GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: June 7, 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 Case No. 17168
Spiegal Property
500-502 Florida Avenue, NW
Square 475 Lot 19

SUMMARY

The applicant, Ann Spiegal, the owner of the subject property seeks approval of a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the off-street parking requirements to allow the renovation (including stair addition) of an existing building into a four (4) unit apartment house in the C-2-A District at premises 500 and 502 Florida Avenue, N.W. (Square 475, Lot 19). The applicant proposes renovation of two existing two-story structures to provide one four-unit apartment building. The applicant proposes adding an exterior staircase to provide access to a new rooftop deck, which is being constructed to provide required recreation space.

Recommendation:
The Office of Planning finds there are exceptional conditions of the existing structure that create practical difficulties in renovating and restoring the existing structure to a reasonable residential use. The Office of Planning does not believe that the granting of the relief requested will be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. Therefore, the Office of Planning recommends approval of the variances.

BZA
Case No. 17168
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17168
EXHIBIT NO. 24

Spiegal Property
500-502 Florida Avenue, NW
Square 475 Lot 19
BZA Application 17168
June 7, 2004

Background

The subject property is located at 500 and 502 Florida Avenue, NW (Square 475, Lot 19) and is occupied by two structures. The structure at 500 Florida Avenue, NW is a two-story row structure in which the first floor was used as a beauty shop and the second floor as a dwelling unit. Access to the first floor is located at the corner and access to the upper floor is located toward the rear of the structure along 5th Street, NW (addressed as 1818 5th Street, NW). The structure shares a common wall on the south with a single-family semi-detached structure at 1816 5th Street, NW in the R-4 zone. The structure at 502 Florida Avenue is a small rowhouse. The rear of 502 provides a small closed court approximately 14' by 11'. A breezeway provides access to the court from 5th Street. Both structures are currently vacant. The properties along Florida Avenue are in the C-2-A zoning district that is flanked to the north and south by the R-4 zoning district (see Attachment 1).

Project Description

The applicant proposes to provide four dwelling units in the existing structures. The two units on the lower floor would be accessed from a new entrance off Florida Avenue separating the floor plate of 500 and 502. The existing entrance on 5th Street (1818) and stairway will remain to provide access to the upper floor apartments that will coincide with each of the floor plates of 500 and 502. The initial design submitted by the applicant proposed a 7' by 11' deck that would cover approximately ½ of the existing closed court. This design would have required a variance from the residential recreation space requirements of §773. Subsequently, the applicant has revised the plan to provide the necessary recreation space in a rooftop deck and lessened the impact on the existing closed court by replacing the proposed deck with a new external staircase providing access to the roof deck.

Comprehensive Plan

The property is identified as moderate density residential on the Generalized Land Use map (See Attachment 2). The moderate density designation includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing (§1103.2). 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 conversion of the existing structures to a 4-unit apartment is not inconsistent with these objectives and policies.

Zoning

The C-2-A district is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the city outside of the central core. The

existing structure does not conform to the maximum lot occupancy, rear yard, court area and court width requirements of the C-2-A zone. The structures were built in 1932 prior to the adoption of the zoning regulations. In addition, the existing lot has no way to meet the parking requirements of the zone. The C-2-A zone requires that an area equal to not less than 20% of the gross floor area devoted to residential use shall be provided as residential recreation space (§773.3). If relief is granted for the exterior stair addition, then a rooftop deck could be provided to meet this requirement.

The proposed use is permitted in the zone and the requirements for the C-2-A zone are summarized below.

Area Req.	Existing	Required/ Allowed	Proposed	Variance	Code Ref.
Height	24.5'	50'	ETR	None	§770
FAR	1.9	2.5 (1.5)	ETR	None	§771
Lot Occupancy	90%	60%	90%[1]	None[2]	§772
Res. Rec. Space	None	20%	20%[3]	None	§773
Rear yard	0'	12'	ETR	None	§774
Side yard	None	None	ETR	None	§775
Court width	11'-7"	15'			
Court area	162 SF	350 SF			
Parking	0	2	0	2[4]	§2100
Loading	None	None	ETR	None	§2200

ETR = existing to remain

[1] The proposed addition of an external stair, if determined to be building area would increase the lot occupancy to 9x%.

[2] The addition to a non-conforming structure is regulated by the provisions of §2001.3 from which the applicant requests relief.

[3] The original proposal provided no recreation space.

[4] This relief may not be required per §2100.6.

The addition of the staircase for access to the rooftop deck may impact lot occupancy if considered building area and may impact the court requirements if not considered a projection permitted under §2502.6.

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 applicant describes two main factors that contribute to the exceptional situation of this property in regard to the relief requested (see Attachment 5):

1. The configuration of the existing structure, including:
    a. The existing bearing walls and stair structure.
    b. The existing lot coverage.
    c. No access to an alley
    d. The buildings occupy the full frontage of both adjacent streets
2. An existing lot containing two structures
3. Requirements for recreation space subsequent to the construction of these structures.

The buildings, built in 1932 according to tax records, occupy 90% of the lot. Therefore, no accommodation was made for parking or outdoor recreation space in development of the lot, except for the small interior court. This makes redevelopment challenging and limits the opportunity for the design and development of outdoor recreation space.

The Office of Planning concurs that the existing conditions of the structures, the fact that the structures predate the current zoning regulations, lack of alley access and the structures' placement on the lot create an exceptional situation of the property.

Practical Difficulty

The existing lot coverage and building footprint configuration creates practical difficulties in providing parking and outdoor recreation space. The only space available on the lot that could possibly contribute to outdoor recreation space is the non-conforming court. This would provide approximately 162 square feet of residential recreation space an amount far below the required 637 square feet. By providing a rooftop deck all of the residential recreation space could be met; however, creating internal access to the roof presents a practical difficulty in the structural limitations inherent in the original design of the two structures and the limitations on the penthouse that would be required to house the stair landing.

OP concurs with this analysis of the practical difficulties in providing on-site parking and in providing the recreation space required and the subsequent need for the additional encroachment into the existing court of the exterior staircase.

Substantial Detriment

1. 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 Office of Planning believes that the proposed variances from the requirements governing additions to non-conforming structures and parking requirements will not be a substantial detriment to the public good nor impair the intent, purpose and integrity of the zone plan, because:

1. Granting the relief requested provides for adequate residential recreation space.
2. The parking requirement would be the same as the existing structural configuration of buildings on the lot.

In addition the site is within close proximity of a metro station, which would reduce the demand for parking by the occupants.

Recommendation

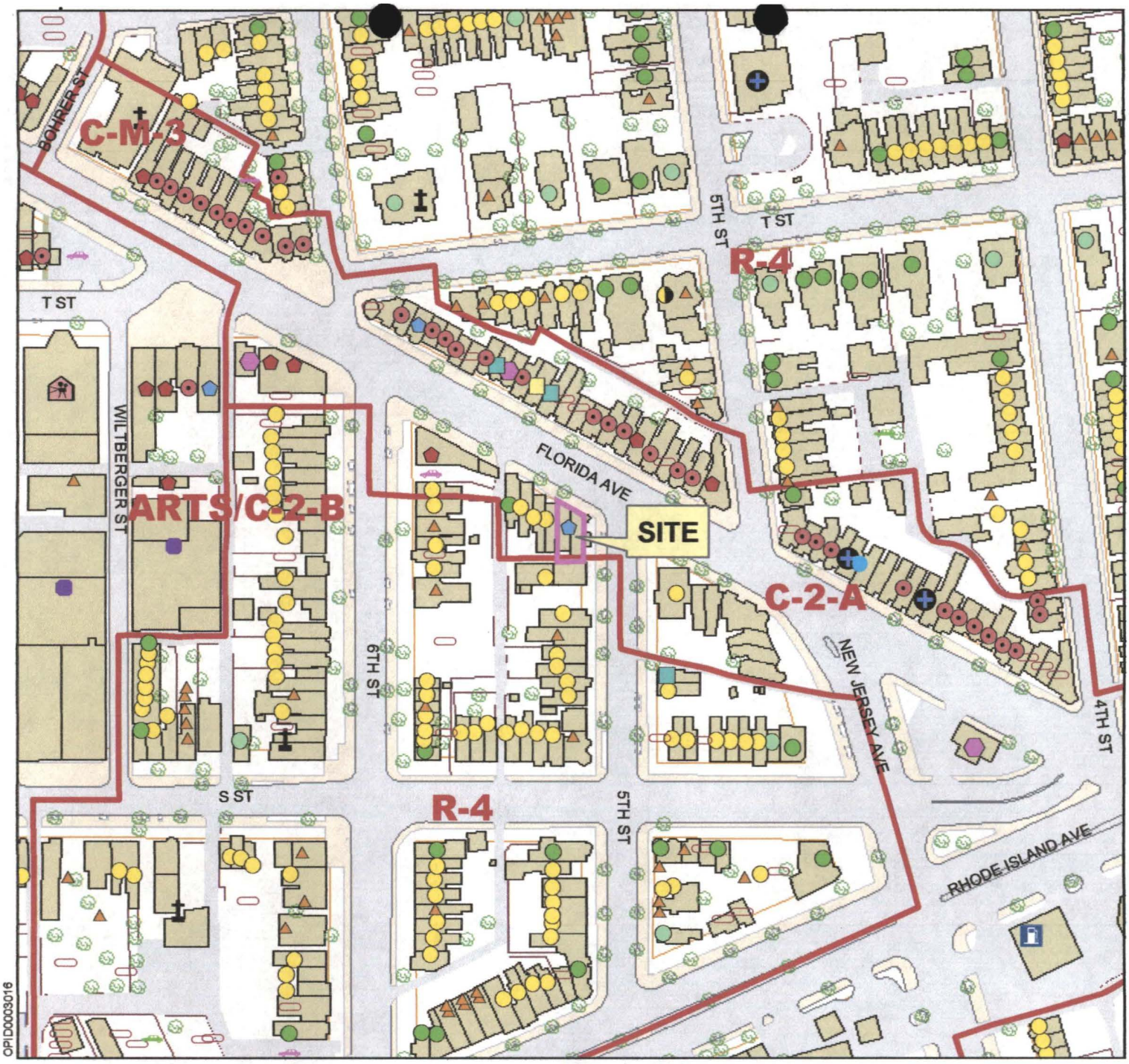
The Office of Planning recommends approval of BZA application 17168 requesting a variance from the requirements of §§2101.1 and 2001.3.

ATTACHMENTS:

1. Zoning and Use Map
2. Comp Plan Map
3. Aerial Photo

Aerial Obliques The C-2-A district is designed to provide facilities for shopping and business needs,

4. housing, and mixed uses for large segments of the city outside of the central core.



Zoning and Land Use
BZA Application #17168
501-502 Florida Avenue, N.W.

N

Feet

0 100 200

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

Office of Planning ~ May 10, 2004

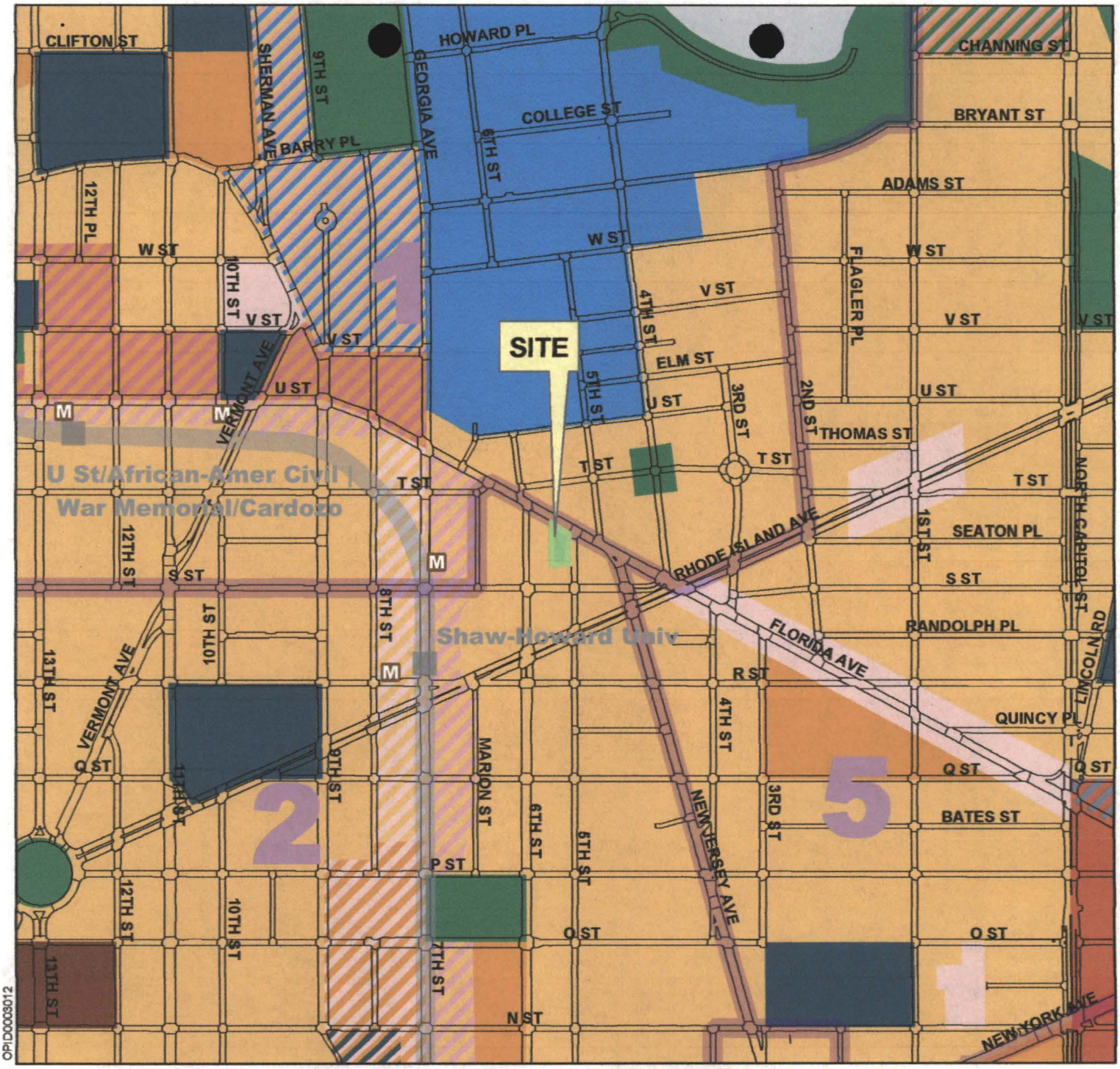
This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Land Use Legend

- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. - Mixed Use
- Multi-family
- Fraternity/Sorority House
- Resid. Transient
- Store
- Barber/Beauty Shop
- Office
- Parking - Special Purpose
- Theaters, Entertainment
- Warehouse
- Religious
- Special Purpose
- Vacant
- Vehicle Service Station

Note: Land Use Info based on OTR records.

Attachment 1



OPID0003012

Comprehensive Plan Map
BZA Application #17168
500-502 Florida Avenue, N.W.

N

Feet

0 500 1,000

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Anthony A. Williams, Mayor

Office of Planning ~ June 2, 2004

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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



Aerial Photo
BZA Application #17168
500-502 Florida Avenue, NW

N

Feet

0 25 50 75

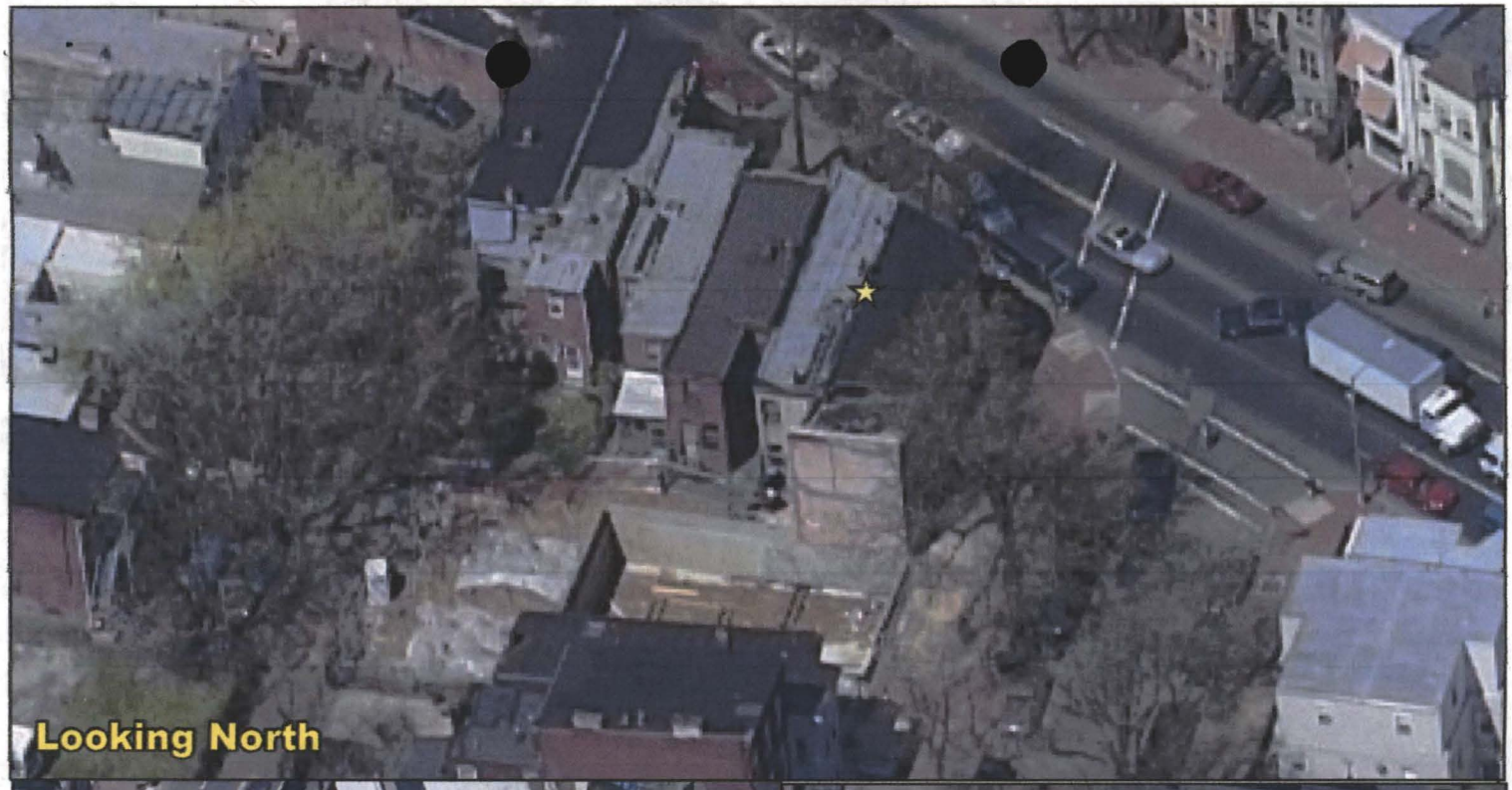
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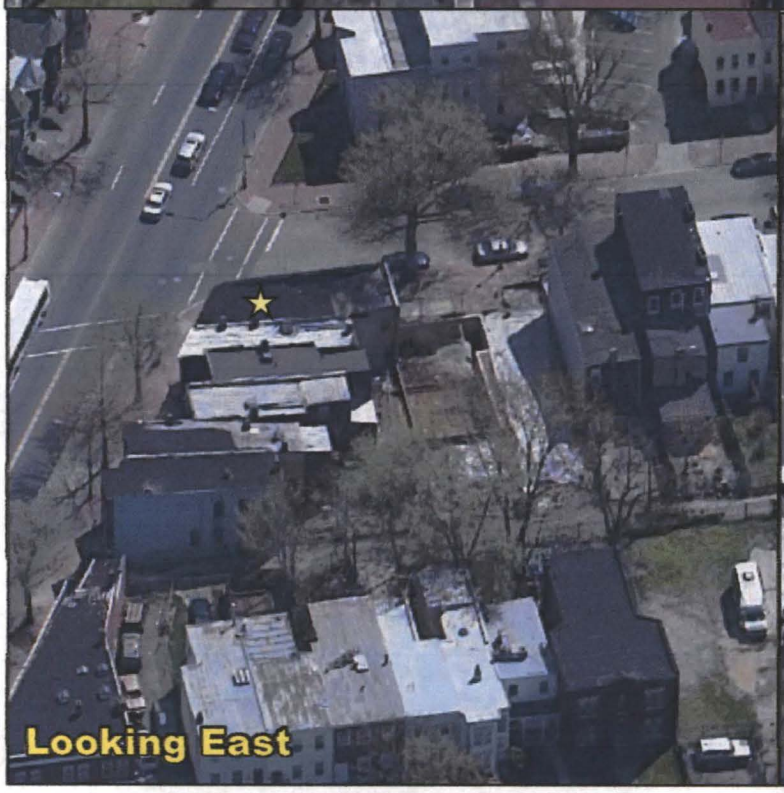
Office of Planning ~ June 2, 2004

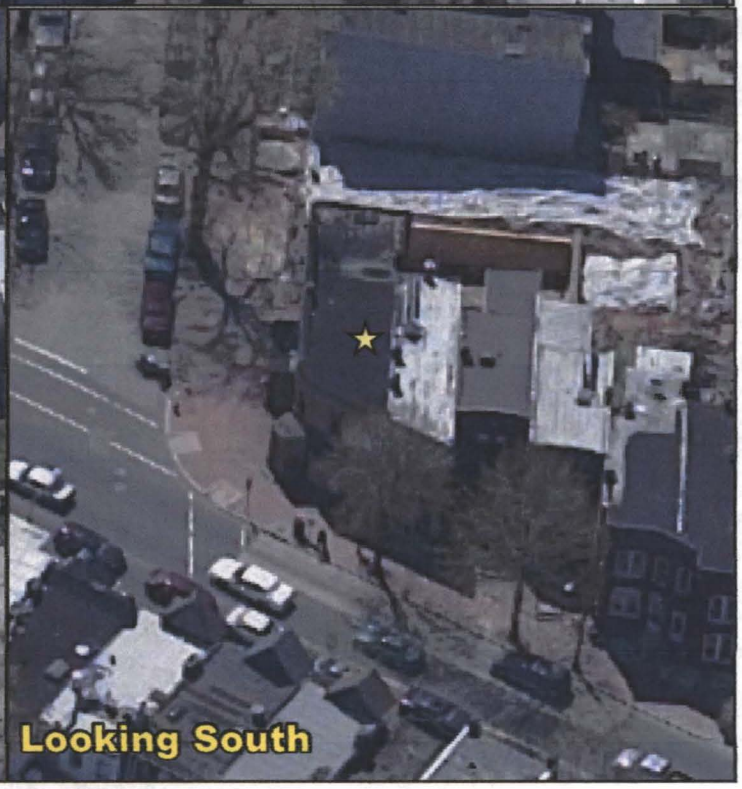
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Attachment 3







OPID0003015

Aerial Oblique Photos
BZA Application #17168



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Office of Planning ~ June 2, 2004

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☆ Subject Site - 500-502 Florida Avenue, NW

Attachment 4