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2013 OCT -1 PM 3:47



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 1, 2013

SUBJECT: BZA Case 18629, 2028 4th Street NE, request for a use variance to permit an indoor cycling fitness studio in a residential zone

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested use variance relief from § 330.5 to permit the commercial use of residentially-zoned property at 2028 4th Street NE. More specifically, the requested commercial use would allow for an indoor cycling studio on the first floor and office use on the second floor. Approval should be subject to the following conditions (numbers provided by the Applicant):

1. Operating hours shall be limited to 6am – 8pm.
2. The number of patrons in the first floor bicycle studio shall be limited to 30 customers (riders) per class, and the number of instructors shall be limited to two.
3. The number of employees in the second floor office shall be limited to two.

II. LOCATION AND SITE DESCRIPTION

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18629
EXHIBIT NO. 24

Address	2028 4 th Street NE
Legal Description	Square 3563, Lot 94
Ward	5
Lot Characteristics	The Subject Property is rectangular in shape and is located at the intersection of 4th and V Streets NE. A 10 ft. wide public alley is located at the rear. The Subject Property's dimensions are 54 ft. x 22 ft. The property does not include on-site parking.
Zoning	R-4 – detached and semi detached single family dwellings.
Existing Development	Vacant two-story structure built in 1917 formerly used as a daycare facility and corner store. The second floor includes a separate entrance at the rear.
Historic District	NA
Adjacent Properties	Adjacent properties include a rowhouse and a low-density multifamily dwelling across the alley. Greater Victory Baptist Church is located across V Street.

Board of Zoning Adjustment

District of Columbia

CASE NO.18629

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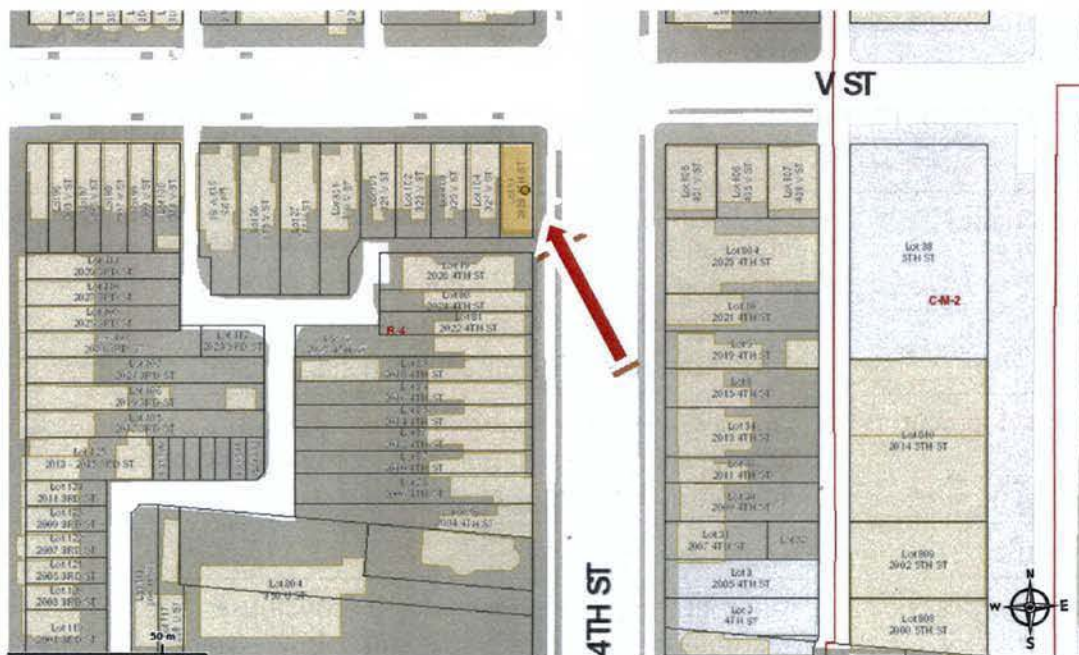
Surrounding Neighborhood Character	The neighborhood is characterized by two story rowhouses, low-density multifamily buildings, and institutional uses.
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III. APPLICATION IN BRIEF

Leonard Long and Leticia Barnes-Long (the “Applicant”), request variance relief from the use provisions of § 330.5 for a commercial indoor cycling studio and office use in an R-4 residential district. The “usage change” variance would allow an indoor cycling fitness studio on the first floor and office use on the second floor of a two story vacant structure. Prior uses of the property include a child development center and institutional (church) uses. The Applicant indicated that the second floor is currently configured for offices, and the Certificate of Occupancy for the child development center states that offices were included in the structure. In addition, Sanborn maps dating to 1959 indicate that the property was previously used as a corner store.

The Applicant states that the proposed studio would initially include 25 bikes, between 5-25 riders per class, and one instructor. The studio would hold 4-5 classes per day. The offices would include 1-2 employees. According to the Applicant, most of the patrons would use bicycles to travel to the Studio (a bikeshare station is located nearby on Rhode Island Avenue). The Applicant estimates that approximately 4-8 patrons per class would drive to the studio.

The Applicant is not proposing to construct any building additions. According to the drawings provided by the Applicant, the proposed floor plan would be essentially the same as the existing floor plan. The Applicant’s request for a Certificate of Occupancy was previously rejected by DCRA pending BZA approval.



Subject Property



Subject Property

IV. OFFICE OF PLANNING ANALYSIS

Use Variance Relief from § 330.5 R-4 Districts

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions which result in an exceptional and undue impact upon the owner of the property?**

The Property's uniqueness stems from the building's historic use as a commercial structure, as well as its current configuration. As a result of these extraordinary conditions, the building would not be easily converted to residential use.

There is a longstanding pattern of retail use occupying ground floor space in the subject building. Review of Sanborn maps indicates that the building has a history of non-residential uses, (at least on the ground floor), dating back several decades. The building's entrance, located on an angle and facing the intersection of 4th and V Streets, also suggests that the structure had a prior use as a corner store. In addition, prior uses on record included institutional (church) use, as well as a child development center. The Certificate of Occupancy for the child development center, issued in 2012, indicates that the building included an accessory office. Had the previous retail use remained in place, conversion of at least the ground floor would not have required a use variance.

The open interior configuration of the Subject Property makes the property unique and difficult to use as a residence and is ideally suited for the proposed use. The Applicant supplemented the application with existing floor plans and interior photographs which depict undivided interior spaces. The building contains no apparent kitchen facilities, expansive undivided interior spaces, and modest outdoor space, so conversion to residential could be costly and difficult. The Applicant will provide the Board with cost estimates which should indicate that the cost of converting the property to residential use would be unduly burdensome.

- 2. 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?**

The relief could be granted from § 330.5 without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Map. The proposed use would result in the reuse and rehabilitation of a vacant structure for a neighborhood service facility. The majority of the activities would take place inside the studio, and the noise and impact on neighbors should be minimal. In addition, the cycling studio has the potential to be a neighborhood amenity.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted a report on August 2, 2013 indicating that the proposal would not have an adverse impact on the travel conditions of the District's transportation network, but would have the potential

to generate minor impacts to on-street parking conditions in the area. DDOT had no objection to the approval of the requested use variance.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 5E-3 or the neighbors.