



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 8, 2011

SUBJECT: **BZA Case 18271** – a request for special exception relief under § 2108.1 and variance relief to expand the existing building at 5332 1st Place NE for a business trade school use

I. OFFICE OF PLANNING RECOMMENDATION

This application requested the following relief pursuant to a referral letter dated June 28, 2011 from the Office of the Zoning Administrator (ZA):

- special exception relief under § 2108.1 to reduce the on-site parking requirement (19 spaces required, 8 spaces proposed);
- variance relief from § 774.1 for the rear yard setback (minimum 12 feet required, none proposed);
- variance relief from § 775.5 for the side yard setback (minimum 6 feet required *if a side yard setback is provided*, approximately 5 feet proposed); and
- variance relief from §§ 776.1 and 776.2 for the *closed court* west of the canopy between building and proposed addition (minimum width of 12 feet and minimum area of 250 square feet required, a width of 6 feet and area of 60 square feet proposed).

Upon further review the Office of Planning (OP) believes the more appropriate relief may be:

- special exception relief under § 2116.1 to relocate 11 required parking spaces off-site;
- special exception relief under § 1564.1 from the yard requirement under § 1563.3 (a)(1) (minimum 15 feet required, 0 feet proposed), and screening and fencing requirements under § 1563.3 (a)(4) and (b); and
- variance relief from §§ 776.1 and 776.2 for the *closed court* west of the canopy, and relief from § 776.1 for the corresponding *open court* east of the canopy (minimum width of 12 feet required, a width of 10 feet proposed).

While supportive of the special exception relief, OP **cannot make a recommendation at this time** pending receipt of the following information: whether the two subject properties would be consolidated into one lot of record; details of the parking-sharing agreement between the applicant and Dominion Church; and the architectural elevations of the addition. The required variance relief is **not supported** because how the current court requirements present a practical difficulty is not explained.

OP suggested that the applicant eliminate the courts and the need for variance relief.

II. LOCATION AND SITE DESCRIPTION:

Address:	5332 1 st Place NE (lot 82)
Legal Description:	Square 3071, Lots 0082 and 0083
Ward:	5A



Lot Characteristics:	The site consists of two abutting interior lots that are generally rectangular in shape with combined area of 10,759 square feet (0.25 acre) and frontage along 1 st Place NE. A partially improved public alley that varies in width from 10 to 15 feet surrounds the site on three sides. The application did not indicate whether the lots would be combined to create one lot of record for this project.
Zoning:	FT/C-3-A – business and trade school uses are allowed as a matter of right.
Existing Development:	Northern lot 82 is developed with a one-story auto repair and warehouse building that occupies the entire lot. Two curb cuts along 1 st Place provide vehicular access to a pair of roll-up doors on the front building façade. Southern lot 83 is paved and occupied by a commercial trash dumpster and vehicle parking. Vehicles access this property via the partially improved alley portion and a third curb cut further south along 1 st Place (refer to Exhibit 1).
Historic District:	None
Adjacent Properties:	The 22-space paved parking area referenced in the application is currently under construction on the property to the north across an unopened alley portion; a communications tower and its support buildings are across the alley to the south; office buildings and more communications towers are to the east across 1 st Place (all in a FT / C-3-A district); and Fort Totten National Park lands are in the R-5-A district across the alley to the west.
Surrounding Neighborhood Character:	Moderate density office, industrial and institutional uses and undeveloped Federal lands.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Bricklayers, Masons Helpers, Building Laborer Local Union #74, the owner of record for both properties.
Proposal:	To construct a second story addition to the existing building and a 30 x 30-foot storage shed that would be attached to the building’s southern façade by a walkway canopy. There would also be eight onsite parking spaces. These improvements are for a new business trade school use that would serve 128 students and 8 fulltime staff and instructors. The application indicates there is a long-term lease agreement with the Dominion Church located across 1 st Place to utilize a 22-space parking lot under construction across the alley. The agreement term and the number of spaces that would be made available were not explained.
Relief Sought:	In accordance with the referenced ZA referral letter, special exception relief under § 2108.1 to reduce the on-site parking requirement and variance relief from § 774.1 (rear yard setback), § 775.5 (side yard setback), § 776.1 and § 776.2 (closed court dimensions).

III. ZONING REQUIREMENTS

FT/C-3-A District	Regulation	Existing	Proposed ¹	Relief?
Height (ft.) § 770.1	65 ft.	Unknown height	28 ft., 2 stories	None required
Lot Width (ft.)	--	89.8 feet	SAME	None required
Lot Area (sq. ft.) ²	--	10,759 sq. ft.	SAME	None required
Floor Area Ratio § 771.2	2.5 (nonresidential)	0.5	1.12	None required
Lot Occupancy § 722.1	100%	50.0 %	62 %	None required
Rear Yard (ft.) § 1563.3 (a)(1)	15 feet min.	0 feet	0 feet	- 15 feet
Side Yard (ft.) § 775.5	0 feet	0 feet	0 feet	None required
Court, Open (ft.) § 776.1	12 feet min.	None existing	None proposed	None required
Court, Closed (sq. ft.) § 776.2	250 sq. ft. min.	None existing	None proposed	None required
Parking § 2101.1	1 per 3 staff, 1 per 10 seats (students)	Unknown	8 spaces (19 spaces required)	- 11 spaces

Upon further review, OP found that:

- Park lands across the alley to the west are in an R-5-A district (refer to Exhibit 1). Section 1563.3 (a)(1) of the FT overlay district requires a yard of 15 feet opposite property in a Residence district, measured from the property boundary. Section 1562 also states that when there is a conflict between overlay provisions and the underlying zoning, “the more restrictive provision” shall apply. Since the referenced requirement for a 15-foot setback is more “restrictive” than the 12-foot rear yard required under § 774.1, a 15-foot setback with the associated landscaping and screening per § 1563.3 appears to be required along the western (rear) site boundary. Section 1564 also provides special exception relief from overlay provisions.
- While the application requests special exception relief to *reduce* the required onsite parking by 11-spaces, the proposed 58% reduction would exceed the maximum 25% or 5 parking-space reduction allowed under § 2108. Variance relief for the remainder would still be required. *OP suggested that the applicant instead seek special exception relief under § 2116.1 to relocate the balance of the required parking to the church parking lot per the referenced agreement.* Details were requested about the duration and amount of parking that would be available.
- The west end of lot 84’s southern boundary turns sharply northwest to intersect the western (rear) boundary (refer to Exhibit 1 and Figure 1). Submitted plans show the proposed addition extending into this property corner resulting in a side yard setback of 0 feet at that point. *With no side yard setback, OP believes variance relief may not be required from § 775.5.*
- Variance relief was requested for the *closed* court between the western boundary, existing building, proposed addition and walkway canopy (area colored yellow on Figure 1). *OP believes the corresponding open court east of the canopy (area colored blue on the figure) also requires relief because the 10-foot width is less than the 12 feet required under § 776.1.*

The ZA and applicant were notified about these OP findings. Although there was no response from either the applicant or the ZA, the following zoning analysis is based on these findings and the subject properties being combined into one lot of record.

¹ Based on the submitted plans (the applicant did not respond to OP attempts to discuss this application)

² Reflects the total site land area

IV. OP ANALYSIS:

Consistency with § 1564

1564 SPECIAL EXCEPTIONS (FT)

1564.1 *The Board of Zoning Adjustment, after public hearing, may waive or vary the requirements of this chapter relating to building setback, landscaping, and fencing, as a special exception in accordance with § 3104; provided, that the proposed variations in standards are generally consistent with the chapter.*

One purpose of the Fort Totten overlay district is to encourage the residential and commercial development allowed in the underlying C-3-A district while enabling existing industries to expand to offer jobs, create tax revenues and provide critical support functions for the development of the District of Columbia. One important “support function” is that of educating the populous.

Development of the proposed business training school use would be consistent with this purpose. The intent of the yard setback, landscaping and screening requirement under §§ 1563.3 (a) and (b) appears to be to protect existing residence uses and the future development potential of nearby property in a Residence district. In this case, neighboring Federal lands that are part of the Fort Totten National Park are very unlikely to be made available for private residential development. OP therefore supports waiver of the referenced requirements use.

The applicant is also encouraged to work with the National Parks Service of the US Department of Interior to address any agency concerns.

Consistency with § 2108

2108 REDUCTION OF PARKING SPACES: AUTHORITY OF THE BOARD ...

2108.2 *The amount of required parking spaces for a public library may be reduced by up to 100%, but for all other uses shall not be reduced by more than twenty-five percent (25 %); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).*

2108.3 *The Board shall give consideration to the:*

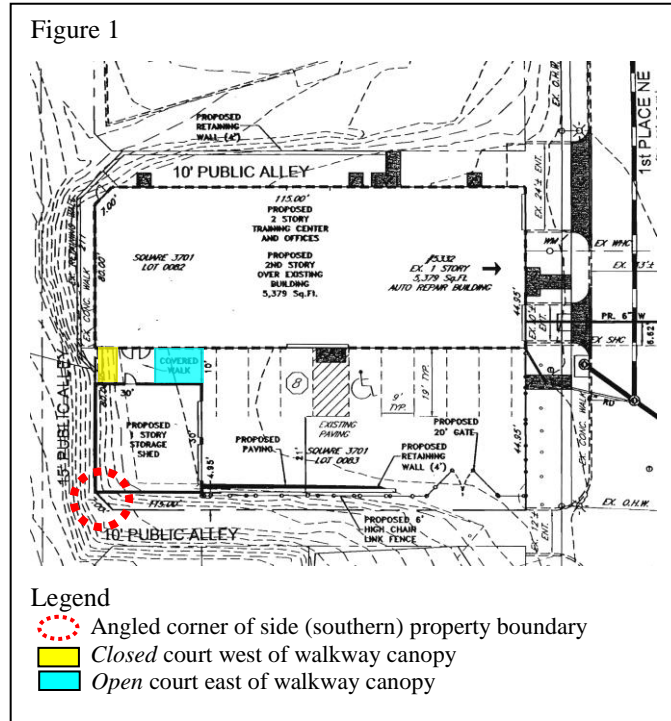
(a) *Nature and location of the structure;*

This proposal would renovate the existing building and construct additions for a business trade school use.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;*

The eight full time staff and instructors would serve 128 students. The application does not indicate how many part-time staff would be employed or how many students would be onsite at any time.

(c) *Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;*



Although the applicant did not provide any information to address this standard, the application was referred to the DC Department of Transportation for comment.

- (d) *Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use; and*

The applicant entered into a parking agreement with Dominion Church to share a 22-space parking lot currently under construction on church property immediately north of the existing alley. However, the application lacks specifics about the duration of the agreement and the number of spaces would be available for school use.

- (e) *Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.*

The site is in close proximity to several transit routes that travel north and south on 1st Place, and east and west on Riggs Road NE. It is also within 1,250 feet of the Washington Metropolitan Transit Authority Fort Totten Metro rail station.

2108.4 *If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.*

The application did not include information about any ride-sharing program.

2108.5 *Prior to taking final action on an application, the Board shall refer the application to the D.C. Department of Transportation for review and report.*

To date, no agency comments have been received. As noted above, even if the maximum 25% reduction were approved, a reduction of five parking spaces from the required 19 spaces coupled with the eight parking spaces provided onsite would leave an unmet parking requirement of six spaces. *Additional variance relief would still be required.*

Consistency with § 3101.1

Variance Relief from §§ 776.1 and 776.2, Open and Closed Court Requirements

- *Uniqueness Resulting in a Practical Difficulty*

Subject lot 83 is unusually shaped with a sharp angle in the west end of the southern property boundary. However this characteristic does not prevent proposed construction from meeting the referenced court requirements. More explanation is needed.

- *Detriment to the Public Good*

Construction of the proposed addition with smaller-than-required court spaces would not be of substantial detriment to the public good. Any negative impacts of the smaller courts areas would be entirely onsite.

- *Harm to the Zoning Regulations*

Since no practical difficulty associated with a site characteristic has been established, approval of the required court relief would be inconsistent with the standards and intent of these regulations. OP therefore cannot support the requested relief because the application has not adequately addressed the variance tests.

OP suggested that the project be redesigned to eliminate the courts and the need for variance relief.

V. COMMUNITY COMMENTS

To date no formal recommendation from Advisory Neighborhood Commission (ANC) 5A has been added to the case record file.



BZA Application No. 18271



Government of the District of Columbia
Office of Planning ~ October 5, 2011

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.

