



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 11, 2014
SUBJECT: BZA Case No. 18856 1514 8th Street, N.W. (Square 397, Lots 830, 831)

I. OFFICE OF PLANNING (OP) RECOMMENDATION

Lock 7 Development seeks relief to convert an R-4 zoned former apartment building at 1514 8th Street, N.W, recently used as a halfway house, into a 9 unit apartment building. The property is on the west side of 8th Street, N.W. between P and Q Streets, in the block immediately north of the O Street Market development in the Shaw/Logan Circle area of northwest Washington.



Fig. 1. 1514 8th Street, N.W.

Source: Google Streetview

The Office of Planning (OP) recommends the Board **approve** the following requested variance relief related to § 2001.3, non-conforming structure:

- Lot Occupancy, § 772.1: (Max. Permitted - 60%; Existing/Proposed - 70%)
- Rear Yard, § 404.1: (Min. Required - 20 ft.; Existing/proposed - 14 ft. 10.5 in.).

OP **cannot recommend approval** of the following variance requests at this time:

- Minimum Lot Area, §401.11: (Min. Required in R-4-zone: – if > 2 units, at least 900 sf of lot area per unit; Proposed: 327 sf of lot area per unit)
- Parking, §§2101.1, 2115: (Required: Minimum of 25 spaces in groupings of at least 5 required and no more than 40% of required total; 3 compact spaces proposed)

OP recommends **denial** of the following area variance request at this time:

- Open Court Width, § 406.1: (Min. Required - 10 ft.; Existing/Proposed - 3.125 ft.)

OP would also recommend denial, at this time, of the following relief that the Zoning Administrator determined on November 5, 2015 to be needed, but that has not yet been requested or advertised:

- Height (stories), § 400.1: (Max. Permitted – 3; Proposed – 4)



II. BACKGROUND

Applicant: Lock 7 Development	Address: 1514 8 th St., NW	Legal Desc.: Square 397, Lots 830, 831
Ward and ANC: 6E	Zoning: R-4 -- Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), and conversion of existing buildings to apartments provided there are 900 square feet of lot area for each dwelling unit.	
Comp Plan: Med. Density Res.		
Historic District: Shaw		
Proposal: Convert 40-person halfway house for ex-convicts into 9 dwelling units – 2 of which would have 3 bedrooms, in R-4 zone. Building is a 1956 former apartment building on a 2948 SF lot. After conversion, 1 unit / 327 SF of lot area.		
Lot Features	The lot is level, rectangular and has alley access. The property was originally developed as an apartment building and recently used as a 40 person halfway house.	
Adjacent Properties	Row Dwellings	
Neighborhood Character	The block is moderate density row houses and flats with some walk-up apartment buildings. Newer development to the south has consisted of medium density housing and commercial uses.	

III. ZONING REQUIREMENTS, REQUESTED RELIEF

Item	Reg.	Existing	Required / Permitted	Proposed	Relief
Lot Area	401.3	2947 sf total	1800 sf for R-4 lot; 900 sf / dwelling unit	existing	Requested. 5,153 sf deficiency (58%) (8100 sf required for 9 units)
# du per SF of lot	401.11	n/a	3	9	Requested. 573 sf deficiency for each proposed du
Lot Width	none	31.24 ft. total 15.62 ft. / lot	18 ft. total	existing	Conforms when consolidated
Lot Occ.	403.2 2001.3	70%	60%	70%	Requested. existing 10% nonconformity
Height	400.1	33 ft. 3 stories	40 ft. max; 3 stories	40 ft.; 4 stories	<u>Not Requested</u>, but needed for a 4th story ZA determined is not a mezzanine
Parking	2101.1 2115	0	1 per 3 du's, i.e., 3	3 & 4 compact	Requested. To provide 3 compact spaces not meeting grouping requirements.
Rear Yard	404.1 2001.3	14 ft. 10.5 in.	20 ft.	14 ft. 10.5 in.	Requested: Existing 9.5 ' nonconformity
Side Yard	405.9	Not clear	8', if provided	none	conforms
Open Ct. Width	406.1 2001.3	3.125 ft.	10 ft. or 4 in. / ft. of height	3.125 ft.	Requested. existing 7 ft. non conformity.

IV. OP ANALYSIS

A. § 2001.3 – Related Variance Relief for Existing Non-Conformities

Exceptional Situation Resulting in a Practical Difficulty

The applicant has demonstrated the property meets this test for the following relief requests:

- Lot Occupancy (§ 772.1) (Max. Permitted - 60%; Existing/Proposed - 70%)
- Rear Yard (§ 404.1) (Min. Required - 20 ft.; Existing/proposed - 14 ft. 10.5 in.)

The existing non-conformities would not be increased. Removal of the non-conformities would require either demolition of extensive portions of three stories of a sound structure or, in one scenario, the elimination of one non-conformity and the concomitant increase in a different non-conformity.

However, the Zoning Administrative has determined that the applicant proposes to introduce new non-conformities for lot size and structure (extension of non-conforming court width; number of stories) into the already-nonconforming structure. These are discussed on page 5.

No Substantial Detriment to the Public Good

No Substantial Harm to the Zoning Regulations

There is no evidence that the existing grandfathered non-conformities have caused substantial detriment to the public good or substantial harm to the zoning regulations, nor is there any reason to believe that the continuation of these 58-year old non-conformities would lead to a negative impact.

B. § 401.11 – Minimum Lot Area Per Dwelling Unit

Exceptional Situation Resulting in a Practical Difficulty

The applicant posits three conditions as being exceptional and leading to a practical difficulty:

- The configuration of the existing common stairwell;
- The property's recent use as a halfway house with 40 residents in this location;
- The property's construction as, and previous use as, an apartment building.

The applicant has stated that the retention of the existing stairway substantially divides the building into a front section and a back section. The submitted plans seem to support this, but at the time OP submitted this report the applicant had not yet demonstrated why the stairwell's configuration would constitute a practical difficulty if relief were not granted to permit a 58% percent reduction in the land area needed for each of the 9 units in an R-4 zone.

The applicant has also stated that the building's most recent use as a 40-person halfway house makes the re-conversion of the property to residential use extremely difficult because of the extent of new plumbing, kitchens and bathrooms that would be involved. Again, at the time OP submitted this report the applicant had not demonstrated that the existing plumbing and kitchen/bathroom conditions constitute a practical difficulty requiring the degree of relief requested. There has been no explanation of what practical difficulty would result from installing only the number of bathrooms and kitchen and

other residential features required for a conforming 3-unit building, or even an apartment building with a unit count requiring less than 58% relief from the lot area requirements.

No Substantial Detriment to the Public Good

The applicant has demonstrated that, given the property's previous use as a 40-person halfway house, a 9 unit apartment building would likely have less impact than the property's most recent use, and granting the requested relief from § 401.11 would be of no substantial detriment to the public good.

No Substantial Harm to the Zoning Regulations

The applicant does not address this. The zoning regulations clearly state that the R-4 zone is not intended to be an apartment zone, and if apartments are to be developed they are to be permitted only in existing buildings in limited numbers directly related to lot size. Given the R-4 zone's purpose, and absent a demonstration of unique or exceptional conditions leading to a practical difficulty, the zoning regulations would likely experience substantial harm from the granting of relief to permit a 58% reduction in the land required for each dwelling unit in the R-4 zone.

C. §§2101.1, 2115– Compact Parking Spaces

Exceptional Situation Resulting in a Practical Difficulty

At a 1:3 ratio of units to parking spaces the proposed 9 units would require three parking spaces. Combined, the applicant's two lots are 31 feet wide adjacent to the alley and the rear yard is approximately 14 feet, ten and one-half inches deep. A legal parking space must be 9 feet wide and 19 feet long.

The applicant has stated that only one legal 9 ft. by 19 ft. parking space could be accommodated in the property's 31 ft. wide by 10.5 ft deep existing rear yard. The applicant therefore has requested relief to provide three 8ft wide by 16 foot long compact spaces in the rear yard. Relief from the regulations governing compact car spaces is sought because §2115 permits compact spaces only if the parking area accommodates at least 25 spaces and the grouping of compact spaces is no less than five.

The applicant has not demonstrated an exploration of whether there would be a practical difficulty in providing three legal 9-foot wide parking spaces by reducing the depth of the ground floor by just over five feet in the rear to accommodate the full-size spaces 19 foot depth.

Further, although the applicant's architectural Sheet A3.1 shows three 8 foot by 16 foot spaces being accommodated in the property's rear yard, the applicant does not reconcile how a non-conforming 14 foot, 10.5 inch deep rear yard can accommodate three 16-foot deep parking spaces. OP will be prepared to modify its recommendation if the applicant clarifies this satisfactorily at the public hearing.

No Substantial Detriment to the Public Good

Although not yet addressed by the applicant, there is little likelihood of substantial harm to the public good from the granting of the requested relief, as long as the proposed three 16-foot deep compact parking spaces can actually be accommodated in the rear of the property.

No Substantial Harm to the Zoning Regulations

Provided the rear yard and parking space dimensions are clarified, there would not likely be substantial harm to the zoning regulations in granting relief from the minimum number and the grouping requirements for compact spaces.

D. Open Court Width, § 406.1 and Height, § 400.1

Background: The applicant has proposed adding height to the building, which would increase the existing court width non-conformity. The Zoning Administrator has advised OP that what the applicant labels third floor mezzanines, would actually comprise a fourth floor, because, while occupying less than 1/3 of the area of the third floor, they do not share a common roof with the third story. Therefore, the proposal would require relief from § 400.1 as well as from § 406.1.

Discussion: If the court width relief were related only to a height increase OP would be prepared to recommend the Board approve relief from § 406.1, provided the applicant demonstrated compliance with the provisions of § 3103. However, because the request is directly related to the addition of a fourth story in the R-4 zone, which permits only three stories by-right, and the applicant has not presented any information on this:

- OP recommends denial at this time of the requested relief from § 406.1 to extend an existing non-conformity of open court width.
- OP cannot make a recommendation on the as-yet not requested relief from § 400.1, but would typically not support such relief.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) filed a determination of no adverse impact from the proposed relief. No other departmental reviews had been filed at the time OP completed its report.

VI. COMMUNITY COMMENTS

ANC 6E filed a letter of support for the application, noting that the ANC voted on September 2, 2014 to support relief from §§ 401 (lot area), 2001.3 (nonconforming structures, 406.3 (open court) and, 2115 and 2101.1 (compact spaces).

The Central Shaw Neighborhood Association submitted a letter noting its September 15, 2014 vote in support of the application “to convert the existing halfway house to 9 residential units and provide 3 compact spaces”.