studio twentyseven architecture

1600 k street nw
suite 202
washington, dc 20006

www.studio27arch.com
tel.202.939.0027
fax.202.939.0270

Applicant:	*Jason Lefebure*
Representative:	*John K. Burke, AIA, Todd Ray, AIA (Studio 27 Architecture)*
Date:	*07.12.05*
Project Address:	*510 H Street, NE* *Square 832, Lot 14*
Zoning Amendment:	*1320 H Street NE Neighborhood Commercial Overlay District Housing Sub-District (HS-H)*
Variance Seeked:	*Area Variance to increase FAR by 1.0*

Form 121 – Applicant's Burden of Proof for Variance Applications

Section 1321: HS Overlay Housing Sub-District (HS-H)

1321.2 The floor area ratio for new construction in the HS-H Sub-district may not exceed 0.5 FAR for non-residential uses, except as provided in 1321.3.

1321.3 New construction that preserves an existing façade constructed before 1958 is permitted to use an additional 1.0 FAR for up to a maximum non-residential FAR of 1.0 for office uses or neighborhood serving retail uses as permitted in 701.1, 701.4.

Subsection 3102.2 Proofs:

1. **The physical characteristic of the property:**
   a. Make it difficult for the owner to use the property in compliance with the Zoning Regulations (Area Variance) – i.e. shape and size of the property, unusual topographic or slope, soil problems, etc.

The existing property dimensions are 17'-9" wide (clear interior dimension) by 66'-0" long, with a total gross floor area of 1,145 SF. It is a long but narrow space, with limited direct sunlight access from the front and back windows.

The zoning amendment for the '1320 H Street NE Neighborhood Commercial Overlay District Housing Sub-District' allows for a total FAR of 2.5 on the property if the use is Residential above the ground floor. This allows for a three story structure, with multi-tenant residential units on 2nd and 3rd floors. However, there are inherent practical difficulties involved in a multi-tenant structure in a structure of such narrow width and length.

In order to locate multi-tenant residential units on 2nd and 3rd floors, 2 entries are required from the street: one for the Commercial tenant on the ground level, and the other for the Residential tenants on 2nd and 3rd floors. Difficulties arise in achieving a practical usable dimension because multi-tenant buildings require a 2-hour rated corridor at the stair, thus taking up valuable floor plate area as circulation (please see attached Exhibit 3102.2-A: Plan Sketches).

This circulation alone will take up approximately 165 SF (15% of total GFA) of stair and circulation space (22'x 7'-6"). What remains for usable space is a long section of the floor of 7'-3" x 27'-10", and the width will further reduce with any finish wall materials applied to the existing brick wall. This amount of area, which constitutes approximately a third of the floor plate, has limited usability, and therefore, poses a practical hardship on the owner by limiting build-out configuration sizes.

BZA
Case No. 17398
Exhibit No. 6

Board of Zoning Adjustment
District of Columbia
CASE NO. 17398
EXHIBIT NO. 6

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Based on these facts, the applicant is seeking an Area Variance of 1.5 FAR to allow a single-tenant commercial use on floors 2 and 3, which does not pose a practical hardship by removing the need for a rated corridor at the stair. The combined floor areas of floors 2 and 3, which total to 2,690 SF, are more suitable for a single commercial use rather than a single residential use. Currently, the zoning amendment limits the 2.5 FAR to only residential use; therefore, the applicant is seeking an area variance of 1.5FAR to allow for a commercial use on the property.

2. Granting the application will not be of substantial detriment to the public good – i.e. traffic noise, lighting, etc.

Massing

The neighboring buildings on the same street block on H Street are currently one to three-stories. The height limit for the C-2-A zone is 50'-0", and the proposed addition will be 4'-1" below the limit. It will add to the uniformity of the block by continuing the roof line of the surrounding 3-story structures. The total FAR requested for the project is 2.5 (1.0 By-right, 1.5 through Area Variance). The maximum FAR for a C-2-A district is 2.5 for residential use. The project is not exceeding the 2.5 FAR limit of the zone.

Uses

The Ground Floor retail use is consistent with existing retail use along H Street. It will promote commercial street use and pedestrian activity, which is in line with the goals of the NC H Street Strategic Development Plan. The Second and Third Floors will be business office use occupied by a single tenant who is also the owner. Under current zoning regulations, business and retail use is allowed in the C-2-A district. The business is a family-owned graphic design office, with a total of 10 employees, including the owners. The amount of business traffic will not be detrimental to the surrounding residential neighbors. The office is occupied during business hours, and will not create undue noise or traffic during evening hours.

Traffic

The total number of employees for the Office will be 10. Most office employees will be using mass transit, walking, or biking as means of commuting. Two parking spaces are provided in the rear Alley to comply with parking requirements under section 2101.1 of the DC zoning regulations. An additional bike rack may be provided to promote non-automobile commutes, and will be located within the rear portion of the lot. The Office use will not incur heavy automobile traffic through visitors, etc. Commercial vehicles, such as FedEx, Office Max, will make very limited stops at the property. Therefore, the overall traffic pattern along H Street and the surrounding streets will not be adversely affected.

Appearance

The Ground Floor retail front will comprise mostly of glass storefront to promote commercial retail presence on H Street. The existing façade will be maintained, and the existing 3 windows will front the Office on the 2nd floor. Since there will not be additional work done to the windows or the brick façade at this level, the appearance will not significantly differ from the existing condition. The 3rd Floor addition will have a clear-glass front, with operable windows, rising to match the height of the west neighbor building. The roof deck will not be visible from the street. Overall, the appearance of the 3rd floor addition will not be any different had the use been residential instead of office, due to the small-scale glass and operable windows.

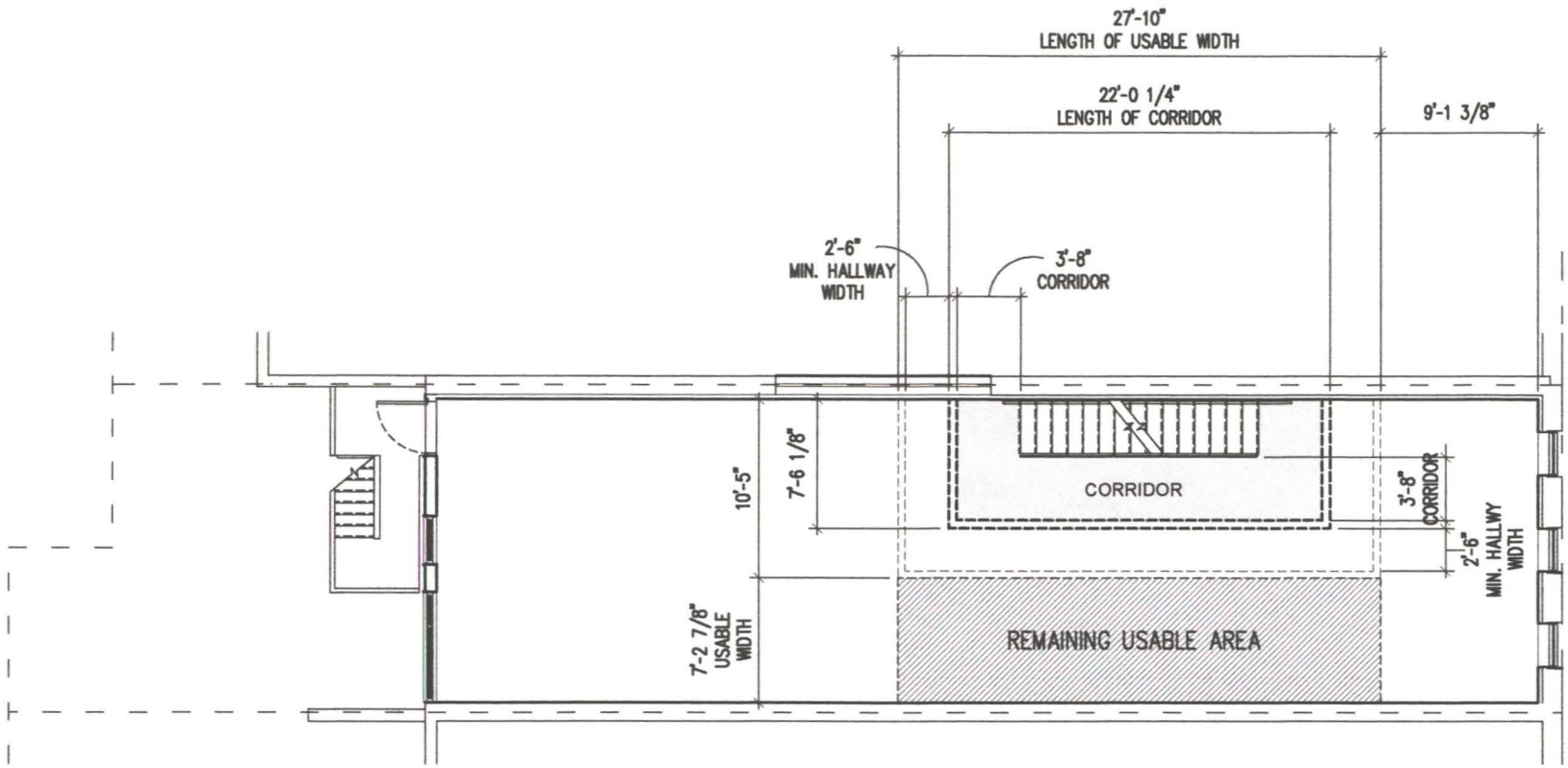
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3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

The goal of the plan to create an Urban Living condition along H Street will not be compromised by the proposed project. Ground floor retail will promote a stronger street presence, and will continue the line of retail commercial already existing on both sides of H Street. Accessory parking is kept in the rear Alley. The Office use on the 2nd and 3rd Floors will not adversely affect the density of residential uses in the neighborhood, but it will provide additional street life and activity during the normal work hours of the week.



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Form 121 - Exhibit 3102.2:
Plan Demonstration of Usable Area for Multi-tenant Use

510 h street, ne
washington, dc 20002

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