

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: January 27, 2015

SUBJECT: BZA Application #18913 – 517 Q Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends approval of the applicant's request to construct a new flat on the nonconforming lot at 517 Q Street NW, including **variance relief** from the following:

- § 402 - Lot occupancy (60% maximum, 71.8% proposed);
- § 405.6 - Side Yard (9 feet 8 inches required, 3 feet proposed);
- § 406.1 - Court (Width – 4" per ft. of height, not less than 10 feet, 3 feet proposed);
- § 2101 - Parking (1 parking space required, none proposed); and

special exception relief from § 400.7 for the stairway penthouse, not meeting the one-to-one setback from the roof's edge.

The applicant's original submission included development of the vacant lot with a three-unit apartment building, which OP could not support. The applicant subsequently amended the plans to include development of a flat with a reduced building footprint, as discussed herein. In addition, OP's review determined that variance relief from the court requirement would be necessary and included its review in this report.

II. AREA AND SITE DESCRIPTION

Address	517 Q St NW
Legal Description	Square 0477, Lot 0827 (hereinafter, the "Property")
Ward/ANC	6/6E
Lot Characteristics	The lot is nearly rectangular in shape and measures 1,470 square feet in land area. It has 17.61 feet in width of frontage along Q Street and does not have rear alley access. It is a nonconforming lot within the R-4 District.
Zoning:	R-4: row dwellings (single-family and flats). Apartments of three or more units require variance relief.
Existing Development	The Property is currently undeveloped. It was developed in the past with a row house, which was demolished.
Adjacent Properties	The property is adjacent to a semi-detached building to the west and a three-unit apartment building to the east.



Surrounding Neighborhood Character	The surrounding neighborhood has a mix of residential building types with some scattered commercial and institutional uses. The Property is approximately 5 blocks east of the Shaw-Howard Metro Station.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant	Simone Goring and Richard Devaney (the “Applicant”).
Proposal	The Applicant proposes to construct a new three story flat with basement level. The building’s height would measure 38.75 feet. OP notes that the front stairs appear to project into public space and may require public space approval.
Relief Sought	§ 403.2, area variance relief to exceed the maximum lot occupancy. § 405.6, area variance relief for a non-conforming side yard. § 406.3, area variance relief for non-conforming court. § 2101, area variance relief from the minimum parking requirement.

IV. ZONING REQUIREMENTS

In R-4 zones, flats are permitted subject to applicable zoning constraints. Row dwellings and *flats* are required to have a minimum of 18' width and 1,800 square feet of land area. Since a flat is proposed, the minimum standards apply. The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

<i>R-4 Zoning</i>	<i>Requirement</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Building Height § 400	40 ft. max. 3 stories	Undeveloped	38.75 feet 3 stories	Conforms
Lot area (sq. ft.) § 401.3	1,800 sf min.	1,470 sf	1,470 sf	Existing nonconformity
Lot width (ft.) § 401.3	18' min.	17.6 feet	17.6 feet	Existing nonconformity
Lot occupancy § 403	60% max.	Undeveloped	71.8 %	Relief needed; (<i>Side yard and court included in calculation</i>)
Rear yard (ft.) § 404	20' min.	“	23'	Conforms
Side yard (ft.) § 405	3"/ft. of height (9' 8” min.)	“	3'	Relief needed
Court (ft.) § 406	4"/ft. ht. not less than 10 feet	“	3 ft.	Relief needed
Rooftop setback §400.7 (b)	1’/ft. ht. (1:1)	“	0 ft.	Relief needed
Parking § 2101	1 space/unit	“	0 spaces	Relief needed

V. OFFICE OF PLANNING ANALYSIS

i. Exceptional Situation Resulting in a Practical Difficulty

Lot Occupancy, Side Yard, Court, Parking

The subject property is an undeveloped, nonconforming lot on the 500 block of Q Street NW. As a result of the lot's nonconforming area and its lack of alley access, redevelopment of the lot with a contemporary flat within the minimum standards of the Regulations and building code requirements would be improbable.

The exceptional condition presented by the lot's size and lack of an alley create a practical difficulty for the applicant in providing a conforming side yard at almost 10 feet in width, since the resulting narrow residential building would be inefficient and would not satisfy current minimum building code requirements for the stairwell and bedroom size (70 sf, 7 foot wide). The resulting nonconforming court would be intended to access the rear yard for purposes of trash storage and removal, and provide access to another means of ingress and egress for each residential unit, as required by current building code. There is no alley access at the rear to provide access for on-site parking and a curb cut would not likely be granted by the District's Public Space Committee to provide parking at the front of the building.

ii. No Substantial Detriment to the Public Good

The relief could be granted without substantial detriment to the public good. The structure would be consistent in design with the newer developed dwellings to the east and west of the subject lot. A side yard, which is not required in the R-4 zone, would provide separation from the apartment building to the east, which has west facing windows, and its width is consistent with the pattern of separation of the dwellings on the block. Light and air to abutting residents would not be affected, and no adverse impact to on-street parking would be anticipated by redevelopment of this undeveloped lot within walking distance of mass transit and bus routes.

iii. No Substantial Harm to the Zoning Regulations

As amended, granting the minimal relief requested would not impair the intent, purpose and integrity of the Zoning Regulations and Map. At two units, the intensity of development proposed is consistent with the R-4 zone.

b. Special Exception Relief pursuant to § 400.7

- i. *The proposal does not satisfy 400.7 (b) which requires that the stairway penthouse be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located. Section 411.11 provides that where impracticable....the Board of Zoning Adjustment is authorized to approve, as a special exception under § 3104, ... if such structures do not meet the normal setback requirements of §§ 400.7 ..; ...provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The stairway penthouse which would provide access to the proposed roof deck does not satisfy the required setback from the edge of the roof, as shown in the elevation drawings on Sheet A2.0. (The applicant needs to provide dimensions at the hearing.)

It would be impractical to locate the stairway penthouse in order to satisfy the required one-to-one setback from the roof's edge, as inefficiencies would be created within the core residential space. As proposed, it is setback from the east property line by at least 3 feet and effectively 8 feet from the adjacent residential building to the east at 515 Q Street.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would remain in harmony with the intent of the Regulations as the effective separation between the elevations of the residences would be about 8 feet, which would provide adequate light and air between neighboring properties.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The use of neighboring property would not be adversely affected, as the stairway penthouse would provide some screening from the views between the proposed roof deck and the roof deck of the residential building to the east. The building to the east also has a related penthouse in approximately the same horizontal plane as the subject property's penthouse, which would aid privacy during its use.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies were submitted to the record at the time of writing of this report.

VII. COMMUNITY COMMENTS

The Advisory Neighborhood Commission 6E (ANC6E) submitted a recommendation of approval to the record on January 12, 2015 (Exhibit #26). However, that recommendation was based on the applicant's original submission for a 3-unit apartment building. OP informed the ANC's representative by telephone conversation on January 12, 2015 that the applicant had revised the site plan to reflect development of a flat, which was a permitted matter-of-right structure in the R-4 district. The ANC's representative indicated that the letter to the Board would be amended to reflect the revised plan.

Attachment: Location and zoning map.



LOCATION AND ZONING MAP