GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

2003 MAR -4 PM 12:50
D.C. BOARD OF ZONING

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** JLS for Andrew Altman
Director

**DATE:** March 4, 2003

**SUBJECT:** BZA Application 16986 - Request filed by Loder & Gravett, LLC for **five area variances** for the construction of a four-unit apartment building for 2131-33 Tenth Street, N.W.

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**APPLICATION**
Application of Loder & Gravett, LLC for:

**Variance relief to:**

1. **§402.4 of Title 11 DCMR** to permit an increase in maximum FAR;
2. **§403.2 of Title 11 DCMR** to permit an increase in maximum lot occupancy;
3. **§404.1 of Title 11 DCMR** to permit a reduction in the rear yard setback;
4. **§406.1 of Title 11 DCMR** to permit a reduction in minimum width of a closed court; and
5. **§406.1 of Title 11 DCMR** to permit a reduction in minimum area of a closed court

for the construction of a four-unit apartment building on the east side of Tenth Street, N.W. and the south side of W Street, 2131-33 Tenth Street, Square 358, Lots 58 and 59. The property is zoned R-5-B, moderate density general residence district.

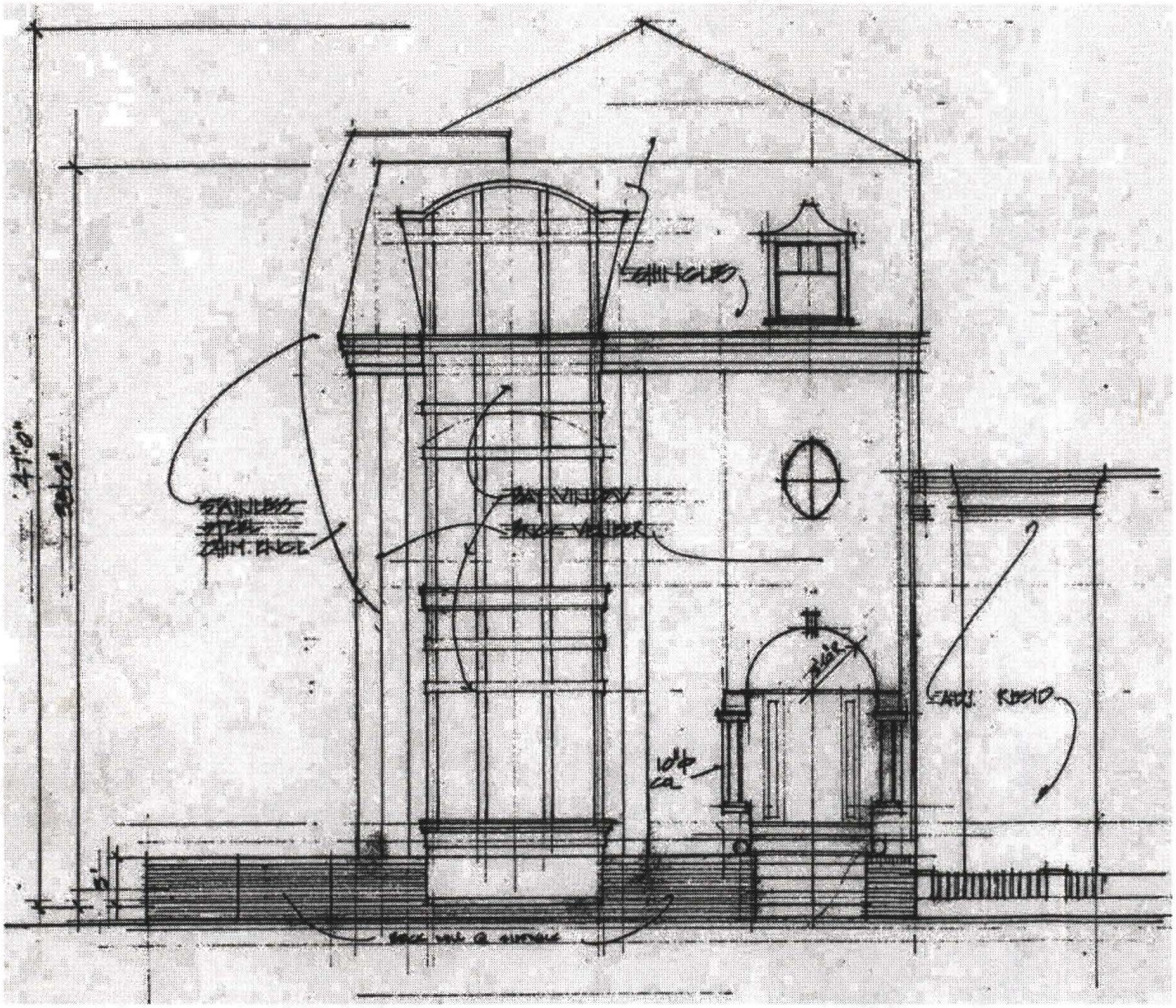
**SUMMARY RECOMMENDATION**
The Office of Planning recommends approval of the requests for variance relief as submitted by the applicant.

**PROJECT DESCRIPTION**
This proposal is to permit the construction of a three-story plus basement, four unit apartment building. A loft will be provided on the top of the building providing deck space for two of the units and three garage parking spaces will be provided within the basement. Vehicular access to the garage will be from W Street. Pedestrian access to three of the units will be from 10th Street,

**BZA**
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**Exhibit No.** 29

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and access to the fourth unit, located within the basement, will be via an east side entrance accessible from W Street. A closed court will be located on the south side of the building.



Proposed Tenth Street Elevation

The following table illustrates the five area variances requested by this application.

| | Minimum Required/ Maximum Allowed | Proposed |
|---|---|---|
| **Lot Occupancy** | 60 percent | 82.73 percent |
| **Floor Area Ratio (FAR)** | 1.8 | 2.3 |
| **Rear Yard Setback** | 15 feet | 5 feet |
| **Closed Court Width** | 15 feet | 6 feet |
| **Closed Court Area** | 350 square feet | 100.02 square feet |

**SITE AND AREA DESCRIPTION**

The subject property consists of Lots 58 and 59 in Square 358, in the North West quadrant of the District. It is rectangular in shape and consists of 1,375 square feet with a lot width of 27.5 feet

and a depth of 50 feet. There is no alley access. A three-foot wide easement runs along the entire length of the eastern side of the property. The application indicates that the subject property had previously been zoned C-M-1 (low bulk commercial-light manufacturing).



**Existing Tenth Street Elevation**

The site is improved with a 616 square foot abandoned one-story service station building constructed in 1933 that was last used for automobile repair and storage. The application contains a certification of tank disposal indicating that four 1,000-gallon steel underground storage tanks were removed from the site on January 12, 1999. A freestanding sign pole is located at the northwestern corner of the site, near the intersection of 10th Street and W Street.

The surrounding area is residential and industrial. Two-story row houses, constructed in 1900, adjoin the subject property to the east and south. Across W Street are two-story row houses constructed in 1890. To the west, across Tenth Street, are two and three-story row houses constructed in 1890 and several recently constructed three-story row houses. To the northwest is a five-story brick industrial building owned by Howard University.

Within the subject square is mixture of automotive and residential uses, including row houses and small apartment buildings, and an abandoned church.

## EXISTING ZONING

The subject property is zoned R-5-B, moderate density general residence. It is improved with an abandoned service station building.

**R-5-B Residential District**

*"The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and are requirements established for these districts under chapter 4 of this title."* (§350.1)

## RELIEF REQUESTED:

**Variance relief to §402.4 – Floor Area Ratio (R)**

The proposal increases the maximum permitted Floor Area Ratio (FAR) from 1.8 to 2.3. This increase is less than half of the difference between the maximum FAR permitted within the R-5-B district and the next most intensive residential zoning district, the R-5-C, which permits a maximum FAR of 3.0. Due to the small size of the property, the amount of floor area permitted is small, impacting the ability of the applicant to design an apartment building on the site. The size of the subject property is 425 square feet less than the minimum lot size required for row dwellings in the R-4 district, the smallest lot size permitted by the Zoning Regulations for residential districts. Therefore, it is the small size of the property that is unique in this case.

**Variance relief to §403.2 – Percentage of Lot Occupancy (R)**

The proposed lot occupancy is 82.73 percent, in excess of the maximum 60 percent permitted by the R-5-B district. Due to the small size of the property, 1,375 square feet, 60 percent lot occupancy would yield a building with an 825 square foot footprint for an apartment building. By increasing the lot occupancy to 82.73 percent, the footprint of the proposed building is only increased by approximately 312 square feet for a four-unit apartment building, and the applicant is able to build on the site as proposed in this application. Therefore, the subject property is unique due to its small size.

**Variance relief to §404.1 – Rear Yards (R)**

This proposal reduces the minimum 15-foot rear yard setback to five feet. Due to the small depth and narrowness of the property, a 15-foot rear yard would result in 30 percent of the site being designated as the rear yard, reducing the maximum building footprint to only 962.5 square feet. There is no opportunity to increase the size of the property as the adjoining properties are developed. Therefore, the subject property is unique in that it is narrow and shallow, limiting the ability of the site to support a four-unit apartment building within a zoning district designed for moderate density residential development.

**Variance relief to §406.1 – Courts (R)**

The minimum size of a closed court is 350 square feet and the minimum width of a closed court is 15 feet. However, due to the small size of the subject property, 1,375 square feet in area, the provision of a 350 square foot closed court would result in 25 percent of the property being encompassed by the court. When combined with the 30 percent rear yard setback, 55 percent of the site cannot be built upon. Although it is not necessary to provide a closed court, the provision of a closed court as proposed by the applicant will allow for light and air into almost every room of the proposed building. The adjacent row house to the south, against which the proposed closed

court is to abut, contains no openings and will therefore not have its privacy compromised due to the location of windows opening out onto such a small closed court adjacent to it. The smaller width of the closed court is consistent with the request for the reduced area of the closed court. Due to the small size of the site, the subject property is unique.

**COMPREHENSIVE PLAN**
The Ward 1 Plan contains the following objective:

> *"To stimulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1 and provide incentives for the full range of housing needed at desired locations throughout the ward;"* (§1205.1(a))

The Ward 1 Plan contains the following policies for housing:

> *"To encourage the private sector to provide new housing to meet the needs of present and future Ward 1 residents at locations consistent with the ward's land use policies and objectives..."* (§1206.1(a))
>
> *"To target residential development opportunity areas where significant housing development can appropriately occur and encourage multi-unit housing development, including market rate and low density housing, where appropriate, near the U Street and Shaw Metrorail stations..."* (§1206.1(d))

The Ward 1 Plan contains the following action in support of housing:

> *"To retain housing in former industrial areas...by doing the following:*
>
> > *"...providing for the development of new housing...*(§1207.1(i)(2))
>
> *Reincorporate useable vacant and boarded-up dwelling units into the ward's housing stock..."* (§1609.1(b))

The granting of the requested variances will not be inconsistent with the Comprehensive Plan.

The area has been identified on the Generalized Land Use Map as located within the low density commercial land use category- *"Shopping and service areas that generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses."*

**COMMUNITY COMMENTS**
**ANC 1B** has reviewed this application and issued a letter to the BZA, dated February 7, 2003, indicating that they reviewed the application at their meeting of February 6, 2003, and voted 8-0-0 to support the application.

The Cardozo-Shaw Neighborhood Association issued a letter to the BZA, dated February 24, 2003, stating that they voted to support the application at their February meeting.

## CONCLUSION

The subject property is narrow and small, reducing the size of the area available for the construction of an apartment building on this abandoned site. Therefore, use of the subject property as a four-unit apartment building, as proposed by the applicant, requires the granting of five area variances. Use of the property in a manner consistent with its improvements, as a gasoline service station, would require the granting of a use variance by the BZA. Until as recently as 1987, the subject property was located within the C-M-1 district, which does permit gasoline service stations, but does not permit the development of new residences. As a result, without the granting of a use variance, reconstruction of the site in conformance with the uses permitted by the R-5-B district is necessary in order to put the site back into active use. Due to the smallness and narrowness of the subject property, the applicant has requested five area variances.

## RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for the granting of variances. OP concludes that the variances meet the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

**Variance relief to:**

1. **§402.4 of Title 11 DCMR** to permit an increase in maximum FAR;
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AA/sjm$_{AICP}$




Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. 16986

DC Office of Planning
February 21, 2003

Scale 1:1097

25 0 25 50 75 100 125 150 175 Feet

Attachment 1