

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14348 of 320 Massachusetts Avenue Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the floor area ratio requirements (Sub-section 5301.1) for a proposed modification of plans changing windows and lowering the grade at the front of the building located at 317 Massachusetts Avenue, N.E. in a CAP/C-2-A District, (Square 782, Lot 29).

HEARING DATE: October 23, 1985

DECISION DATE: October 23, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Massachusetts Avenue between 3rd and 4th Streets, and is known as premises 317 Massachusetts Avenue, N.E. It is zoned CAP/C-2-A.
2. The subject site is generally rectangular in shape and contains 4,334.4 square feet of lot area. It is improved with a two and a half story brick building.
3. The CAP/C-2-A District extends to the north, east and west of the subject site. A CAP/R-5-B District is located to the southwest of the site.
4. The site in question was the subject of previously approved Board of Zoning Adjustment Application No. 14012 which allowed the construction of the subject retail office building, and a variance from the parking requirements.
5. The applicant proposes to lower the grade in front of the building and to replace the half windows at the basement level with full size windows. These proposed alterations require a variance pursuant to Paragraph 8207.11 of the Zoning Regulations which authorizes the Board to grant area variances where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property provided such relief can be granted without substantial detriment to the public good and without substantially

impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

6. The maximum floor area ration (FAR) allowed for the subject site is 1.5 or 6,501.75 square feet. The existing building conforms with this requirement. The proposed alterations will convert the basement level to a full story which will then be countable in the FAR and will exceed the allowed ratio by 813.37 square feet or 12 percent thus requiring a variance from Sub-section 5301.1 of the Zoning Regulations.

7. The proposed alterations are intended to admit more natural light to the lower level of the subject structure. This will make the building more attractive to prospective tenants who are now discouraged from leasing the space because of the lack of natural light.

8. An increase in natural light can not be provided in a way which will not increase the subject building's FAR, Half-windows can not be added to the top portion of the rear or side walls since townhouses are located very close to the subject structure on both sides and the rear wall of the lower level is located completely below grade.

9. The proposed windows will match the existing windows on the first floor of the subject structure and the windows of other townhouses in the neighborhood.

10. The sills of the new windows will be six inches above ground.

11. The proposed lower grade will conform with the grades of most other buildings in the block including those adjacent to the subject site, and the grades of the buildings across the street from the subject site.

12. The grade of the subject structure's front yard is currently three feet above the grade of the sidewalk.

13. The front yard of the subject site will be landscaped.

14. The proposed alterations are subject to review by the Historic Preservation Review Board.

15. By memorandum dated October 17, 1985, the Office of Planning recommended approval of the subject application. The OP reported that it does not view the requested variance as a substantial impairment of the intent of the Zoning Regulations considering that the increased FAR (0.163) is not created by the addition of new floor area, but rather from practical considerations of providing adequate natural light to the front one-fourth of the basement level. The remaining basement area is still not included in the FAR

computation. The Office of Planning is of the opinion that the modified front elevation will be architecturally harmonious with neighboring structures. The property is located in the Capitol Hill Historic District and as such the modifications of the elevation will undergo review by the Historic Preservation Review Board. The OP further reported that the additional natural light made available to the inhabitants of the basement level should be viewed as a positive result if the variance is approved. The Board concurs with the reasoning and recommendation of the OP.

16. Advisory Neighborhood Commission 6A filed no report on the subject application.

17. By letter dated October 22, 1985, the Stanton Park Neighborhood Association's Land use committee reported it's support for the subject application. The Association noted that the proposed changes would not alter the size of the building or the usable space within it. Further, the alterations would improve the building's appearance in relation to the adjoining properties. The Board concurs.

18. There was no opposition to the subject application at the public hearing or of record.

CONCLUSION OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

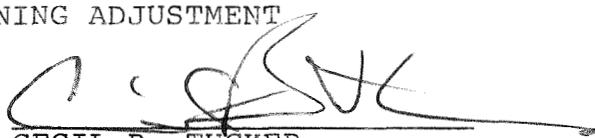
The Board concludes that the applicant has met the burden of proof. The modifications proposed will not increase the size of the structure but will provide additional natural light to existing rooms on the lower level. It is physically impractical to supply additional natural light by adding windows to side or rear walls. The proposed windows and new grade will conform with others in the neighborhood of the subject site. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Patricia N. Mathews, William F. McIntosh and Carrie L. Thornhill to approve; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 03 FEB 1986

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.

14348order/DON17