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District of Columbia
Office of Planning



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 16, 2013

SUBJECT: BZA No. 18594 - Request for an area variance to accommodate a third-story addition to an existing apartment building (Square 513, Lot 920)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the application for a relatively restrained building addition requesting the following relief:

- § 2001.3, expansion to a non-conforming structure¹

II. AREA AND SITE DESCRIPTION

Address:	471 M Street NW
Legal Description:	Square 513, Lot 920 (hereinafter, the "Property")
Ward/ANC:	6/6E
Lot Characteristics:	The Property is rectangular in shape and measures 2,000 square feet.
Zoning:	R-4: row dwellings and flats
Existing Development:	The Property is improved with a two-story, four apartment pre-1958 apartment building.
Historic District:	Mount Vernon Square Historic District
Adjacent Properties:	The Property borders a three-story row dwelling to the west and surface parking accessory to a nearby church to the east and north. Across M Street to the south are row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by a variety of housing types and institutional uses. The Walter E. Washington Convention Center is approximately 2 blocks west of the Property.

III. PROJECT DESCRIPTION IN BRIEF

Applicants:	John Lippman
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BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO.

EXHIBIT NO.

¹ The Applicant also provided OP with communications with the Zoning Administrator that appears to indicate that relief from 2002.5 (expansion of a non-conforming use), is not needed.

Board of Zoning Adjustment

District of Columbia

CASE NO. 18594

EXHIBIT NO. 28



Proposal:	The proposal would expand an existing two-story, four unit apartment building onto a third floor. No additional units are proposed; rather, one of the units (presently occupied by the building owner) would gain additional living space. The expansion would include two bedrooms, a bathroom, a closet, and roof deck on the third floor, and allow for the reallocation of the existing unit's second floor space. According to the Applicant, the addition would add 670 square feet for a total unit size of 1,107 square feet (compared to the original unit size of 437 square feet). The existing building occupies 58% of the lot where only 40% is permitted in the R-4 zone. The Applicant indicates that the footprint of the third-story would itself have an approximately 36% lot occupancy; consequently, no relief from § 403 would be needed. The building would rise about 9' higher, to approximately 32'11", as a result of the proposal. A front setback on the third floor is reflected in revised plans submitted along with the pre-hearing statement. The Applicant indicates that a rear detached structure on the site, shown in the first image below, has been removed. The Applicant also stated that the third floor addition would cover over an existing closed court. There is currently no on-site parking and no parking is proposed.
Relief Sought:	§ 2001.3, addition to a non-conforming structure (area variance)

IV. IMAGES AND MAPS



Aerial view of the subject site (highlighted in blue and identified with arrow)



View of the subject block looking north across M Street NW (Property identified) (Bing Maps 2013)



V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes relevant zoning requirements for the project and the relief requested.

<i>R-4 Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot occupancy (building area/lot area) § 403	40%	58%	58%	Non-conforming: no change proposed
Height (ft.) § 400	40' max.	24'2"	32'10.5"	Conforms

VI. RELIEF REQUESTED & OP ANALYSIS

Apartment buildings are generally non-conforming to the R-4 zone. They are also considered as “all other structures” for lot occupancy purposes, meaning they are limited to 40% lot occupancy. The application indicates that the subject building was purpose built for apartments prior to 1958 and constructed to a lot occupancy of 58%, thereby making it non-conforming to both use and lot occupancy. As such, any physical expansion of the existing apartment building would require relief from § 2001.3.

- **Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The Applicant indicates that the Property likely is the only two-story apartment building on the north side of the 400 block of M Street and estimates that the subject units (at 437 square feet) are substantially smaller

than other living spaces on the block.² The Applicant also contends that the building is limited to less lot occupancy than most other buildings on the block; however, the zoning regulations themselves do not constitute a uniqueness or practical difficulty. The Historic Preservation Office also has described the 1937 building which contributes to the Mount Vernon Square Historic District as “Spartan and economical with little ornament” and representative of a “time period when affordable house for working class people was a national emergency.”³

The Property’s exceptional condition imposes a practical difficulty to the owner. The Applicant proposes a minor expansion of a single atypically small unit for the area in order to increase the functionality and utility of the unit’s living space. The third-story addition would add only 670 square feet to the unit for a total unit size of 1,107 square feet. The expansion would allow the Applicant to modernize and improve the unit’s livable space between two floors. The limited third floor addition would otherwise conform to zoning, including lot occupancy and height limitations.

- **Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Relief could be granted without substantial detriment to the public good. The addition would be restrained in scale and height, measure less than the maximum 40% lot occupancy, and would be setback from the building front. The number of units would remain static. The design of the addition has been reviewed and approved by the HPRB.

Relief could be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map.

VII. ANC/COMMUNITY COMMENTS

The Applicant has indicated that ANC 6E and neighbors are supportive of the application; however, to date, OP has not received any documentation to that effect.

VII. OTHER DISTRICT AGENCIES

The Historic Preservation Review Board approved the addition design in concept at an October 27, 2011 hearing and delegated final approval to staff.

² OP does not consider the inclusion in the survey of properties on the south side of M Street, which are zoned R-5-B; to be relevant to the analysis. Additionally, OP notes that following the Applicant’s method of calculation of unit size based on the Office of Tax and Revenue data (as the Applicant has supplied on page 5 of the pre-hearing statement), the subject building would have units averaging 523.5 square feet rather than 437 square feet.

³ HPO Staff Report and Recommendation, Oct. 27, 2011.