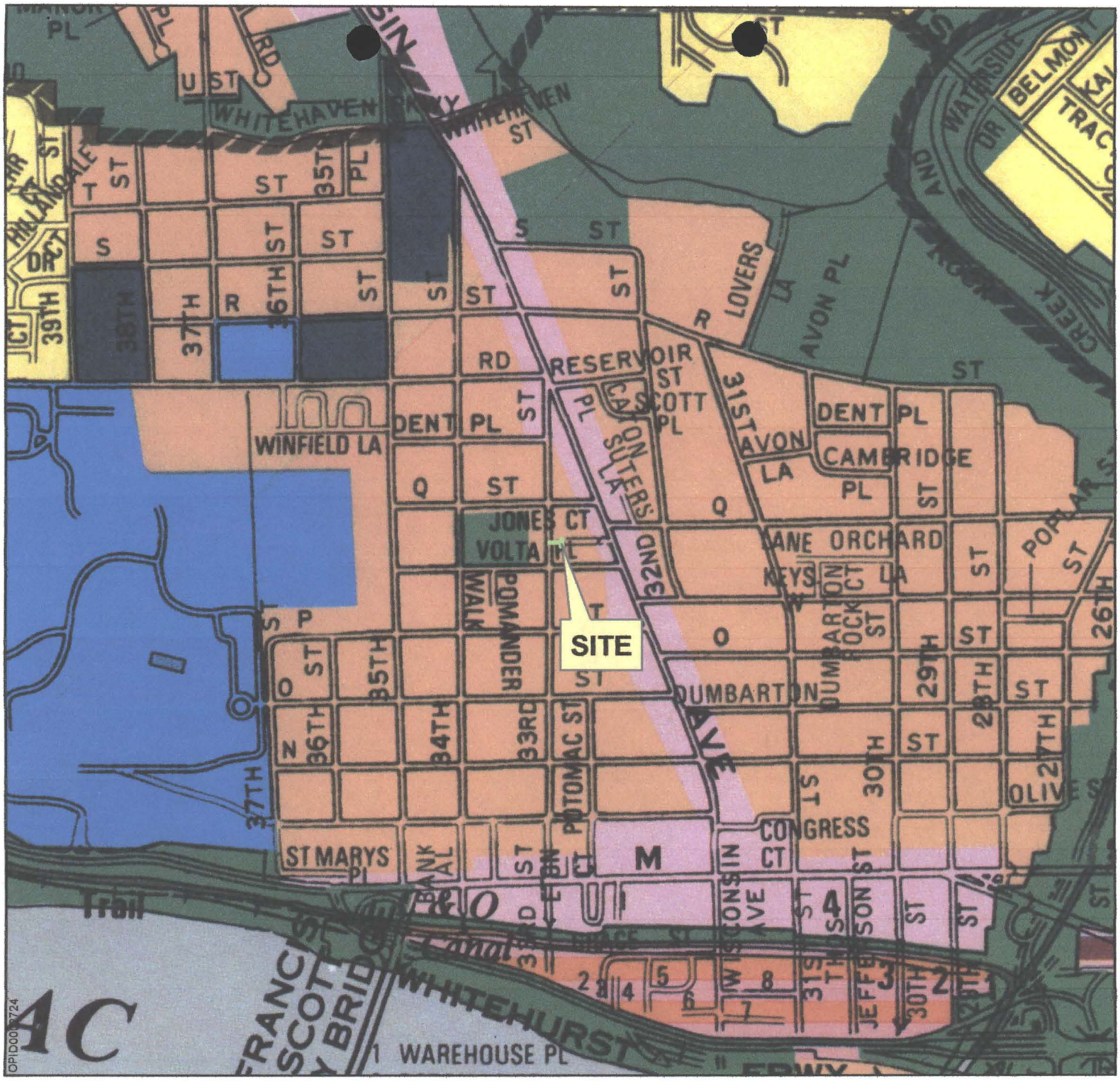
Land Use Legend

- Rowhouse
- SF Detached
- SF Semi-Detached
- Resd. Garage
- Resid./Mixed-Use
- Multi-family
- Club - Private
- Store
- Barber/Beauty Shop
- Office
- Service Station
- Restaurant
- Warehouse
- Religious
- Recreational
- Vacant



Note: Land Use Info based on OTR records.

Attachment 1



Comprehensive Plan Map
BZA Application #17162
1557 33rd Street, N.W.

N

Feet

0 500 1,000

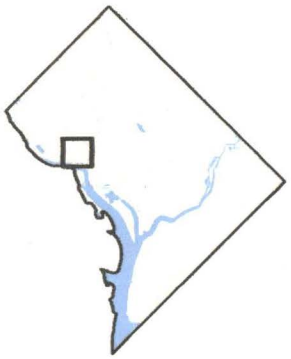
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Generalized Land Use Key

- 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



OPID0002723

Aerial Photo
BZA Application #17162
1557 33rd Street, NW

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Feet

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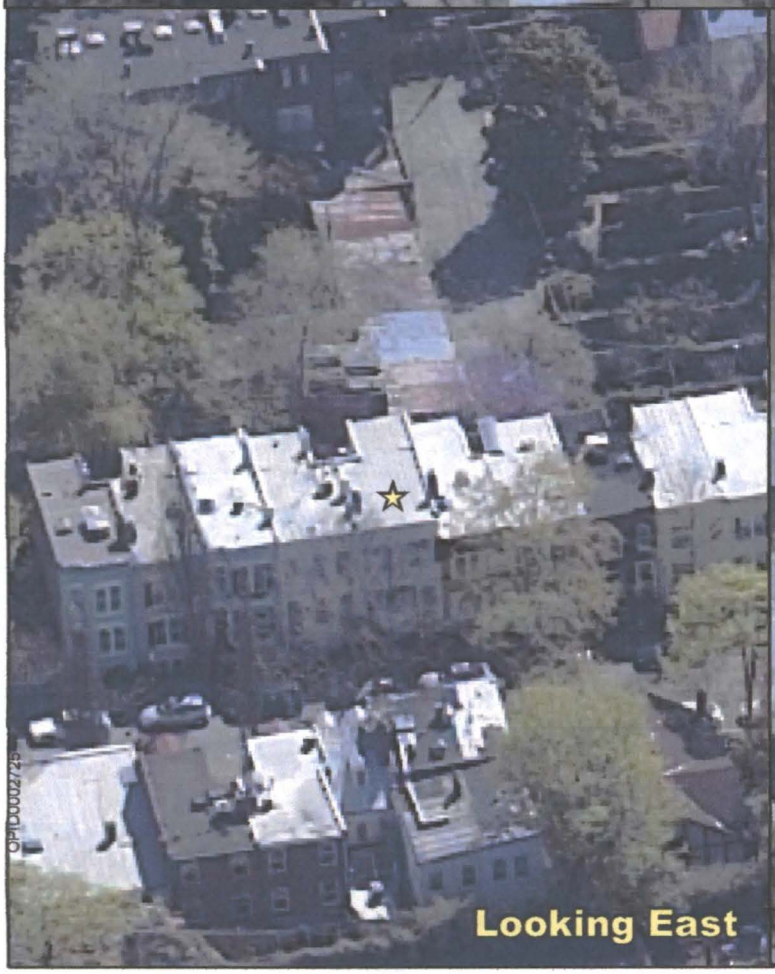
Office of Planning ~ May 10, 2004

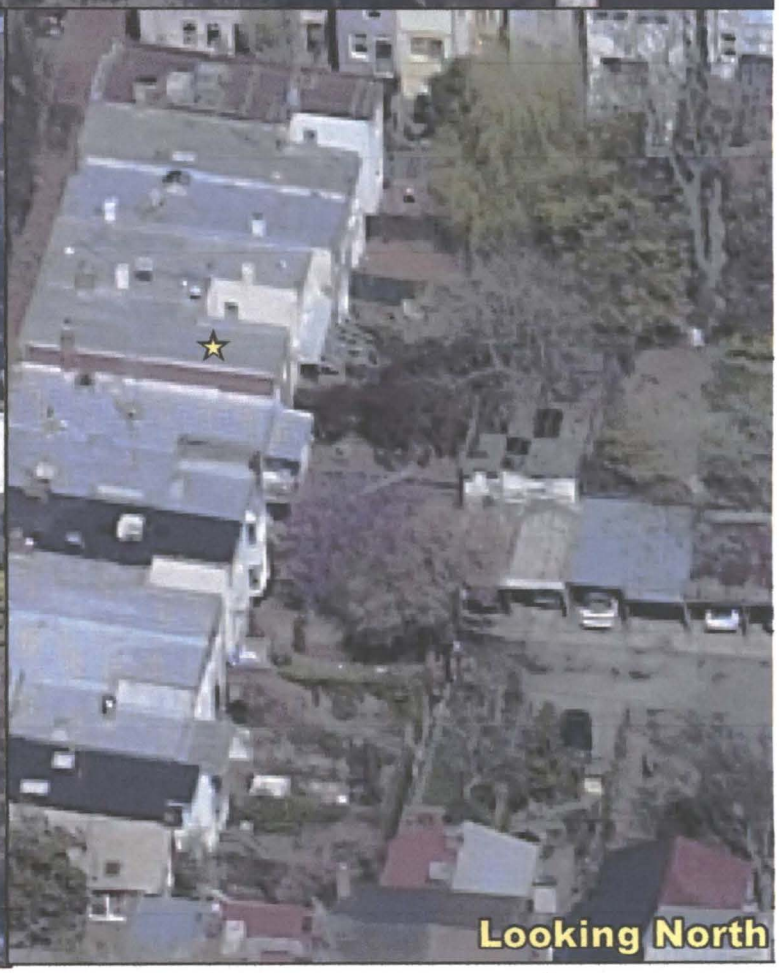
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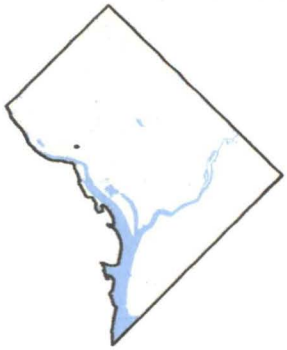
Attachment 3







Aerial Oblique Photos
BZA Application #17162



☆ Subject Site - 1557 33rd St., NW

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Office of Planning ~ May 10, 2004

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Oblique imagery ©2003 Pictometry International

Attachment 4