GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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D.C. OFFICE OF ZONING
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MEMORANDUM

DATE: November 21, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17398
510 H Street N.E.

Summary

The applicant seeks a variance from the floor area ratio (FAR) provisions of §771 to allow 2.5 FAR of commercial use, from the rear yard setback requirements of 774.1 for a rear exit stair and from the parking space provisions of §2101.1 for relief from the requirement for full size parking spaces. The applicant seeks to expand the existing commercial use to a total of 4,150 square feet. The Office of Planning **recommends approval** of these variances.

Site and Area Description

The subject property is located at 510 H Street N.E., Square 832, Lot 14. The lot is 1,660 square feet, of which the building occupies 75%. The existing building contains two stories. The subject property and the neighboring properties on both sides of H Street are zoned C-2-A and subject to the new H Street Overlay. This block consists mainly of two and three story commercial uses and lies in the residential subarea of the overlay. The area to the north of the site is zoned R-4 and consists mainly of residential uses.

Project Description

The building has an existing certificate of occupancy for retail sales and a billiard parlor. The property has never had a residential component. The applicant is requesting to renovate the existing building and expand the upper commercial use to a third floor. Retail would continue on the ground floor. The total building would remain within the 2.5 FAR allowed as a matter-of-right, but would exceed the 1.5 FAR allowed for commercial uses.

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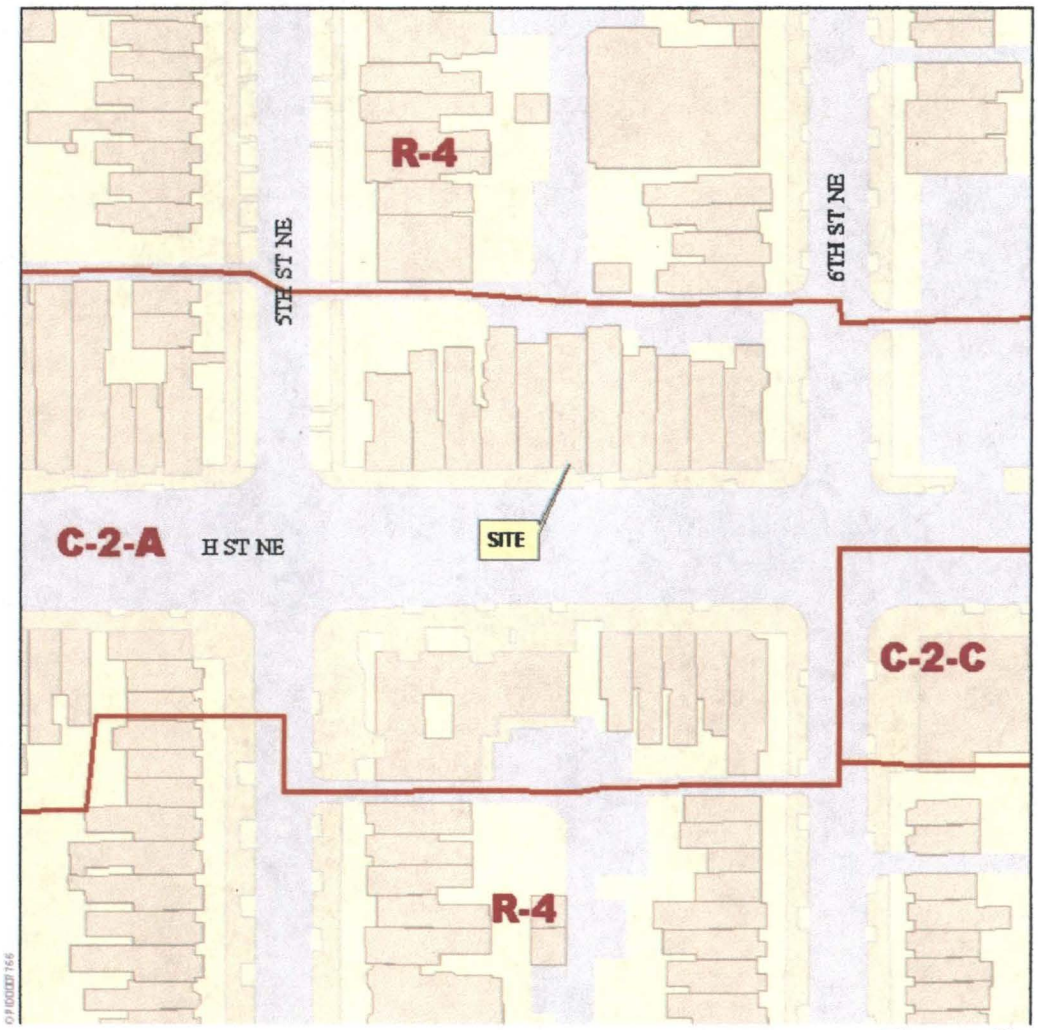


Figure 1: Site Area

Zoning Requirements

The applicant is requesting a variance from the FAR, rear yard and parking requirements to allow an expansion of the existing use. The residential sub-area of the H Street Overlay limits the base FAR for non-residential uses to 0.5. When the owner preserves a façade existing prior to 1958, the limit for non-residential FAR becomes 1.5. The overall FAR for the building will meet the 2.5 allowed.

The project will have two parking spaces to serve the office use on the upper floors, but they will not meet the minimum size requirements of 9' by 19' and will therefore require variances from required parking.

Finally, the project may not meet the required rear yard setback of 15' over a level of 20' above the ground. It appears however, that due to the irregular configuration of the rear

of the lot, the rear yard is actually met. The definition of depth of rear yard in the zoning regulations is the mean distance between the rear of the building and the rear lot line. While half of the lot has a rear yard of 12.25', the other half has a setback of 18.25' making the average setback 15.25'.

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 exceptional situation in this application arises from the size and type of the existing building on the lot. The building was originally built prior to the existing zoning regulations as a two story commercial building with no provision for residential use. Moreover, the site is small both in terms of length and width to allow for a residential use above a commercial use.

Currently the building has two existing commercial uses with separate entrances. Adding the remaining FAR onto the top of the building as a residential use would require a third entry and a second set of stairs through the building. In a property less than twenty feet wide, this would present a practical difficulty. However, using the remaining FAR as an expansion of the second story commercial use would allow the existing façade to remain untouched and not require two additional egress points for a separate use.

The practical difficulty for the parking also arises from the existing situation. The existing building is too close to the rear property line to allow full sized spaces to the rear. Two parking spaces are possible at nine feet in width, but neither will have the required 19' depth.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. In this case, there does not appear to be any potential detriment to the neighborhood or zone plan. The existing building front will be saved and the addition will not put the building out of scale with the other buildings on the block, so the project will not visibly affect the character or massing of the block. In fact, do to the practical difficulties to doing a residential addition, the renovation and reuse of this building would not occur without this variance. Moreover, the practical difficulties unique to this project would discourage any precedent setting as a result of this variance.

The project is subject to the new H Street Overlay which encourages residential uses in this area. The residential sub-area was designed to encourage new residential projects in the eastern portion of H Street. An examination of the residential sub-area shows that this

block is unique and presents a conflict between the preservation and residential purposes of the overlay in this area. The owners of this site have been a part of the H Street Overlay process throughout the public comment stage. They have supported the Overlay and made clear their intentions of renovating this building and expanding the existing use. OP believes that approval of this variance would not have a detrimental effect on the Overlay as a whole both because this project began prior to the H Street Overlay hearings and because this block does create a conflict in the intent of the overlay.

ANC Recommendation

No report has been received from the ANC regarding this application. However, the applicant has attended an ANC meeting regarding the variances and states that all feedback was positive to the proposal.

OP is aware of no further comments on the application or opposition to this project from the neighborhood.

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 variances to permit expansion of the commercial use.

The Office of Planning **recommends approval** of the variances by the Board of Zoning Adjustment to allow the increase in non-residential FAR and from the parking requirement on the property at 510 H Street N.E.

EM/tp