GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy
Interim Director

DATE: March 15, 2005

SUBJECT: BZA Application 17296

APPLICATION
Evtiyoh LLC, the Applicant, requests a variance from the parking requirement for a single-family row dwelling with ground floor retail proposed on vacant property located at 1302 9th Street, N.W. (Square 367, Lot 86 [formerly Lot 835]) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval. OP notes that the submitted plan does not show access between the proposed residential use and exterior residential recreation space in the rear yard.

SITE AND AREA DESCRIPTION
The vacant property is approximately 0.03-acre (1,215 square feet) in size and located west of 9th Street, N.W. This site abuts other properties on all sides. There are no curb cuts along the 9th Street, N.W., frontage of the property, and no alley or other vehicular access to the rear of the property.

Surrounding development consists of an apartment building, flats and a single-family dwelling to the north between the subject property and Nailors Alley South; and a vacant commercial building (under renovation) immediately south at the intersection with N Street. East across 9th Street are vacant and boarded commercial buildings, and the rear portion of an auto repair garage (fronting N Street) extends along the entire rear (western) property boundary. All surrounding buildings are of masonry construction.

The square is within a Community Business District (C-2-A) zone district and the Shaw/Blagden Alley Historic District.

BZA
Case No. 17296
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17296
EXHIBIT NO. 21

APPLICANT'S PROPOSAL

The Applicant proposes to construct a new four-story mixed use building on the property that would provide approximately:

- 670 square feet of ground floor commercial space with an entrance foyer to the second floor;
- 565 square feet of commercial space on the second floor and an entrance foyer to the residence upstairs;
- 670 square feet on the third floor for the residence living, dining and kitchen area (with a powder room and utility closet); and
- the same square footage on the top (fourth) floor for two bedrooms and two bathrooms.

When the Applicant submitted construction plans for Building Permits on November 28, 2003, the Zoning Administrator determined this proposal required special exception relief from the residential parking requirement. In response, the Applicant submitted the instant application.

ANALYSIS

The site is located within a C-2-A zone district. Zoning Regulation Section 721.1 allows a variety of commercial uses, and Section 721.1 allows a row dwelling as a matter of right per Sections 701.2, 350.4 (a), 330.5 (a), and 320.3 (b). Proposed construction is also subject to the following requirements:

Standard	C-2-A Requirements	Existing	Proposed	Required Relief
Lot Area	N/A	1,215 s.f.	1,215 s.f.	No
Floor Area (Ratio)	3,038 s.f. (2.5)[1]	N/A	1,445 s.f. (1.19)	No
	1,823 s.f. (1.5)[2]	N/A	1.235 s.f. (1.02)	
Height	50 ft.	N/A	43 ft.	No
Lot Occupancy	60%	N/A	55%	No
Rear Yard	15 ft.	N/A	25 feet	No
Side Yard	0 ft.	N/A	0 ft.	No
Residential Recreation Space	20% (289 s.f.)	N/A	514 s.f.[3]	No
Parking (on-site)	1 space/dwelling	N/A	0 space	Variance
	1 space/300 s.f. over 3,000 s.f.	N/A	0 space	
Loading	=> 5,000 s.f.[4]	N/A	None	No

[1] Estimated gross residential floor area (single-family dwelling on third and fourth floors with 2nd floor foyer)
[2] Estimated gross commercial floor area on ground and 2nd floors
[3] Area of proposed rear yard
[4] Minimum retail floor area to trigger loading requirements

Based on this review, one parking space is required on-site for the proposed single-family row dwelling. OP notes that submitted plans currently do not provide any way for occupants of the row dwelling to access the exterior residential recreation in the rear yard from within the site. Additional relief may be required if access is not provided.

The submitted Statement of the Applicant explains, "There is no alley at the rear. Existing development within the square is such that a negotiated easement for vehicular access is not possible. Vehicular access from 9th Street through a new curb cut at the front of the building is not feasible because it would not meet the design standards of the Historic District within which the property exists." As a result, this proposal needs a variance from the requirement for a single on-site parking space for the proposed single-family row dwelling.

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§ 5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The required relief is an "area" variance because on-site parking is a "use" required for the proposed residence; and this request would eliminate that parking requirement.

Compliance with Section 3103.2:
In accordance with this provision of the Zoning Regulations, the Applicant's application includes the following justifications for granting the requested "area" variance:

- Extraordinary Property Condition: Surrounding properties are developed with existing buildings deemed historic or contributing to the historic district, and thus eligible for a waiver of required parking under Section 2100.5. New construction on the subject vacant property is not eligible for the waiver. In addition, there is no way to provide vehicular access to a parking space on the property.
- Practical Difficulties: The existing property is landlocked with no access to a vehicular alley and no curb cut along the street frontage. Since the property is located within the Shaw/Blagden Alley Historic District, additional curb cuts are subject to Historic Preservation Review Board (HPRB) approval. HPRB has consistently denied additional curb cuts on public space as being inconsistent with the character of the historic district. Although the Applicant has not presented HPRB with a formal request, the Historic Preservation Office (HPO) indicates staff would not support a request for a new curb cut in this location.

9th Street is the central focus of the Shaw Main Streets program that promotes continuous retail uses along 9th Street. Additional curb cuts would also not be consistent with that goal.

Since there are no other options for providing vehicular access, OP concludes granting this variance would not impair the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

COMPREHENSIVE PLAN
The Comprehensive Plan designates the property for Moderate Density Residential land use that includes row houses and garden apartments as predominant uses. This proposal is not inconsistent with this designation.

COMMUNITY COMMENTS
The Applicant indicates that Advisory Neighborhood Commission (ANC) 2F voted to recommend approval of this request, however no formal recommendation has been filed in the public record.

AGENCY COMMENTS
The Historic Preservation Review Board reviewed the proposed development on November 20, 2003. HPRB voted to approved the conceptual plans and delegate approval of construction plan to HPO staff.

RECOMMENDATION
The Office of Planning recommends approval, noting that the submitted plan does not provide access between the proposed residential use and exterior residential recreation in the rear yard.

Attachment: Exhibit 1 Aerial of the Site with Zoning
Exhibit 2 Staff Report and Recommendation to the Historic Preservation Review Board for 1302 9th Street, N.W., for the Meeting on November 20, 2003

EM/afj

Exhibit 1



BZA Application No. 17293
1302 9th Street, N.W.

N

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

Office of Planning ~ December 16, 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. Oblique imagery ©2003 Pictometry International

Legend

- Property Squares
- Zoning Districts

Exhibit 2

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**1302 9th Street, NW**		Agenda
Landmark/District:	**Shaw/Blagden Alley Historic Districts**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**November 20, 2003**		Alteration
H.P.A. Number:	**03-307**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architect James Killette for owner Gus Koutromanos, seeks conceptual design review for construction of a four-story commercial building on a vacant lot in the Shaw and Blagden Alley Historic Districts. The building would be adjacent to a two-story commercial building to the south and a two-story plus basement townhouse to the north; the block includes a variety of two, three and four story buildings.

The proposal calls for a traditional design with a first floor projecting storefront, and three floors above. The front elevation would be red brick with a tinted mortar, with wood 1/1 windows, precast sills and lintels, and capped by a traditional projecting cornice. As the side walls would be visible, particularly over the shorter building to the south, the staff has directed that they should also be finished in brick.

The staff has worked with the applicants to refine the proportions, detailing and materials selection for the building, and while some additional development of the plans remains to be done, it is sufficiently developed in order to be found conceptually consistent with the character of the historic district.

The staff recommends that the Review Board approve the concept as consistent with the character of the Shaw and Blagden Alley Historic Districts, and delegate final approval to staff.