

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of CAS Riegler Real Estate Development  
ANC 2F02

BZA Application No.  
Hearing Date:

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**APPLICANT'S STATEMENT OF EXISTING AND INTENDED USE**

This is the application of CAS Riegler Real Estate Development ("**Applicant**") for special exception and variance relief to allow the construction of an addition to existing building in order to convert it into a mixed-use residential/commercial building.<sup>1</sup> The property that is the subject of this application is 1324 14<sup>th</sup> Street NW (Square 211, Lot 32) (the "**Property**"). The Property is included in the ARTS/C-3-A Zone District. A Surveyor's plat is attached as Exhibit C, and a portion of the District of Columbia Zoning Map is attached as Exhibit D.

The Property is located in the Logan Circle neighborhood of Ward 2. It is rectangular in shape and contains approximately 3,250 square feet of land area. The Property is mid-block between N Street and Rhode Island Avenue. It is bounded by a two-story commercial building to the north, a three-story commercial/residential building to the south, 14<sup>th</sup> Street to the east, and a public alley to the west.

The Property is improved with a three-story commercial building constructed circa 1905. It is currently occupied by a small retail store on the ground floor and unoccupied on the upper floors. The Property is included in the Greater 14<sup>th</sup> Street Historic District, and the building is a contributing structure in this historic district. The building is nonconforming as to rear yard: it does not have a rear yard.

The surrounding area is a mix of residential, commercial, and mixed uses. The properties along the same side of the block are moderate density commercial or mixed-use structures, with a

<sup>1</sup> The Applicant is the contract purchaser of the Property. The owner's authorized representative has signed an authorization letter and the Self-Certification form in Exhibit A.

large apartment building occupying the southern end of the block at 14<sup>th</sup> and N Streets. The buildings directly across 14<sup>th</sup> Street are mostly moderate density commercial structures. Within the same square as the Property are medium-density apartment buildings, hotels, and moderate density residential buildings.

The proposed project will add a modest addition to the existing structure to create a four-story six-unit condominium building with a ground-floor restaurant. Architectural plans are included in Exhibit E. The addition will be at the rear of the building, and it will add a partial fourth floor at the rear of the building. The first floor will be retail space, and the residential units will be on the second and third floors. The fourth floor will provide sleeping lofts for the residential units on the third floor. The addition will extend to the rear lot line, like the existing structure, so it will not have a rear yard. With the construction of the new addition, the building will have a height of 45 feet, an FAR of 3.0, and will provide two off-street parking spaces in a garage.<sup>2</sup> The expanded building will have a nonconforming residential lot occupancy of 89% (maximum permitted is 80%), a nonconforming rear yard (15 feet is required), and a nonconforming closed court width of 12 ft. – 8 ¼ in. and area of 322 square feet (15-foot width and 350 square foot area is required).

In order to make this residential project possible, the Applicant requests that the Board of Zoning Adjustment (“**BZA**” or “**Board**”) approve a special exception for the rear yard under Section 774.2 of the Zoning Regulations and approve area variances from the lot occupancy requirement in Section 772.1, from the closed court requirements in Section 776, and from the nonconforming structure limitation in Section 2001.3 of the Zoning Regulations. The Applicant also requests that the Board approve a conditional area variance from Section 1901.6 to allow a restaurant at the Property in the event that the linear frontage for eating/drinking establishments in

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<sup>2</sup> Under Section 2120.3, no parking is required for this project.

Square 211 on 14<sup>th</sup> Street exceeds 50% at the time that the Applicant is granted a building permit for this proposed project.<sup>3</sup>

This application satisfies the requirements of Section 774.2 for special exception relief for the rear yard. The proposed project's windows will be separated from facing windows in nearby buildings by a public alley, which will allow adequate light and air for all structures. The windows in the proposed project will not have direct sight lines into other buildings (and vice-versa) because of height differences and distances between buildings, so privacy will not be adversely affected. The provided parking will be on the Property, and the nominal loading activity will occur from the rear alley. Finally, the proposed project will not adversely affect neighboring properties because of its absence of a rear yard because sufficient light, air, and privacy will be available.

This application satisfies the three required elements for area variance relief from Sections 772.1, 776, and 2001.3. First, the Property is unique because it is a long and very narrow lot: it is 25 feet wide and 130 feet long. The building is a contributing structure to the Greater 14<sup>th</sup> Street Historic District, and the property is bounded on both sides by attached buildings. The existing building is nonconforming as to rear yard, so no addition is possible without that nonconforming aspect continuing. Also, the size of the addition is much shorter and less dense than otherwise would be allowed as a matter-of-right in order to accommodate potential historic considerations that it not be highly visible. With a height of 45 feet and FAR of 3.0, the proposed project will be much smaller than the permitted height of 75 feet and FAR of 4.5 in the ARTS/C-3-A zone. Finally, the ground floor retail requirement, once inapplicable to the Property, now limits the amount of residential use that can occupy the existing structure.

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<sup>3</sup> Presently, Square 211 does not exceed the 50% linear frontage limitation for eating/drinking establishments, but this variance relief is requested in the event that the limitation is exceeded between now and the granting of a building permit.

Second, complying with the Zoning Regulations with respect to lot occupancy, closed court, and nonconforming structure prohibitions would create a practical difficulty for the Applicant. Because of the long and narrow configuration of the lot, a closed court is required for the dwelling units to receive adequate air and light, and this court necessitates expanding the residential footprint. Without the court, the units would be very long, so they would be very dark and lacking air in the center because of the presence of windows only at the front or rear. It is important to break up the units with the court so that the center of the building can get light and air, but a conforming court would extend more than halfway through the width of the building and would encroach on the common hallway so much that it would be too narrow for necessary circulation or would eliminate the kitchens in two of the units. Second, core and entry placement must be along the existing entry at the front of the building, which results in the density having to be spread to the rear and occupy more of the lot, but a larger conforming court would require the density to be spread even further. This core placement is necessary in order to maintain the historic façade and proportions. In addition, a rear entry and core would necessitate a long corridor that angled or crossed the space on the ground floor that would result in a significant loss of retail space because it would be chopped and spatially limited. Further, placement of the core at the middle or rear would be highly inefficient because it would result in long corridors that consume large amounts of space that could not be dedicated to dwelling units. Also, placing the stairway and core in any other location in the front or the rear would result in a dead-end corridor that would not be permitted by Building Code. Finally, the proposed project retains all of the existing building, but for structural reasons, the addition may have only limited bearing on the existing walls. The core and bridge addition to the new structure will be on the existing walls, which results in density being spread out along the existing structure. Thus, structural requirements and practical design considerations resulted in the necessity of exceeding the maximum permitted lot occupancy and having a smaller

closed court than required. Without the proposed lot occupancy and closed court, the project would not be feasible.

In addition to the proposed lot occupancy and closed court, the Applicant specifically designed the project to accommodate a restaurant in the ground floor, and without the restaurant, the Applicant would face a considerable burden. The Applicant based many of its design decisions, which affect the residential portion on the upper floors, on the premise that a restaurant would occupy the ground floor. If the applicant were not able to accommodate a restaurant in the ground floor, then a costly redesign would be necessary. Further, the redesign could affect the size and layout of the residential units, which would ultimately jeopardize the future of the project.

Finally, the requested variance relief would not be detrimental to the public good or the Zone Plan. The proposed mixed uses will be compatible with the neighboring buildings, and the Applicant designed the project to be harmonious with the surrounding neighborhood by reducing density and height well below what is permitted as a matter-of-right. The proposed lot occupancy and closed court will not adversely affect the Zone Plan, will not create an overly imposing building, and will still provide ample light and air to the Property. The proposed lot occupancy will not impact neighboring properties because it would be permitted if the proposed structure were entirely commercial. The proposed closed court still complies with the Building Code, so it will not impair safety and will allow for sufficient light and air. If a variance from 1901.6 is necessary, then the proposed restaurant would exceed the eating/drinking frontage limitation by a maximum of 25 feet (on a block with 304.2 feet of frontage). This difference would not create an overabundance of eating/drinking establishments in the Square, and it would not adversely impact neighboring properties any more than the restaurants that are permitted as a matter-of-right.

Because of the foregoing reasons, the Applicant satisfies the criteria for special exception and area variance relief and respectfully requests that the Board approve this application.

### **EXHIBITS**

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|-----------|-------------------------------------------------------------------------|
| EXHIBIT A | Application Form, Self-Certification Form, and Letters of Authorization |
| EXHIBIT B | Applicant's Statement of Existing and Intended Use                      |
| EXHIBIT C | Surveyor's Plat                                                         |
| EXHIBIT D | Portion of Zoning Map                                                   |
| EXHIBIT E | Architectural Plans and Elevations, including Photos of Property        |
| EXHIBIT F | Property Owner List                                                     |

Respectfully submitted,

  
John Epting

  
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