GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

DATE: May 10, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17323
2105 10th Street NW

Summary

The applicant is seeking to construct a new condominium building and convert a landmarked church to residential use at the northeast corner of 10th and V Streets N.E. The applicant seeks a variance from the rear yard requirements of §774.1 to allow a 0' rear yard, a variance from the 15% residential recreation space requirements of §773 to approximately 2%, a variance from the parking ramp slope requirements of §2117.8 from 12% to 20%, and a special exception from the roof structure setback requirements of §770.6 from 12' to 10.2'. The Office of Planning **recommends approval** of the requested variances and special exception based on the analysis below.

Site and Area Description

The subject property is located at 2105 10th Street N.W., Square 358, Lots 5, 6 & 802. The lot is 9,563 square feet. The property contains an existing historic structure listed as an historic landmark, the First African New Church. The church is located on the northern half of the lot. The subject property and the properties to the east, west, and south are zoned C-2-B and are within the ARTS overlay zone. Properties to the north are zoned R-5-B. The immediate area consists of mainly moderate density residential uses. The U Street commercial corridor and the U Street/Cordoza Metro Station are located one block to the south. One block to the east is the 9:30 Club near the intersection of Vermont and Florida Avenues.

BZA
Case No. 17323
Exhibit No. 29

Board of Zoning Adjustment
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Project Description

The interior of the existing church will be converted to house condominium units. A new six-story building will be added to the church on the south side to provide a total of forty-two units. The new building will contain one level of underground parking with 16 spaces, only 6 of which conform to the zoning regulations for size. Three more spaces will be located on ground level to the east of the church. The building will total 40,171 square feet and cover approximately 80% of the lot. The addition will extend from 10th Street to the rear of the lot with open space being left behind the church. Parking is accessed from the alley to the north and the ramp to the underground parking runs along the east lot line. Residential recreation space consists of 638 square feet of indoor and outdoor space on the sixth floor of the building including a small roof patio. The roof of the structure contains the mechanical penthouse and two private roof decks for sixth floor units. The project has received conceptual approval from the Historic Preservation Review Board.



Figure 1: Aerial View

Zoning Requirements

The applicant is requesting a variance from the residential recreation space, rear yard, and parking ramp slope, as well as a special exception from the roof structure setback. The proposed building will meet all of the other provisions of the C-2-B/ARTS district.

Section	Item	Required/Allowed	Requested	Variance
770.1	Height	65'	64.5'	N/A
1904.1	FAR	4.5	4.2	N/A
772.1	Lot Occupancy	80%	80%	N/A
773.3	Residential Rec Space	15%	<2%	13%
774.1	Rear Yard	15'	0'	15'

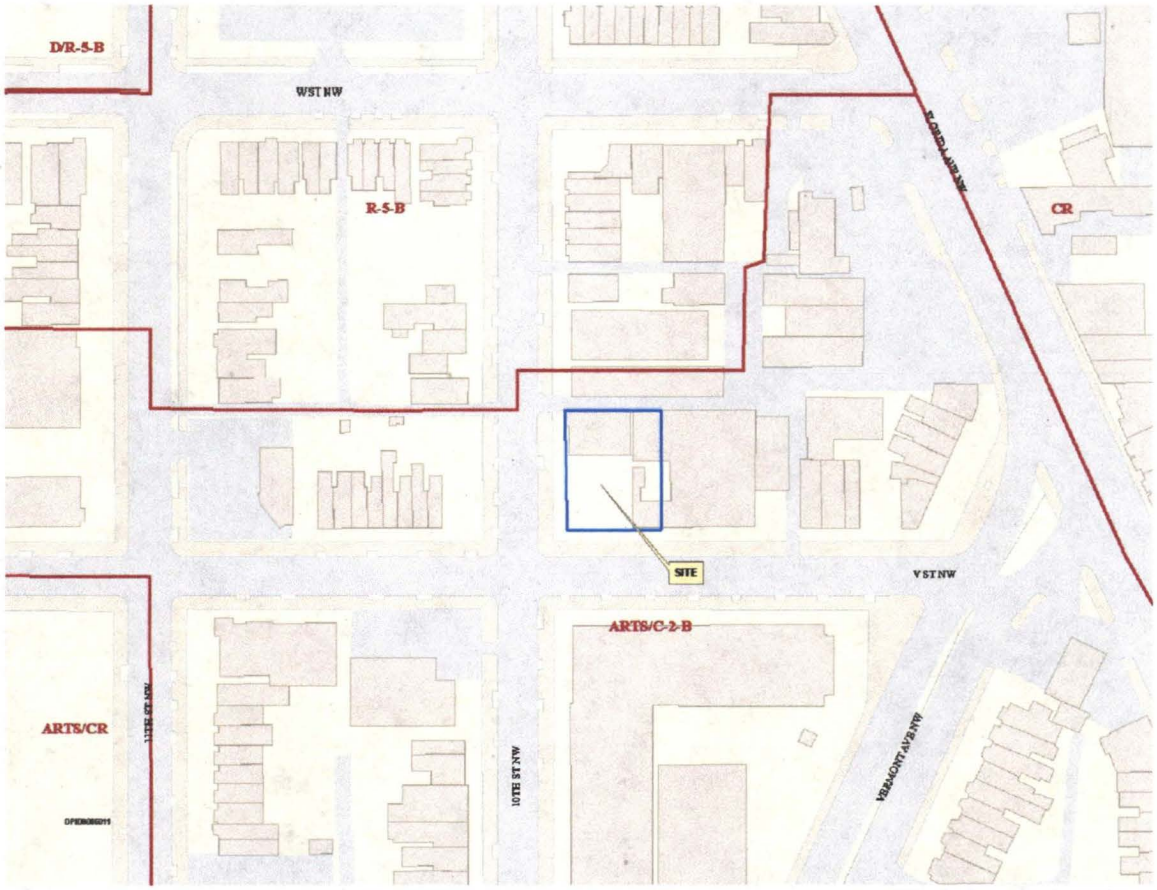


Figure 2: Project Area

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.

Exceptional Situation & Practical Difficulty

The property is unique because it contains a large existing building that has been determined to be an historic landmark and therefore may not be removed but must be incorporated into the development. The existing church will be retained in its entirety and the proposed development will include the church building in the overall design of the lot. Moreover, the property is a corner lot with two street frontages. The uniqueness of the property does not lead to any difficulty in meeting the density and height requirements of the zoning regulations, but does have a direct impact on three other areas of the regulations, resulting in practical difficulties in meeting these standards.

Rear Yard

The church building directly affects the ability to provide a rear yard. The rear yard variance is only requested for the existing landmarked church. With the front of the building on V Street, the required rear yard would be on the north property line. While all the new construction provides the required setback, the existing church building extends to the north lot line. The unique combination of a corner property with the existing building results in a practical difficulty in providing the required rear yard of fifteen feet.

Recreation Space

The church limits opportunities to provide usable residential recreation space. The sloped roof of the existing building prevents recreation space on the existing roof. The constrained shape of the new addition on the open area of the lot and the setback of upper levels to compliment the historic landmark leave no roof area for recreation after mechanical features are setback from the outer walls. The options for outdoor recreation space on the ground are limited by the necessity to design the building around the church. The proposed design does provide some indoor and outdoor recreation space on the sixth floor of the building, but at 638 square feet this amounts to less than two percent of the residential floor area of the building. The unique features of this site, however, present a practical difficulty to providing the full 15 percent required.

Ramp Slope

The third variance relates to the ramp accessing the underground parking. The space limitations created by the old church and the necessary placement of the new addition make the most reasonable location for the entrance to the parking to be off of the narrow alley to the north of the lot. Regardless of the entrance to the parking however, the lot is not long enough to access an underground parking area with a ramp that meets the 12% maximum slope requirements of the regulations. The lot depth of 95 feet requires a ramp with a slope of 20% in order to access the underground level whether the entrance was on

the alley or the street. Placement of the ramp on the alley simply creates a less busy location for access to and from this parking area. This practical difficulty is created by the existing size and shape of the lot and there is no reasonable way to avoid this variance.

Substantial Detriment

OP can find no evidence that the granting any of these variances will have any detrimental impact on the neighborhood, the city, or the zone plan. There is no reasonable way to avoid the practical difficulties created by the existing church in relation to rear yard, recreation space, and parking ramp. In the opinion of OP, none of the variances would significantly impact the surrounding neighborhood or impair the intent of the zone code.

Special Exception Analysis

The applicant will also require a special exception for this project. Relief will be required from the the roof structure setback requirements of §770.6.

Roof Structure Setback

Per §411.11, a special exception may be granted from the roof structure requirements where compliance is impractical because of operating difficulties, size of building lot, other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable. In addition, the intent and purpose of Chapter 400 should not be materially impaired and the light and air of adjacent buildings shall not be affected adversely. The above standards of §3104 also apply.

As discussed above, the incorporation of the existing church in the development has limited the design possibilities for the new construction. The roof structure section of the zoning ordinance requires a setback from outer wall equivalent to the height of the roof structure. For the proposed building with a twelve-foot roof structure, this would require a twelve-foot setback. The building, as designed around the existing church, is only 56' by 70' on the top level. While this has left enough room for a twelve foot setback on the east, south, and west sides, the setback from the north is 10.2 feet, short by less than 2 feet. The effect of the requested relief is lessened even more by the fact that the only side not meeting the setback is the side of the building facing the church and the only side not fronting an exterior lot line. Since the requested relief is fairly insignificant and affects only the applicant's property, it would not impair the intent or purpose of the Zoning Regulations or Maps per §3104.

ANC Recommendation

OP has received no report from ANC 1B and is aware of no further comments on the application or opposition to this project from the neighborhood.

Agency Reviews

The project has been reviewed by the Historic Preservation Review Board at its meeting of November 2004. HPRB has conceptually approved the overall design of the proposed

building and the restoration of the historic structure.

OP has consulted with DDOT on the parking ramp. DDOT does not find any safety issues that will arise from the slope of the proposed ramp and has stated no objection.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of the requested variances and, pursuant to 11 DCMR 3104 of the Zoning Regulations, for the granting of the requested special exception. The requests can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the variances and special exception by the Board of Zoning Adjustment to allow relief from the rear yard requirements, the residential recreation space requirement, the parking ramp slope requirement, and roof structure setback requirements, at 2105 10th Street N.W.

EM/tp