

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 17, 2015

SUBJECT: BZA Case #19118 – Variance request pursuant to DCMR 11 § 3103 in order to construct a two-level addition to an existing apartment building located at 7300 Georgia Avenue NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) **does not oppose** the following requested relief pursuant to § 3103 Variances:

- § 772.1, Percentage of Lot Occupancy (60% required at the residential levels, 70% existing, 70 % proposed for the two new levels);
- § 2001.3 Nonconforming Structures Devoted to Conforming Uses for an expansion of nonconforming lot occupancy with the new two-level addition; and
- §2101.1, Required Parking (2 space required, 0 spaces existing, 1 space proposed)

II. LOCATION AND PROPERTY DESCRIPTION

Address:	7300 Georgia Ave NW
Legal Description:	Square 2956, Lot 40
Ward/ANC:	4/4A
Lot Characteristics:	The irregularly-shaped lot is 1,995 sf in area and has a frontage of 46.31 feet on Georgia Avenue NW. The rear of the lot tapers to 17’. There is a 16’-wide public alley located to the south and west of the property.
Zoning:	C-2-A – low-density commercial, residential and mixed use district
Existing Development:	Two (2) and one-half story residential apartment building permitted in this zone.
Historic District:	None
Adjacent Properties:	To the north, a small two-story apartment building and a single-family home across the alley to the south. Across Georgia Ave. are two-story buildings with ground floor retail and potentially residential uses above.



III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Evergreen Properties I LLC by Martin P. Sullivan
Proposal:	The Applicant proposes a two-level addition (one story plus mezzanine) to an existing apartment building
Relief Sought:	§3103 - Variances

IV. ZONING REQUIREMENTS

C-2-A Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 770.1	50 ft. max.	24.5 ft.	46.25 ft.	None required
Floor Area Ratio §771.2	2.5 FAR	1.4 FAR	2.5 FAR	None required
Lot Occupancy § 772.1	60% max. residential; 100% non-residential	70%	70% for two additional levels	Relief Required
Rear Yard (ft.) § 774.1	15 ft. min.	33 ft.	33 ft.	None required
Side Yard (ft.) § 775.5	0 ft. min.	0 ft.	0 ft.	None required
Parking §2101.1	1 space for every 2 units (4 spaces required for 7 units) ²	0	1	Relief Required

V. OP ANALYSIS: Area Variance Relief

The Applicant requests variance relief from required lot occupancy and parking requirements. Relief from § 2001.3 Nonconforming Structures Devoted to Conforming Uses is also required as the two-story addition proposed furthers the existing nonconforming lot occupancy of 70%. Pursuant to DCMR 11§3103, variances from the zoning regulations can be authorized by the Board of Zoning Adjustment, so long as the following exceptions exist and detriment to the public good or zoning regulations do not result. Area variances allow for relief of requirements that affect the size, location, and placement of buildings and other structures such as height, floor area ratio, lot occupancy, yard width and depth, and minimum court size.

- 1. 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?***

¹ Information provided by the Applicant.

² Due to the existence of four (4) units to remain on the Property and 0 parking spaces are provided, parking to accommodate the existing units to remain is not required per DCRA. The Applicant is required to provide parking for the additional/new three (3) units requested with this application.

The shape of the Property is unique for Square 2956; however, this does not appear to cause a practical difficulty for the Applicant to build an addition that complies with the 60% lot occupancy regulation. A floor plate equivalent to 60% lot occupancy (1,197 sf) on the new proposed floor and mezzanine level is not necessarily affected or dictated by the shape of the property. A proposed new floor at 60% lot occupancy would result in a floor that is slightly smaller than the existing two floors of the structure to remain (1,396 sf each), and would be a difference of 199 sf at each level.

However, it would seem that there would be construction efficiencies should the BZA grant the lot occupancy relief so the new floor and mezzanine level can be built at 70% lot occupancy. In this way, the Applicant could build new exterior walls atop the existing walls within the same plane, as opposed to stepping the building at the proposed third floor and mezzanine level to accommodate the 60% lot occupancy requirements. OP has asked the Applicant to provide information in this regard.

The unique shape of the Property does cause a practical difficulty in the Applicant's efforts to provide required parking. Due to the substantial narrowing of the property to a width of 17' for a distance of 45', and the existing location of the building to remain in place, it is impossible to provide more than 1 parking space on the Property.

2. Can the relief be granted without substantial detriment to the public good?

The lot occupancy relief would equate to 199 sf of land area on both proposed levels of the building. Due to the small size differential, it is unlikely to cause a substantial detriment to the public good. This relief is likely sought to allow for certain construction efficiencies, for which the Applicant should provide more information. It does not appear the additional lot occupancy would cause external negative effects regarding light, air or privacy to adjacent neighbors. Additionally, there are letters of support for the request from the owner of the apartment building located directly adjacent to the north.

While it is unlikely relief for parking would cause a detriment to the public good, the Applicant should provide information where future residents would be permitted to park, should they own a car, as a Residential Parking Permit (RPP) will be unavailable to residents due to the C-2-A zoning of the Property.

3. Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The granting of the requested relief will likely not impair the intent, purpose and integrity of the Zoning Regulations and Map even though the requested lot occupancy is greater than what is permitted, provided the applicant can provide the requested information. The requested amount of lot occupancy relief equates to a horizontal space of only 199 sf per level of the proposed addition. The property is separated from adjacent lots to the west and south by a 16' alley and Georgia Avenue to the east and impacts on adjacent properties would seem minimal due to the horizontal distance. With regard to parking relief, the Applicant should address where future residents might park, should they have a car, as RPP will not be available for this Property due to its C-2-A zoning.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided a letter of support from the adjacent owner of the apartment building to the east located at 7302 Georgia Avenue NW and has provided another letter of support as well at the time of the writing of this report.

ANC/Ward: The property is within ANC-4A. The Applicant states they met with the ANC the week of November 2, 2015. The Applicant anticipates a letter of support be entered into the record.

Location Map

