

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13582, of Vanla Development Corp., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the 900 square foot minimum lot area requirements (Sub-section 3301.1), from the prohibition against allowing an enlargement and addition to a non-conforming structure which now exceeds the allowable height of a building (Paragraph 7107.21), from the prohibition against allowing an open parking space to be less than ten feet from the apartment building (Paragraph 7205.22) and three feet from the side lot line (Sub-paragraph 7205.122), for a proposed conversion of a chapel and rooming house to an apartment house of twenty-seven units in an R-4 District at the premises 301 G Street, N.E., (Square 778, Lot 802).

HEARING DATES: October 21, 1981 and February 24, 1982
DECISION DATES: November 4, and December 2, 1981 and
January 6, and March 3, 1982

FINDINGS OF FACT:

1. In regard to the subject property and the subject applicant, the Board approved application No. 13135, by Order dated March 24, 1980, for an area variance from the 900 square feet of lot area per dwelling unit requirement to convert the structure to a sixteen unit apartment house. A building permit was never issued pursuant to that Order, and the Order therefore lapsed. The applicant stated that economic feasibility was the reason why a building permit was not sought and the project not undertaken. Subsequently, the subject application was filed proposing to create twenty-seven units.

2. The Board initially denied the present application on November 4, 1981. Upon a motion by the applicant for further hearing, the Board reopened the record on January 6, 1982. The further hearing was limited to a single issue regarding the proposed number of units to be developed in the proposed apartment house, the rationale for that number of units, the plans for such a proposal and other relevant issues. No previous Order has been issued in this case.

3. The subject site is located at the southeast corner of the intersection of 3rd and G Streets, N.E. It is in an R-4 District at premises known as 301 G Street, N.E.

4. The property is presently improved with a vacant three-story and basement structure built in 1891 as a public school, known as the "Old Logan School." The building contains some 24,000 square feet. It has not been used as a public school since 1949. The most recent use has been as a rooming house and chapel by the American Rescue Workers, Inc., under Certificate of Occupancy No. B-40400 housing up to 150 students and seventy persons in twenty-two rooming house units.

5. The site has approximately 9,125 square feet of lot area with approximately seventy-five feet of frontage along 3rd Street and approximately 110 feet of frontage along G Street and is generally rectangular in shape.

6. The subject site is located in an area of predominantly row dwellings. Small apartment houses are located throughout the square in which the property in question is located. One block to the north is the H Street commercial corridor. Adjoining the subject property to the east is a three-story apartment house. To the south is a row dwelling. To the west across 3rd Street is the new Logan Public School. The southeast portion of the site abuts a thirty foot wide public alley. The entire square in which the subject property is located is zoned R-4.

7. The R-4 District extends to the east of the subject property for several blocks. South of the subject property the R-4 District extends for approximately three blocks to Massachusetts Avenue. North of the subject property, the R-4 District extends for approximately one-half block to the C-2-A zoning district along the H Street corridor. The R-4 District extends to the west to 2nd Street to the C-M-3 District of the railroad right-of-way. A small pocket of C-1 zoning exists one-half block to the northwest of the subject property.

8. The applicant initially proposed to create twenty-seven units in the existing structure, which proposal was denied by the Board. As subject of the further hearing, the applicant proposed two alternative development schemes each containing fewer housing units. It had been determined by the applicant that development of a fewer number of units was feasible if the applicant would act as the general contractor which involve a much greater risk. It would allow a reduction in construction costs of approximately \$130,000. The original contingency fund of \$50,000 would be reduced to \$20,000, and the District of Columbia condominium registration fee may not apply to the development.

9. The applicant conducted a parking survey and determined that 113 to 144 on-street parking spaces were available within a one block radius of the subject property.

10. The two alternative development schemes are a twenty-four unit proposal and a twenty-two unit proposal. The twenty-four unit proposal will involve six units on each floor consisting of two two-bedroom and four one-bedroom units, totalling sixteen one-bedroom and eight two-bedroom units. This proposal will permit a more standardized floor plan particularly in the area of utilities and carpentry and will reduce the risk and time of construction. The twenty-two unit proposal provides twelve one-bedroom and ten two-bedroom units and will differ from the twenty-four unit proposal in calling for all two-bedroom units at the top floor.

11. No alterations of the exterior of the structure are proposed except for the addition of several skylight-type windows which will be flush with the roof to provide light and air to those apartments on the uppermost floor. The interior stairways, hallways and masonry walls will remain and new walls will be added. The brick exterior is to be restored. The applicant also proposes to create loft space principally for storage because of the high ceiling heights of ten feet in the basement to sixteen feet in the upper floors. Loft space would be created over areas such as kitchens and bathrooms where traditionally high ceiling heights are not desirable. Construction of loft space would also add to the horizontal stability of the added load bearing walls which will help to relieve the load on the existing thirty foot joists. As storage space, the loft area by code would be constructed at a high live load of 100 pounds per square inch as opposed to fifty pounds per square inch for areas such as bedrooms.

12. The existing walls cannot be easily removed, because they are masonry load bearing walls which will limit the ability to create a desired floor plan.

13. The five parking spaces originally located at the side of the building have been removed and under the present proposal four spaces are located at the southeast corner of the subject lot. Access to the proposed spaces would be from the alley. One of the proposed parking spaces would be eight by seventeen feet, which is less than the required nine by nineteen feet.

14. Although the Old Logan School has not been designated an historic landmark nor is it located in an historic district, the school does have historic significance. Completed in 1892, the school was one of the first to encompass a change in design philosophy in the District of Columbia toward public schools, incorporating features of spacious rooms, high ceilings and large windows to glorify education. Other examples, such as the Sumner School, employing a similar philosophy were built about the same period. The exterior of the structure has exceptional

brick detailing. The interior also has exceptional wood trim and wainscoting. It is proposed that the interior details of window molding and wainscoting be preserved under any alternative proposal.

15. David Mayhood, expert in the field of condominium conversion, testified for the applicant that the previous Board approval for the development of sixteen units on the subject property in application No. 13135 from a marketing point of view was not feasible based on his experience and knowledge of condominium projects in the Capitol Hill area. He stated that the city market is toward smaller one-bedroom units mainly being sought by single buyers, who are looking for location, affordability and size. Mr. Mayhood testified that marketability of the proposed project from a location point of view is good since it is six-tenths of a mile from the U.S. Capitol and that projects at a similar distance such as the Davmire, Ellsworth and the Dorsett have been successfully marketed. The average unit size in the Capitol Hill area is 750 square feet for a one-bedroom unit and 1,000 square feet for a two-bedroom unit. The Board concurs in the findings of Mr. Mayhood.

16. Mr. Mayhood further testified that he initially analyzed the costs of development for ten, sixteen, twenty-four and twenty-seven units. Under market conditions, if the requested relief for twenty-seven units were granted, the applicant would realize a three percent profit after sale of all twenty-seven units. If conventional real estate mortgages fell to fifteen percent or less, the applicant would realize a twelve percent profit. Under the ten, sixteen and twenty-four unit proposals, the applicant would suffer a loss, even if real estate mortgage rates fell to fifteen percent. Marketing of these units as rental units instead of condominium units would be infeasible, in that the amount of rent that could be charged would not be sufficient to carry a debt service on the \$1.5 million dollar construction loan. The Board so finds.

17. Under the revised proposal for a maximum of twenty-four units, the applicant will become the general contractor of the project and will forego any general contractor's profit. The applicant will also reduce his contingency from \$50,000 to \$20,000, because he will have greater control over the project. These savings will allow the applicant to reduce total construction costs by \$160,000 at a greater risk.

18. The R-4 District requires a lot area for the twenty-four unit proposal of 21,600 square feet. The lot has only 9,125 square feet, therefore requiring a variance of 12,475 square feet or 57.75 percent. The lot occupancy allowed is forty percent or 9,720 square feet while the

existing building already occupies 5,867.75 square feet or 64.3 percent. The allowed building height is forty feet while the existing building is 52.43 feet. The height of roof structure allowed is 18.5 feet, where a ten foot roof structure is provided. Four parking spaces are required under the twenty-four unit proposal based on the requirement of the R-4 District of one parking space for every three dwelling units less the parking credit of four spaces from the previous rooming house use. Four parking spaces are provided one of which is sub-standard at eight by seventeen feet instead of the required nine by nineteen feet.

19. A variance regarding lot occupancy is required because the existing building exceeds the percentage permitted. The loft additions do not increase the lot occupancy.

20. The applicant presented a petition in support of the twenty-seven unit proposal which was signed by sixty neighborhood residents. The applicant also presented four letters in support that were submitted by neighboring residents, as well as a letter in support from the previous occupants of the structure, the American Rescue Workers, Inc.

21. The Office of Planning and Development, by report dated October 16, 1981, recommended at the initial hearing that the variance for interior enlargement of the structure be granted, but that the variances for parking spaces in the side yard and inclusion of twenty-seven units in the structure be denied. The OPD report stated that twenty-one units in this building would be feasible. This figure was based on a balance of the criteria for granting a variance and on the facts that only three parking spaces could be accommodated on the lot and that a combination of the architectural plans for the sixteen unit and twenty-seven unit proposals could be used to achieve this number of units. The OPD did not present a market analysis to justify the figure of twenty-one units. The OPD did not participate in the further hearing of this application or submit a report dealing with the twenty-two or twenty-four unit proposals.

22. Advisory Neighborhood Commission 6A, by report dated October 14, 1981, took no position on the original request. The ANC did not participate in the further hearing.

23. Two Single Member District Representatives of ANC-6A filed letters of support of the original request but did not participate in the further hearing.

24. The Capitol Hill Restoration Society by vote on October 14, 1981, opposed the original request of

twenty-seven units. The Society stated that it supported the previous Board approval of sixteen units in application No. 13135. The Society, while it favored increase housing for the city, stated that it could not support an increase in the number of units at this location because of resulting problems such as parking. The Society did not participate in the further hearing.

25. The Stanton Park Neighborhood Association voted to oppose the original request, stating they could not agree with an increase in the number of units to twenty-seven but that some increase over the previously approved sixteen units might be reasonable. The Association did not participate in the further hearing.

26. No one appeared in opposition to this application as considered at the further hearing.

CONCLUSIONS OF LAW AND OPINION

Based on the record, the Board concludes the applicant is seeking area variances, the granting of which requires a showing of practical difficulty upon the owner of the property that is inherent in the property itself. The Board concludes that the square footage of the building in relation to the lot area, the previous use of the site, the interior layout of the structure, the floor to floor height of the rooms, the location of the building on the site, the nature of construction of the building, and its historic significance, all constitute an exceptional condition of the property.

The Board concludes that strict application of the Zoning Regulations would result in practical difficulties to the owner. The applicant was unable to secure construction financing for the number of units previously permitted by this Board in application No. 13135, due to the large size of the units proposed in that plan. The requested units in the twenty-four unit proposal will be of a moderate size, and, based on marketing analysis, can be sold at a moderate price. The proposed use is far less dense than the previous uses. The proposed number of units can be conveniently placed in the structure, providing units of a slightly larger than average size in this area. The existing floor to floor height necessitates the addition of more load bearing walls, which require horizontal stabilizers such as the proposed lofts. The location of the structure on the lot allows only limited options for the placement of parking spaces. The four required parking spaces can be placed on this lot, but one will be only eight feet by seventeen feet and is suitable for compact cars. The proposed number of units allows for minimal breaching of the load bearing masonry walls. The historically significant building is one of the few school buildings in the city of this type, and

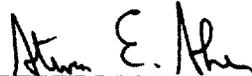
return of the use of this structure to an institutional use will hasten its deterioration. This architecturally significant building requires the high level of maintenance that can be guaranteed by a residential use.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Allowing this structure to be put to an economically feasible residential use will make possible its rehabilitation and preservation, and will provide up to twenty-four moderately priced dwelling units in an in-town location. The proposed units in the structure will actually be larger than the average one and two bedroom units on Capitol Hill, and the density will be less than other apartment uses in the same square. There are adequate on-street parking spaces within one block of the subject site. Accordingly, it is ORDERED that the application be GRANTED for twenty-four units as proposed in Exhibit No. 37.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton, Connie Fortune and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

JUN - 4 1982

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.