



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 8, 2011

SUBJECT: BZA Case No.18273 -- 1328, 1330, 1332, 1336 Wisconsin Ave., NW
Square 1231 Lots, 843 and 824

I. OFFICE OF PLANNING RECOMMENDATION

OP recommends the Board of Zoning Adjustment (BZA) **approve** the following revised relief requests for Square 1231, Lots 843 and 824:

For Lot 843 (1328, 1330 Wisconsin Avenue)

- § 774.1 Rear Yard Depth (at least 15 ft. required, 4 feet 1 inch requested).

For Lot 824 (1332-36 Wisconsin Ave.):

- § 774.1 Rear Yard Depth (at least 15 ft. required, 11 feet 11 ½ inches requested).

II. BACKGROUND

This application requests rear yard relief for two tax lots, each with two buildings: Lot 843 (1328 and 1330 Wisconsin Avenue) and Lot 824 (1332 and 1336 Wisconsin Avenue). On the advice of the Office of the Attorney General, the Office of Planning (OP) has analyzed the request for each tax lot as if it were a separate application.

Since the original filing the applicants have submitted plan revisions and changes to the relief being requested. OP's analysis incorporates these changes.

- Non-residential FAR relief is no longer needed due to minor changes to the proposed rear walls' locations in Lot 824 and the use of the grade plane method to calculate gross square footage that applies to FAR.
- Lot occupancy relief is not required for Lot 843 because it would not have residential uses and would be permitted up to 100% lot occupancy (subject to rear yard requirements).
- Lot occupancy relief is not required for Lot 824 because present 74% residential lot occupancy is grandfathered and would not be expanded.
- However, the excess residential lot occupancy on Lot 824 has required the occupant to apply for relief from § 2001.3, to permit the expansion of an existing structure not conforming to lot occupancy requirements.



III. AREA AND SITE DESCRIPTION

Applicant: Asad Ramedam, Ali Haririnia, Mark Solieman	Legal Description: Sq.1231 Lots 843, 824	
Address: 1328-34 Wisconsin Ave NW	Ward: 3	ANC: 2E
Zoning: C-2-A	Historic Preservation: Georgetown	
Lots' Characteristics	All lots are center lots with an irregular boundary that is parallel to the angled Wisconsin Avenue in front, perpendicular to that street on the sides and parallel to Georgetown's orthogonal grid in the rear. Rear yard thus narrows from south to north. Rear of lot is currently one story lower than Wisconsin Avenue frontage and general elevation to the west. Lots have no rear or side access.	
Adjacent Properties:	The Georgetown Inn is to the south and retail and retail/residential structures are to the north. At the rear is a two level parking structure for the hotel. Its ground level is approximately six feet above the level of the applicant's rear yard.	
Neighborhood Character:	Mixed use, primarily 19 th and early 20 th century two and three story buildings in a historic district, with some larger-scale buildings from the 2 nd half of the 20 th century. Wisconsin avenue is primarily commercial. Side streets are predominately residential.	
Proposal	Requests relief from lot occupancy and non-residential FAR maximums, and rear yard depth minimum to permit the extension of cellar and first floor of buildings.	

Table 1. Site and Area Description



Figure 1. Location (Wisconsin Ave. at Dumbarton St, NW. Site boundary, green. Georgetown Inn, yellow circle.)

IV. APPLICATION IN BRIEF

The applicants are requesting approval of variance relief from rear yard requirements to enable the construction of rear additions on two buildings on Square 1231, Lot 843 and two buildings on Square 1231, Lot 824. Both lots are zoned C-2-A and both lots are in the Georgetown Historic District.

To eliminate existing undesirable physical situation, described below in Section VI.A.1.a., the applicants propose to construct rear cellar extensions that would raise the level of the back yards from one story below grade to the same level as the adjacent ground level. The construction would also include extensive landscaping and one-story additions to the rear of buildings’ new ground levels in order to access and maintain the new rear yards and gain additional street-level commercial space without exceeding the zone district’s limitations on non-residential FAR.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

Lot 843 – 1328 and 1330 Wisconsin Avenue, NW. (2397 Square Foot Lot)

Section	Item	C-2-A	Existing	Proposed	Relief
770.1	Height	50’ max	Not provided. Two stories	No change	Conforming
771.2	FAR	2.5 max 1.5 non res.	1.36 total 1.36 non-res	1.5 total 1.5 non-res.	Conforming
772.1	Lot Occupancy	60% res. 100% non-res.	68%	93.5%	Conforming
774	Rear Yard	15’ min.	21’2” averaged	10’ 11”	4’1”
775.5	Side Yard	none required	Not applicable	Not applicable	Conforming
776.1	Open Court	Not required	0’	0’	Not applicable
2001.3(a)	Expansion of Non-Conforming Bldg.	Res. lot occupancy limited to 60%	No residential	No residential	Not applicable
2101.1	Parking	Not applicable (historic)	Not applicable	Not applicable	Not applicable

Table 1: Dimensional Zoning Requirements for Lot 843

Lot 824 – 1332 and 1336 Wisconsin Avenue, NW. (1741 Square Foot Lot)

Section	Item	C-2-A	Existing	Proposed	Relief
770.1	Height	50’ max	Not provided. Two stories	No change	Conforming
771.2	FAR	2.5 max 1.5 non res.	1.5 total 0.8 non-res.	2.2 total 1.5 non-res.	Conforming
772.1	Lot Occupancy	60% res 100% non-res	70% res. 80% non-res.	70% 92%	Conforming grandfathered
774	Rear Yard	15’ min.	10’8” averaged	3’ ½” ave.	11’ 11 ½ “
775.5	Side Yard	none required	0’	0’	Conforming
776.1	Open Court	Not applicable	Not applicable	Not applicable	Not applicable
2001.3(a)	Expansion of Non-Conforming Bldg.	Res. lot occupancy limited to 60%	80%	No change	Required
2101.1	Parking	Not applicable (historic)	Not applicable	Not applicable	Not applicable

Table 2: Dimensional Zoning Requirements for Lot 843

VI. OFFICE OF PLANNING ANALYSIS

A. DEVELOPMENT REVIEW

Because the exceptional conditions and practical difficulties are the same for each lot, OP has combined its analysis of the applications for variance relief from § 774.1 for the two lots. The same analysis applies to the relief requested from § 2001.3 (a).

1. Exceptional Situation Resulting in a Practical Difficulty

Figure 2 shows a section of the proposed design for the applicant's property at 1328 Wisconsin Avenue, with the existing Georgetown Inn garage to the west, and a private house to the west of that. The hatched areas indicate the existing ground levels. The dashed line shows the location of the applicant's existing rear wall. The finished grade of the proposed rear wall and yard would be at the base of the proposed tree. All of the applicants' properties are similar, with the only difference being the length of the rear addition and the depth of the rear yard as the properties becomes shallower from south to north.

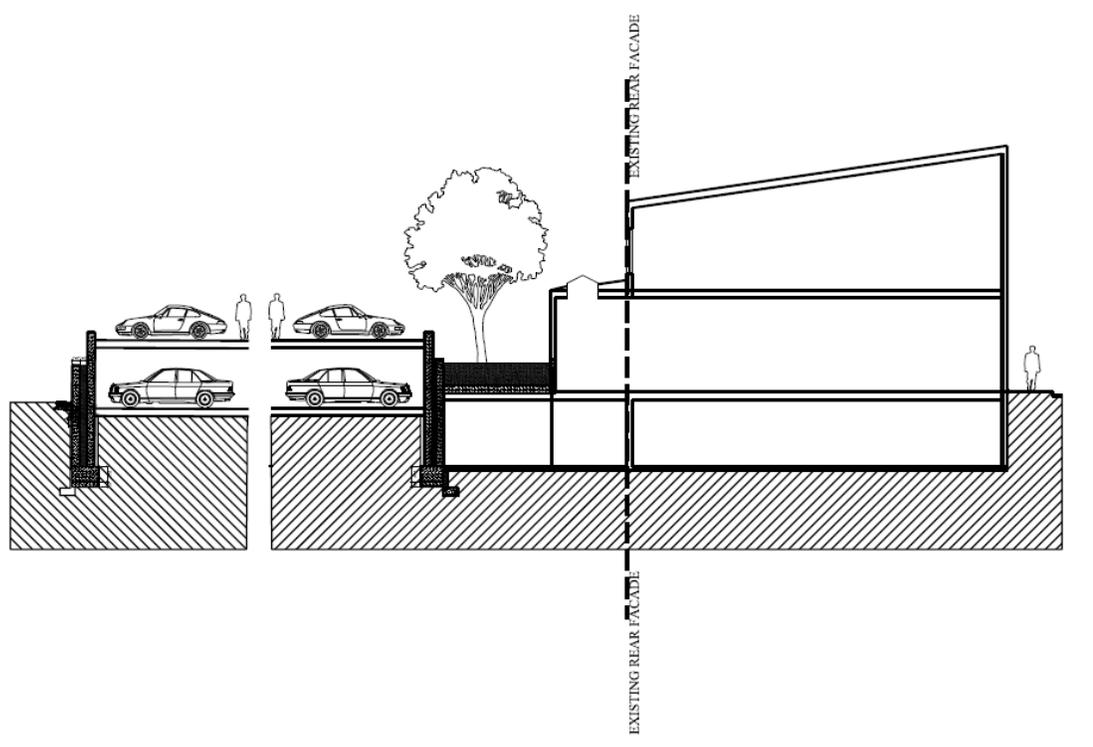


Fig. 2: From Right to Left: Section of Applicant's Property with Proposed Addition, Georgetown Inn garage, and residential property.

The existing ground level of the applicants' rear yards is one story lower than both the ground elevation to the rear of the property and two stories below the level of the adjacent parking garage. The properties are landlocked, a story below grade and accessible only from the commercial cellars. In this square, such a condition applies only to the applicant's properties. It has existed at least since the construction of the adjacent garage.

This exceptional condition has led to a practical difficulty for the property owner. The rear yards are visible to adjacent hotel guests and the residents of two building's upper stories. However, the applicant states, due to their relative inaccessibility, the yards have become below-grade pits that have accumulated trash, weeds and vermin. Their sizes and configurations preclude the construction of

lower level additions for any use that requires adequate light, air or windows. The lack of street access or alley access also makes it impractical for the applicant to fill in the four back yards with dirt while also continuing to operate the existing businesses on the first floors and below grade floors.

The applicant has demonstrated that filling in the area with new construction that creates a street-level back yard is the most practical solution. However, the applicants have stated that they would be subject to a practical difficulty if they could not reduce the new rear yards by constructing additional revenue generating space that would also provide direct access to those yards.

2. No Substantial Detriment to the Public Good

No substantial detriment to the public good is anticipated for granting relief from § 774.1. Both the existing and proposed rear yards provide a buffer only for the adjacent hotel's parking garage. The requested reduction in rear yard depth would not impact any occupied space. The proposed construction would eliminate a blighted condition, would improve the appearance of the historic properties and the views from the Georgetown Inn and other adjacent properties, and would not have a negative impact on the two-level garage to the rear. The surrounding properties are commercial uses, or commercial uses with residential use on the second floor. The character of the immediate neighborhood would not be adversely affected.

No substantial detriment to the public good is anticipated for granting relief from § 2001.3 (a). The non-conforming residential lot occupancy would not be increased and the expansion of the non-commercial uses would not pose a substantial increase in traffic or parking needs, as is evident by the Department of Transportation's having filed a report noting that it has no objections to the request.

3. No Substantial Harm to the Zoning Regulations

The requested reduction in rear yard depth would have no impact on the light or air available to adjacent buildings, or on the recreation space available to the residents of Lot 824. It would permit the planting of trees and other landscaping that would buffer the impact of the existing garage on the applicant's property. Therefore, OP does not anticipate substantial harm to the Zoning Regulations due to the reduction in rear yard depth or the expansion of a non-conforming building with conforming uses.

B. HISTORIC PRESERVATION

The property is in the Georgetown Historic District. The Historic Preservation Review Board (HPRB) staff has recommended that that proposed design be given concept approval.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation has filed a report stating that it has no concerns about either the requested relief or the project.

VIII. COMMUNITY COMMENTS

ANC 2E voted to support the originally requested relief, which were greater than is currently requested, at its regular meeting on August 29, 2011.

The south-adjacent property owner has filed a letter of support for the application and the north-adjacent property owner has filed a letter stating no objection.