

RECEIVED
D.C. OFFICE OF PLANNING
2013 OCT 15 PM 3:46

District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 15, 2013
SUBJECT: BZA Case 18635, 4414 Southern Avenue, S.E. / 4415 Bowen Road, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following area variance for 4414 Southern Avenue, S.E:

- § 771, Floor Area Ratio (FAR) (maximum 1.0 permitted, 1.6 proposed).

The Office of Planning (OP) recommends **denial** of the following area variance for 4415 Bowen Road, S.E:

- § 771, Floor Area Ratio (FAR) (maximum 1.0 permitted, 1.6 proposed).

II. LOCATION AND SITE DESCRIPTION

Addresses	4414 Southern Avenue, S.E. / 4415 Bowen Road, S.E.
Legal Description	Square 5365, Lots 176 and 177
Ward	7
Lot Characteristics	Two back-to-back lots fronting on two streets with no alley access. A private drive runs along the north side of the property, between the subject buildings and the building on the adjacent property to the north.
Zoning	C-1: Neighborhood Shopping Commercial District
Existing Development	Two one-story commercial buildings, permitted in this zone.
Adjacent Properties	North and South: one-story retail and service commercial uses East: Across Southern Avenue in Prince George's County, one and two-story commercial buildings and one-family detached residences West: Across Bowen Road, one-family detached dwellings
Surrounding Neighborhood Character	Low density residential and commercial uses

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18635
EXHIBIT NO. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 18635
EXHIBIT NO. 28



III. APPLICATION IN BRIEF

The applicant proposes to renovate the two existing abandoned commercial structures on the subject property, and expand the buildings through the construction of a second floor onto each of the two buildings. The applicant also proposes to construct a fire separation wall on the lot line separating the two properties, in a location different from the existing division line between the two buildings. Variance relief is requested for the construction of most of the second floor, as the maximum FAR permitted within the C-1 is 1.0, and an FAR of 1.6 is proposed. No other relief was requested.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Lot 176, 4414 Southern Avenue, S.E.

C-1 Zone	Regulation	Existing	Proposed	Relief
Height § 770	40-foot max.	18 feet*	35 feet*	None required
Lot Width	None prescribed	30 feet	30 feet	None required
Lot Area	None prescribed	1,910 SF	1,910 SF	None required
Floor Area Ratio § 771	1.0 max.	0.80	1.6	Required
Lot Occupancy § 772	100 % max.	80 %	90 %	None required
Rear Yard § 774	20-foot min.	None	None	None required
Side Yard § 775	None, if none provided	None	None	None required

Lot 177, 4425 Bowen Road, S.E.

C-1 Zone	Regulation	Existing	Proposed	Relief
Height § 770	40-foot max.	18 feet*	35 feet*	None required
Lot Width	None prescribed	30 feet	30 feet	None required
Lot Area	None prescribed	2,555 SF	2,555 SF	None required
Floor Area Ratio § 771	1.0 max.	0.80	1.6	Required
Lot Occupancy § 772	100 % max.	80 %	90 %	None required
Rear Yard § 774	20-foot min.	None	None	None required
Side Yard § 775	None, if none provided	None	None	None required

*Includes parapet wall

V. OFFICE OF PLANNING ANALYSIS

The subject property is improved with two vacant, pre-1958 one-story commercial structures and no off-street parking. The buildings conform to the maximum lot occupancy and floor area regulations of the C-1 zone, and were designed and built to accommodate retail uses. The subject property is similar to others within the square, developed with one-story commercial buildings.

The applicant proposes to expand and renovate them to include a second-story, and add a sit-down restaurant, an internet café and a yoga fitness center, all permitted uses. Two-stories are permitted within the C-1, as the maximum building height is forty feet. The applicant also proposes to construct a covered outdoor seating area on a portion of the roof of the existing Bowen Road structure. Variance relief has been requested from the provisions of Section 771 to increase the FAR from 1.0, the maximum permitted within the C-1, to 1.6 for each lot to accommodate the addition of a second floor to each of the two buildings. No other relief was requested.

The subject property is similar to others within the square, including the lots adjacent to the subject property to the east and west. All are one-story structures designed for commercial use, similar to the subject property. As there such, the subject property exhibits no uniqueness, there is no exceptional situation that results in a practical difficulty, and therefore does not meet the general standards for the granting of a variance.

OP is not opposed to any of the proposed uses, or to provision of a two-story building within the C-1, as the zone district accommodates this type of development. However, it does not permit an FAR of 1.6. The maximum FAR permitted is 1.0, as the C-1 is a low-bulk commercial district intended to provide for convenient day to day retail needs of the surrounding residential community. Increasing the FAR from 1.0 to 1.6 would increase the intensity of use of this small commercial district.

The subject properties are developed with one-story commercial buildings, each with an FAR of 0.80, consistent with the provisions of C-1, a commercial district designed to provide for low-bulk development. Although currently vacant, the applicant proposes to renovate them and use the first floors in a manner consistent with and as intended by the provisions of the C-1, indicating that there is no exceptional situation resulting in a practical difficulty. It is only the increase in FAR through the addition of a second floor that to allow for an additional uses that the need for an area variance arises, and not because of any uniqueness to the property. As the subject property exhibits no uniqueness or exceptional situation that would result in a practical difficulty to the owner, it does not meet the general standards for the granting of a variance.

VI. COMMUNITY COMMENTS

No comments were received from ANC 7E.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

Attachment: Location Map

