



2013 APR 30 PM 3:59

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 30, 2013

SUBJECT: BZA Case 18521, 819 6th Street NW, to allow construction of an addition on top and to the rear of the existing building.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variances:¹

- § 403 Lot Occupancy (75% max permitted, 77% existing, 100% proposed); and
- § 404 Rear Yard (13.62 feet required, 19.17 feet existing, 0 feet proposed).

II. LOCATION AND SITE DESCRIPTION

		BOARD OF ZONING ADJUSTMENT District of Columbia
Address	819 6 th Street NW	CASE NO. <u>18521</u>
Legal Description	Square 485, Lot 15	EXHIBIT NO. <u>29</u>
Ward	2	
Lot Characteristics	The Subject Property is bound by I Street on the north, H Street on the south, 6th Street on the west, and 5th Street on the east. The Subject Property has an area of approximately 1,728 square feet. A narrow 5-foot wide pedestrian alley immediately to the north separates the property from three- and four-story rowhouses and apartment buildings facing Eye Street.	
Zoning	DD/R-5-E	
Existing Development	The site includes an existing vacant three-story structure, built in 1896.	
Historic District	Downtown Historic District – the existing building is a contributing structure.	

¹ The Application states that “the Applicant does not believe that relief from § 2001.3 is necessary (for an addition that exceeds the lot occupancy), because [the Applicant] will first remove the old addition, which will take the existing lot occupancy under 75%.” However, OP notes that relief from § 2001.3 may be necessary because the existing addition is attached to the existing structure at the time of this application to the BZA. The Zoning Administrator would make a final determination at the time of permitting.



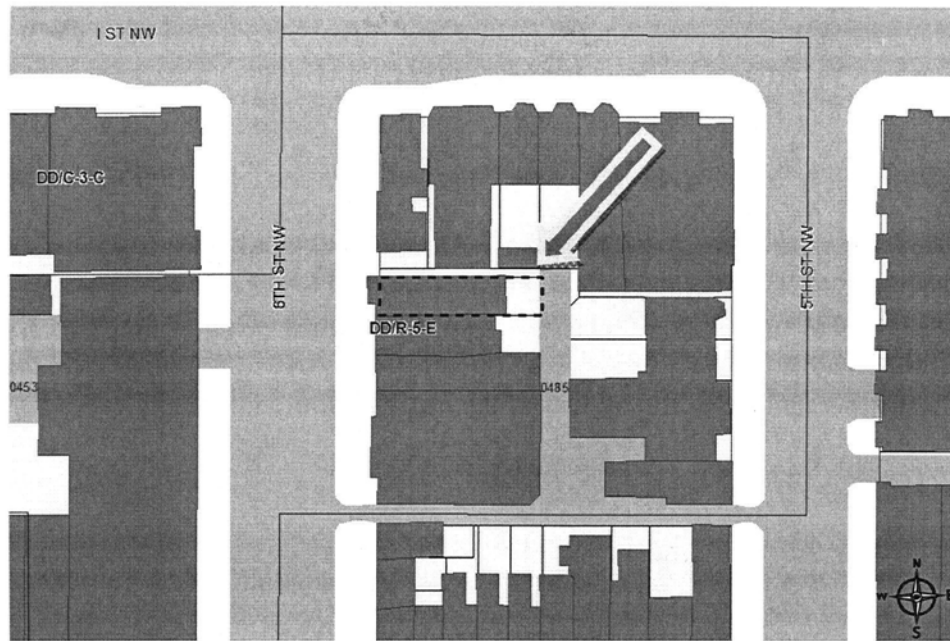
Adjacent Properties	To the north of the Subject Property are three properties across a five foot public alley, including the Fulton House of Hope, a four story mixed-use office and residential building, and a three story row dwelling. To the south of the Subject Property are a two-story commercial building, a three story commercial building, and a six-story multifamily building. To the rear of the Subject Property, across a fifteen-foot public alley, is the rear wall of the Chinese Community Church. The five-story Gospel Rescue Ministries Center is set back 40 feet from the public alley. Directly across 6 th Street from the Subject Property is a ten-story multifamily building.
Surrounding Neighborhood Character	The neighborhood is characterized by a mixture of institutional, commercial, and residential uses.

III. APPLICATION IN BRIEF

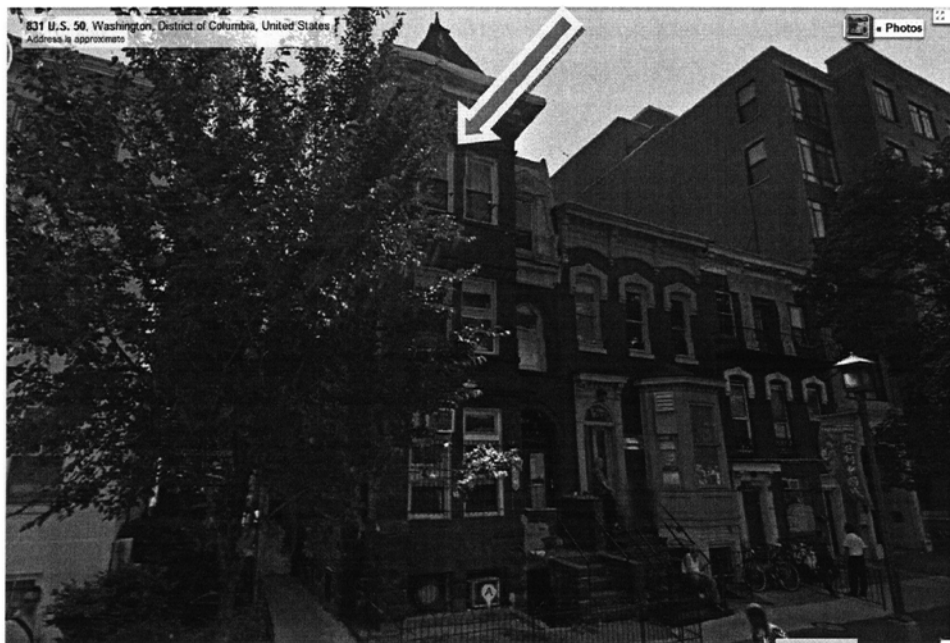
The Applicant proposes to remove the existing vacant building's rear addition, rehabilitate the existing façade and interior, and construct a five-story addition on top and to the rear of the existing building. The renovated structure and addition would total four residential units, ranging in size from approximately 1,300 to 1,600 square feet. The project would also include three parking spaces on the basement level, which would be accessed from the rear alley. The Applicant's proposal initially included a seven-story building with a height of 80 feet and an FAR of 6.0. The updated project design, dated March 28, 2013, proposes a five-story building with a height of 55' 8" feet and FAR of 3.99 in response to initial comments from the Historic Preservation Office staff. The proposed addition's footprint would be the width of the property (20 feet) and extend to the rear property. The addition would be set back approximately 38 feet from the building's front façade, the depth of the main block of the house. The revised concept for the building's height and mass was approved by the Historic Preservation Review Board (HPRB), (pending further consultation with HP Staff), on April 25, 2013. The Applicant requests a variance from the lot occupancy and rear yard requirements.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

DD/R-5-E Zone	Regulation	Existing	Proposed	Relief
Height § 400	90 ft. max.	55' 3" ft.	55' 9" ft.	None required
Lot Width § 401	None	20.13 ft.	20.13 ft.	None required
Lot Area § 401	None	1,728 sf.	1,728 sf.	None required
Floor Area Ratio § 402	None prescribed	2.4	4.65	None required
Lot Occupancy § 403	75% max.	77%	100%	Relief required
Rear Yard § 404	13.62 ft. min.	19.17 ft.	0 ft.	Relief required
Side Yard § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required



Subject Property



Subject Property

V. OFFICE OF PLANNING ANALYSIS

- a. Variance Relief from § 403 Lot Occupancy and § 404 Rear Yard**
 - i. Exceptional Situation Resulting in a Practical Difficulty**

The Subject Property includes an exceptional situation resulting in a practical difficulty. The existing lot and structure, as well as HPRP requirements, constrain

the addition in meeting lot occupancy and rear yard requirements. Adhering to the zoning requirements would result in an inefficient and impractical structure. Specifically, the property is burdened by:

Narrowness and size of lot

The Applicant cannot make reasonable use of the subject property because of the lot's relatively narrow width (20 feet) and size (1,728 square feet). While the lot is rectangular and does not possess any topographical or other unusual characteristics, the Property already includes a three-story pre-1958 building which occupies a higher percentage of the lot than is currently permitted in the DD/R-5-E District.

Existing structure

The Property's inefficient layout and dilapidated state comprise an exceptional situation and impose a practical difficulty which is unnecessarily burdensome to the Applicant. According to the Applicant, the existing structure needs to be reconfigured to achieve an efficient layout, unit size, and design, as well as to bring the structure into compliance with the building code. The Applicant contends that proper renovation would require significant investment in modifying and modernizing the existing layout, and would provide challenges for converting the Property to residential use with larger size condominium units.

HP Office staff recommendation

HPRB height restrictions and required setback from the historic front façade, intended to lessen the visual impact on any addition on the historic building, would restrict the allowable area and available floor plates for an addition. Complying with rear yard and lot occupancy requirements, in combination with front setback (not normally required by the zone) and height limit (below what would otherwise be permitted by the zone), would result in a smaller addition to the extent that a costly restoration and conversion project would be unnecessarily burdensome.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would not result in a substantial detriment to the public good. The relief facilitates the renovation and reuse of an existing building for residential use in a mixed-use neighborhood and would enhance the Chinatown area by renovating a vacant structure. The Project would include large residential units but would not create an unreasonable intensity of residential use. A five-story addition located to the rear of the existing structure would not be out of character with the surrounding properties. The Proposal would creatively allow for the rehabilitation of a building in a manner that would be contextually consistent with the neighboring land uses and building patterns.

The Proposal is well within the height and density permitted in the DD/R-5-E zone. The combination of the proposed addition's substantial set back (37 feet) from the front façade and its comparable height and alignment with the rear of the historic

mid-rise apartment building at 510 Eye Street, would result in a relationship that is within the established range of heights in the neighborhood. The setback, form, materials and height of the addition would result in the addition being perceived as a compatible, secondary element behind this row of historic buildings.

The requested relief should not have a detrimental impact to the light and air of neighboring properties. The property at 500 Eye Street is located to the east across a 15 foot public alley and its light and air should not be adversely impacted by the proposed addition. Similarly, the building at 810 5th Street is set back 40 feet to the east from the proposed project and should not be adversely impacted. 817 6th Street and 815 6th Street should also not be adversely impacted given their locations to the south of the Subject Property. Three of the four properties to the north, 512, 508, and 506 Eye Street, are set back from the proposed addition and should also not be adversely impacted. The fourth property to the north, 510 Eye Street, extends the full length of its lot to the alley and could have some of its light impacted by the proposed addition. However, given 510 Eye Street's setback across the alley, the impact on its light should be minimal.

iii. No Substantial Harm to the Zoning Regulations

The requested variances would not cause substantial harm to the Zoning Regulations. Renovation of the existing structure would not result in density out of character with the Square. OP supports the project objectives and the renovation of vacant structures. The proposed project would bring additional residents to the area and would redevelop an underutilized property.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the adjacent neighbors or ANC.

VII. CONCLUSION:

The Application has adequately established a practical difficulty associated with an existing property condition or characteristic, the first standard for variance approval. There is a nexus between the uniqueness of the property and a practical difficulty for the Applicant. The requested variances can be justified "without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map" (§ 3103.2).

OP is supportive of the rehabilitation of underused properties and the creation of housing in the District. District policy also supports reinvestment in urban properties, although with the caution that infill development should reflect the prevailing character of the neighborhood and development limitations of the zone designation. The proposed project would rehabilitate and expand an underused property for residential use. Based on an analysis of the three-part variance test, OP supports approval of this application.