GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: October 19, 2004

BZA
Case No. 17220
Exhibit No. 30

SUBJECT: BZA Application #17220 (St. Paul Parish)
2422, 2424-2426, and 2430 K Street, N.W. (Square 28, Lots 169 and 828)

APPLICATION

The application by St. Paul's Parish (Applicant) requests variances from Section 402.2 regarding lot occupancy; Section 405.8 regarding side yard; Section 2001.3 regarding the enlargement of an nonconforming structure; Section 406.1 regarding court width; and Section 1523.1 regarding the expansion of an existing building in the Foggy Bottom Overlay District. The proposed relief will allow the alteration/renovation and expansion of the existing church and other facilities. The subject property is located in the R-3 and Foggy Bottom Overlay Districts.

SUMMARY RECOMMENDATION

The applicant has requested latitude to make adjustments that HPRB may require prior to granting final approval of the project. The Office of Planning (OP) supports the flexibility requested, but recommends that the BZA specify the areas and limits of flexibility granted to the applicant and that any new variances created should be reviewed by the BZA.

The Office of Planning supports the variances to allow the proposed additions to the church and adjacent row houses. It has been demonstrated that these requests will be consistent with the intent and purpose of the Zoning Regulations and in particular Foggy Bottom Overlay District and will not be detrimental to the community. The Office of Planning therefore recommends **approval** of the requested variances.

SITE AND AREA DESCRIPTION

The subject property, located along K Street between 24th and 25th Streets, is developed with the St. Paul's Episcopal Church building, two, two-story row houses at 2424-2426 K Street, and a three-story row house at 2422 K Street (Square 28, Lots 169 and 828). (Attachment 1)

The subject property is in the Foggy Bottom neighborhood that is developed with a mixture of uses including two- and three-story row houses and apartment and condominium buildings. Uses that

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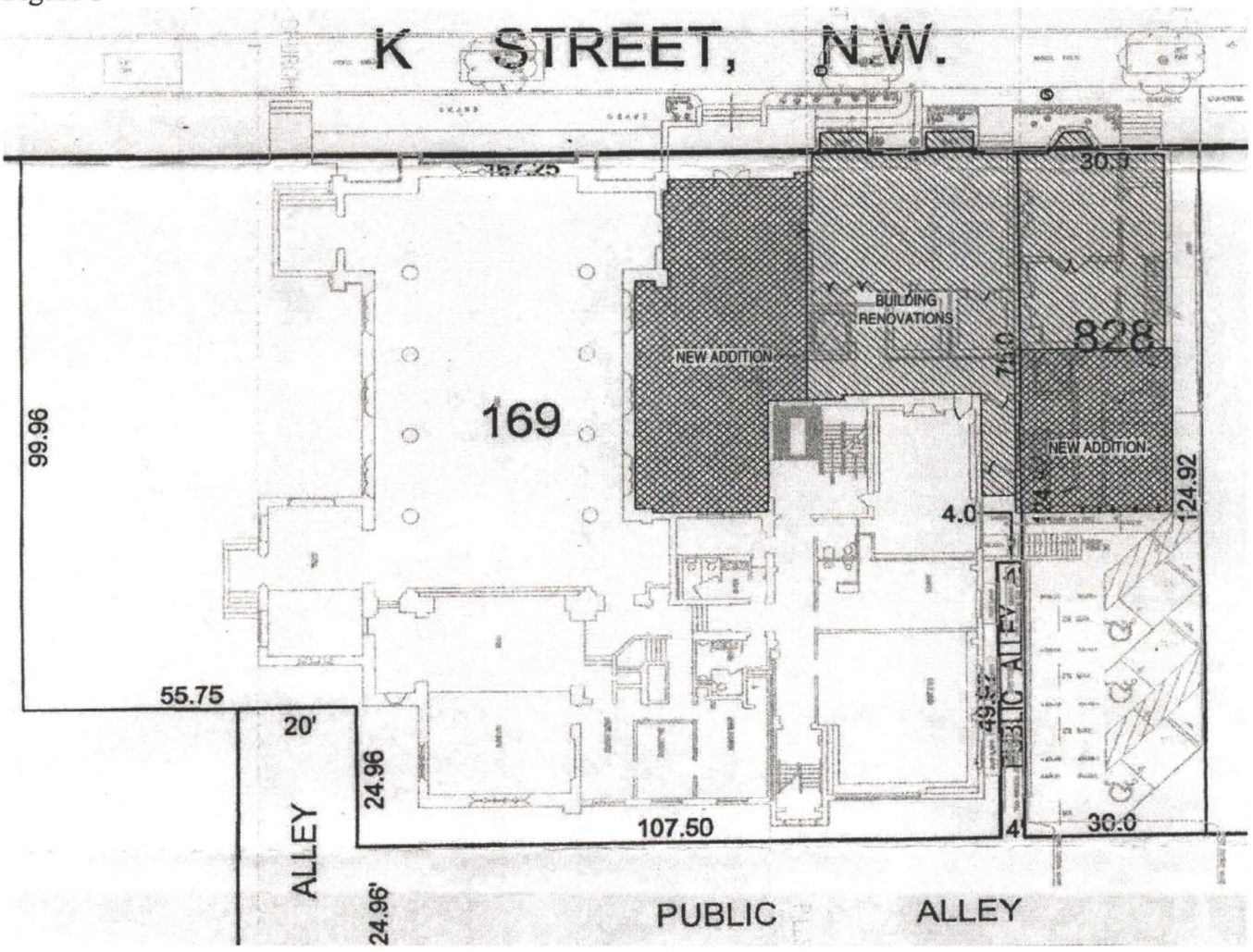
immediately surround the subject property include a three-story row house and the nine-story Circle Arms apartment building to the east, row houses to the rear and west, a public alley to the south, and K Street to the north.

PROPOSAL

The applicant proposes to renovate and construct additions to the existing buildings to better accommodate offices and church programs that benefit the community as well as meet building code and ADA requirements. The applicant does not intend to expand the current programs.

As shown on the figure below, the applicant proposes to renovate the existing row houses and provide an addition to the rear of three-story row house at 2442 K Street which houses offices for the church. This addition will house offices and work areas. A second addition will be added to the space between the church and 2424/26 K Street that is currently an open courtyard.

Figure 1



HISTORIC PRESERVATION

The subject site is within the Foggy Bottom Historic District and was reviewed by the Historic Preservation Review Board (HPRB) on September 23, 2004 and given concept approval. The HPRB adopted the recommendations of Historic Preservation Office staff and the applicant will continue to work with staff towards final approval.

ANALYSIS

The original church was constructed in 1948 and an addition to its rear known as the Pillsbury House was added in 1957. The subject site has a base zoning of R-3 and is within the Foggy Bottom (FB) Overlay District. The following table outlines the requested deviations from the requirements of the R-3 and FB Overlay Districts:

Table 1

	Allowed/Required	Provided	Variance/Special Exception
Lot Occupancy	60%	65%.	5%
Side Yard	5.0 feet	4.5 feet	0.5 feet

VARIANCES

As required by Section 3103.2 the applicant has to demonstrate that:

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

The subject property is unique because of the exceptional situation in that the existing buildings are designated historic and only limited alterations are allowed and upgrades that are necessary to meet current building code requirements make it necessary to expand the buildings. Further, the buildings predate the current zoning regulations, are nonconforming as to side and rear yard requirements, and house legitimate, permitted uses. The existing facilities do not allow the church to adequately meet the needs of the church or the people they serve.

The above-described uniqueness applies to all of the following requested relief:

Side Yard

The 2422 building has a side yard of 4.5 feet and the addition to the rear will maintain this 4.5 feet side yard. Section 405.8 allows a building constructed prior to May 12, 1958 with a side yard of less than 8 feet but a minimum of 5 feet to be added to or altered. The applicant is therefore requesting a variance of 0.5 inches. The applicant could have extended the building to the property and not provide a side yard and satisfy the Zoning Regulations. However, HPRB requested that the façade and outside wall of the buildings not be altered. Extending only the addition to the property line would create a non-conforming court, which would not eliminate the need for a variance. Additionally, if only the addition was extended to the property line the space could not be used for pedestrian access to the rear of the

property. The architects also determined that it would be more aesthetically pleasing to maintain the line of the existing wall.

By reason of the aforementioned unique or 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.

The historic nature of the buildings and the desire to maintain their façade has created a practical difficulty in that the existing building does not meet the required setback. If the new addition were to be extended it would change the view from K Street, limit pedestrian access to the rear of the property, and would not maintain a consistent side yard between the old and new portion of the building.

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.

Not providing the additional 6 inches of side yard will not be detrimental to the public good or impair the intent of the Zoning Regulations and Map. The existing building has functioned without any impact on the community for many years. In fact, if the addition were to be extended to meet the requirements then the façade as seen from K Street would be altered from the current condition.

Lot Occupancy

Section 403.2 of the Zoning Regulations allows maximum lot occupancy of 60% for developments in the R-3/FB Overlay District and the property currently has a lot occupancy of 56%. The applicant is requesting an additional 5% of lot occupancy over the 60% allowed.

By reason of the aforementioned unique or 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.

The practical difficulty is presented due to the historic nature of the buildings and the limited, permitted demolition that could make the lot occupancy compliant with the Zoning Regulations. Additionally, the applicant has to satisfy building code requirements and provide adequate facilities to meet the needs of expanding services requested of the church.

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.

The lot occupancy requirement is aimed at preventing overcrowding and density of providing light and air to buildings. The 5% increase in lot occupancy over what is permitted will not result in an overcrowding of the site or block light and air to and from the property. The courtyard will be enclosed on three sides by the existing church and row house and therefore will not block light and air to adjacent properties. The addition to the rear of the building at 2422 K Street will be to the rear of the existing building and will be of the same height and width. The building will overlook a portion of the adjacent property that is a

parking lot and therefore will not block its light and air and be detrimental to the public good or impair the integrity of the Zoning Regulations. Further, the small increase in the lot occupancy will allow the church to contribute substantially to the public good through the services they provide.

Court

A very small court is created at the entryway at the rear of the 2422 building and is bounded by the Pillsbury House, the new addition, and a 4-foot public alley. The area will be covered with a canopy at the first floor level and the court will still exist at the second floor level. The court area was not enclosed in order to maintain the window on the side of the Pillsbury House that provided light and air.

By reason of the aforementioned unique or 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.

The court area could be filled in as part of the proposed addition to the 2422 building. However, this action would result in a window on the Pillsbury House being blocked in and light and air into this portion of the building would be less and be a practical difficulty to the users of the building.

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.

Granting the variances from the court requirement will not impair the intent, purpose, and integrity of the Zoning Regulations. Not having the court would result in the Pillsbury House that would have access to less light and air and would be a detriment to the good of persons using that facility.

Nonconforming Structure Devoted to Conforming Uses

The buildings on the property are nonconforming structures due to not meeting the required rear yard and side yard. Section 2001.3 allows enlargements and additions if the following are met:

2001.3 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

The proposed addition exceeds the maximum lot occupancy allowed and the addition does not meet the side yard requirement and therefore a variance from the above requirement is necessary.

By reason of the aforementioned unique or 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.

The project is within a historic district and is required to be consistent with the architectural style of the area as required by HPRB. This is an exceptional practical difficulty for the applicant because if they were not provided the project could lose support from HPRB. The historic nature of the buildings does

not allow for their demolition to construct buildings that could meet the Zoning Regulations. Secondly, the prohibition of expansion by the regulation would preclude the ability of the church to meet the needs of the neighborhood.

> **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.**

As demonstrated above, the lot occupancy and side yard variances are necessary to preserve the historic nature of the buildings and also to allow the church to upgrade its facilities to current standards and meet the needs of the programs offered to the community. The granting of the variances will be consistent with the goals of the Zoning Regulations.

Foggy Bottom Overlay District

Section 1523.1 of the Foggy Bottom Overly District states:

> ***"In the FB Overly District, buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the underlying R-3 District."***

The following demonstrates how the requested variance meets the standards of Section 3103.3:

> **By reason of the aforementioned unique or 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.**

The project is within a historic district and is required to be consistent with the architectural style of the area as required by HPRB. This is an exceptional practical difficulty for the applicant because if they were not provided the project could lose support from HPRB. The historic nature of the buildings does not allow for their demolition to construct buildings that could meet the Zoning Regulations. Secondly, some of the addition is necessary to upgrade the buildings to meet building code requirements and could only be accommodated by an addition to the building. Thirdly, the prohibition of expansion by the regulation would preclude the ability of the church to meet the needs of the neighborhood.

> **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.**

The requested variance can be granted without substantial detriment to the public and will not impair the intent, purpose, and integrity of the Zone Plan. As demonstrated above, the granting of the variance from the lot occupancy, side yard and court requirements that causes the expansion of the building over that which is permitted meets the above requirement. Further, the proposed improvements on the site meet many of the purposes of the FB Overly District:

1521.3 The purposes of the FB Overlay District is to:

(b) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, . . . and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;

(d) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and protect the light, air, and privacy that they provide;

(e) Enhance the special human scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;

The design will be compatible with the design and height of existing houses in the neighborhood and near the property. The addition will also retain the human scale streetscape, the low scale harmony of the row houses, and the existing green space on the side of the property. The addition will continue the existing programs offered by the church.

COMMUNITY COMMENTS

On September 14, 2004, ANC-2A voted to support the requested variances. The applicant has also signed and agreement with the ANC regarding traffic, parking, landscaping, and other conditions to beautify the church.

SUMMARY AND RECOMMENDATION

The applicant has requested that they be granted the latitude to make any adjustments that HPRB may require prior to granting final approval of the project. The Office of Planning supports the flexibility requested but recommends that the BZA be specific as to the areas and limits of the flexibility. OP also recommends that the flexibility not be given to expand on any of the variances requested and any new variances created should be reviewed by the BZA.

The Office of Planning recommends **approval** pf the variances to allow the proposed additions to the church and adjacent row houses. It has been demonstrated that these requests will be consistent with the intent and purpose of the Zoning Regulations and in particular Foggy Bottom Overlay District and will not be detrimental to the community.

ATTACHMENT

1. Site and Surrounding Area

AA/mbr

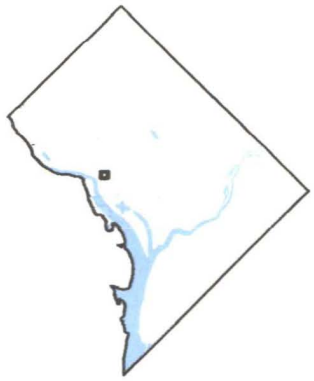


BZA 17220
St. Paul's Church Parish
2422, 2424 2430 K Street, NW

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Feet

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

Office of Planning ~ September 24 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.

Attachement 1