

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14028, as amended, of 629 Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3301.1) to use the subject premises as an eighteen unit apartment house in an R-4 District at the premises 629 Constitution Avenue, N.E. (Square 867, Lot 18).

HEARING DATES: September 28, and December 7, 1983  
DECISION DATES: October 5, 19 and December 7, 1983

FINDINGS OF FACT:

1. Prior to the public hearing on September 28, 1983, the applicant, through its counsel, requested amendment of the application in order to reduce the number of apartment units requested from twenty-four to eighteen units. The requested amendment was granted by the Board at the public hearing on September 28, 1983.

2. The subject application was granted by the Board at its public meeting on October 5, 1983. At a public meeting on October 19, 1983, the Board on its own motion reconsidered its decision made on October 5th to grant the application. After the motion to reconsider was carried, the Board voted to reopen the record and hold a further hearing on the subject application, as provided for by Sub-section 501.1 of the Supplemental Rules of Practice and Procedure. That hearing was conducted on December 7, 1983, and was limited to the following issues:

- A. Whether parking can be provided on site in either the basement or the first floor to serve the units in the building, with such parking also reducing the number of units in the building to less than eighteen.
- B. Whether off-street parking could be provided elsewhere in the neighborhood to serve the number of units proposed.

The subject decision and order herein is based on the entire record of the proceedings in this case, including that developed as part of the further hearing.

3. The subject property is located on the south side of Constitution Avenue between 6th and 7th Streets, N.E. and is known as 629 Constitution Avenue, N.E. It is in an R-4 District.

4. The subject lot is rectangular in shape measuring forty-five feet wide by 136.29 feet deep. The site is flat and is improved with a three-story brick structure and basement which was constructed in 1906. The structure has been vacant for the past six years. The structure occupies 100 percent of the lot.

5. The site is joined on the east by a 14.9 foot wide public alley followed by row dwellings occupied as residences. To the south, at the rear of the subject site, is a thirty foot public alley followed by the rear yards of row dwellings with frontage on A Street, N.E. To the west and north across Constitution Avenue are row dwellings occupied as residences.

6. Previous requests to use the subject property for non-residential use have been before the Board. Application No. 13390, was a special exception for use of the Potomac School of Law. This was withdrawn on February 17, 1981. Application No. 13121 was a request for a use variance to use the building as offices for the Liberty Lobby, Inc. This was withdrawn October 6, 1980. On June 20, 1980, in Appeal No. 13154, the Board upheld the decision of the Deputy Zoning Administrator to deny a certificate of occupancy to use the subject premises as offices. Application No. 13779, which was denied by the Board on June 14, 1983, sought a variance from the prohibition against allowing the principal use to be located on a lot other than the lot on which the principal use is located to permit a medical office building for Capitol Hill Hospital.

7. The structure on the site was constructed as a telephone exchange and business office for the C&P Telephone Company.

8. The applicant proposes to use the subject premises as an apartment building containing eighteen units. There would be twelve one bedroom units and six two bedroom units.

9. The applicant is seeking a variance from Sub-section 3301.1 of the Zoning Regulations which requires a minimum lot area of 900 square feet per dwelling unit for apartment conversions in an R-4 District. For eighteen units, at least 16,200 square feet would be required. The lot contains 6,133.05 square feet, requiring a variance of 10,066.95 square feet.

10. The subject structure is exceptionally large, with approximately 24,532 square feet of gross floor area. The

structure has remained essentially intact as to exterior design. Although not individually designated as a landmark, it forms an important part of the character of the Capitol Hill Historic District. Because of the building's exceptional exterior features, the applicant will not demolish or substantially alter the exterior of the building. The applicant proposes to renovate the existing building with the intention of preserving its architectural design and uniqueness and to seek its designation as an historic landmark. The interior of the building is characterized by its high ceilings. The eighteen units proposed by the applicant will average approximately 1,100 square feet in area.

11. The applicant could convert the subject building under Sub-section 3301.1 of the Zoning Regulations into an apartment building with six units without Board approval. Such units would average approximately 3,000 square feet per unit.

12. A six unit development with units averaging approximately 3,000 square feet per unit would be far in excess of the size of the typical apartment in the District of Columbia. The arrangement of six units would be inefficient and would have a negative effect on the marketability of the units. Due to the hardship imposed by the existence of the building and the cost of renovation, six units would not provide a reasonable economic return to make the proposed conversion economically viable. Based on a representative sampling of Capitol Hill sales and listings as of September 1, 1983, the proposed eighteen units, which will average 1,100 square feet per unit, are larger than most units currently listed for sale and are larger than all units sold in the past three months. Prices would range from \$85,000 for the one-bedroom units and the smallest of the six two-bedroom units to \$135,000 for the largest two-bedroom units.

13. The Zoning Regulations do not require the applicant to provide off-street parking. The applicant presented evidence on the feasibility of providing interior off-street parking. Two schemes were submitted to the Board, one of which showed proposed parking in the basement and the other of which showed proposed parking on the first floor. In addition the applicant discussed the feasibility of providing parking in the rear through enlargement of the rear entrance to allow parallel parking.

14. The Board finds that the cost of garage construction, which would include two ramps, column removal, masonry and concrete construction, ventilation and lighting, a security system and a fire sprinkler system, would total \$181,000. No more than one car could be parked inside the building because of its narrow width and the placement of

columns. Under the basement parking scheme, the total number of units would be reduced by five to thirteen units, with a resulting net loss to the developer of \$294,000. Parking on the first floor would reduce the number of units to ten units and would result in a net loss to the developer of \$365,500. Because of the narrow interior width of the building, maneuverability would be difficult and several turning movements would be required in order to remove a car from its parking space. Enlargement of the rear entrance to allow parallel parking would also require substantial structural changes. Under either parking scheme, as well as the parallel parking scheme, the applicant would be required to alter exterior features of the building with the resulting loss of some of its architectural character. The Board finds that the alterations to the building necessary to provide off-street parking would make the proposed renovation for residential use economically infeasible, and that parking thus cannot reasonably be provided.

15. The applicant conducted a parking survey and determined that adequate on-street parking is available in the area within two blocks of the project. With the maximum accumulation of on-street parking at 6:00 A.M., there were seven spaces within one block and twenty-three spaces within two blocks of the project. On November 21, 1983, prior to the Further Hearing, the District of Columbia Department of Transportation implemented traffic changes on Constitution Avenue for the morning and afternoon rush hours which allow parking all day on the north side of Constitution Avenue. The Board finds on the basis of the applicant's traffic study conducted subsequent to that change that there will be thirty-six new full time spaces within one block and fifty-four spaces within two blocks of the subject site. The Board further finds that approximately eighty percent of the on-street parking spaces are within 1,000 feet of the site.

16. At the request of the Board, the applicant surveyed all appropriate locations within a 1,200 foot radius of the subject property to ascertain whether the owners would provide leased parking spaces for the apartment project. The only sites which met the criterion of the applicant, the Capitol Hill Hospital and a nearby church, would not make available any off-street parking spaces. Accordingly, the Board finds there is no off-site area available for off-street parking.

17. Public transportation is provided by six Metrobus lines, all of which are within two blocks of the site. The bus lines offer connecting service to Metrorail at Union Station.

18. Trash pickup for the project will be adequate and be provided for by a private contractor. The applicant proposes to provide interior trash storage space.

19. The Office of Planning, by report dated September 21, 1983, recommended approval of the application on the condition that it be limited to a maximum of eighteen units. The Office of Planning reported that the exceptionally large size of the subject structure, particularly when viewed in relationship to the size of other structures on the block, constituted a practical difficulty. The Office of Planning noted that the six apartment units which could be provided as a matter of right, with each unit averaging in excess of 3,000 square feet, would result in apartment sizes well in excess of a typical condominium apartment unit in the city and that a six unit spatial arrangement would be inefficient. The Office of Planning also commented favorably on the applicant's intention to preserve the building's architectural design and seek designation as a historic landmark. The Office of Planning identified two major issues with the application, density and parking. The Office of Planning was of the opinion that the reduction from twenty-four to eighteen units resulted in a far more reasonable number particularly since the reduction resulted in fewer basement units. The Office of Planning noted that the reduction in basement units allowed for the inclusion of a trash storage area in the basement as well as resident storage facilities. The Office of Planning further noted that because the subject structure occupies 100 percent of the site, there is no room available for on-site parking. The Office of Planning concurred with the findings of the applicant's traffic analyst with respect to the availability of on-street parking within a two block radius as being more than adequate to meet the needs of the building's future residents as well as other residents of the area. Finally, the Office of Planning stated that the conversion of the subject structure located within an R-4 District to a residential use is consistent with the purpose, intent and integrity of the regulations. The Board concurs in the report and recommendation of the Office of Planning.

20. The application was supported by the Capitol Hill Restoration Society and the Stanton Park Neighborhood Association. By letter to the Board, the Stanton Park Neighborhood Association supported the amended application for eighteen residential units with the understanding that at least six of the units would be two-bedroom apartments. The Association expressed a preference for fewer units but stated that its Land Use Committee felt that the eighteen unit compromise was reasonable in light of the size of the proposed units. The Association also expressed its concern about the impact on parking that the development would have and asked the Board to be cognizant of the adverse impact of

parking on the neighbors in this case and all future cases. The Board concurs with the recommendations of the Society and the Association.

21. By letter dated September 21, 1983, Advisory Neighborhood Commission 6A stated that it supported the application. The ANC stated that while in its opinion the conversion of the subject property to residential use would aggravate an already severe parking problem in the area, it felt that this was the best use of the building proposed thus far. ANC 6A was also persuaded by the fact that the developers had shown cooperation with the neighborhood by reducing from twenty-four to eighteen, the number of apartment units proposed for this structure. The Board concurs with the recommendation of the ANC. As to the concern of the ANC, as well as the other organizations, the Board finds that on-street parking is adequate to serve the project and the neighborhood.

22. A petition in opposition to the application from the residents of Square 867 and adjacent squares was filed by Sara B. Slaughter. The petition was accompanied by a cover letter stating that the petitioners felt that eighteen one and two-bedroom units would create a substantial detriment to the quality of life in the neighborhood and that parking was already a serious problem. The petition called for a smaller sized project with off-street parking provided for the majority of the apartment's tenants or owners. The Board finds that the eighteen unit proposal will make renovation of the building for residential use economically feasible. The Board has found that the applicant cannot reasonably provide off-street parking.

23. Dr. J. Max Bond, Mr. Ray Metcalf and Ms. Andrea Stevenson, residents of the neighborhood, all testified in opposition at the September hearing. They opposed the density of the proposed development on the grounds that no off-street parking was provided and there is too little on-street parking available in the neighborhood. At the Further Hearing, Ms. Sara B. Slaughter also testified in opposition to the application on the grounds that notwithstanding the testimony of the applicant it was possible to provide interior parking. The Board has found that the applicant cannot reasonably provide off-street parking and that adequate on-street parking is available in the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty on 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 floor to floor height of the rooms, the location of the building on the site, 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. While the applicant can convert the subject building to six apartment units as a matter-of-right, the large size of such units, which would average approximately 3,000 square feet per unit, would make them unmarketable. The requested number of units, averaging 1,100 square feet per unit, will provide a reasonably sized unit while providing the City with eighteen housing units of an efficient and marketable size and configuration. The location of the structure on the lot and its physical characteristics do not permit the applicant to provide off-street parking on the lot or within the subject building. Moreover, even if off-street parking could be provided it would require substantial alteration of the exterior of the building to a degree contrary to historic preservation objectives.

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 eighteen marketable dwelling units in an in-town location. The proposed units in this structure will be slightly larger than the average one and two bedroom units on Capitol Hill. There are adequate on-street parking spaces within two blocks of the subject site.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 23 of the record.

VOTE AT THE PUBLIC MEETING OF OCTOBER 5, 1983: 3-1 (William F. McIntosh, Carrie L. Thornhill and Douglas J. Patton to grant; Maybelle T. Bennett opposed; Charles R. Norris not voting, not having heard the case).

VOTE AT THE PUBLIC MEETING OF OCTOBER 19, 1983 TO RECONSIDER THE DECISION: 3-0 (Douglas J. Patton, William F. McIntosh and Maybelle T. Bennett to reconsider; Carrie L. Thornhill not present, not voting; Charles R. Norris not voting, not having heard the case).

VOTE AT THE PUBLIC MEETING OF DECEMBER 7, 1983: 3-1  
(Carrie L. Thornhill, William F. McIntosh and  
Douglas J. Patton to grant; Maybelle T. Bennett  
opposed; Charles R. Norris not present, not  
voting).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 19 1984

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 CONSUMER AND  
REGULATORY AFFAIRS.

14028order/LJP4