GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

D.C. O
2005 MAR 23 AM 11: 20

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: dls for
Ellen M. McCarthy
Interim Director

DATE: March 22, 2005

SUBJECT: BZA Application 17298 - Request filed by Studio27 architecture, PLLC for three **area variances** for an apartment building, proposed by Tashir Lee at 1507 4th Street, N.W.

APPLICATION
Application of Tashir Lee:

1. **Variance relief to § 401 of 11 DCMR** to permit a decrease in the minimum lot area from 4,000 square feet to 3,735 square feet;
2. **Variance relief to § 403 of 11 DCMR** to permit an increase in the maximum lot occupancy from 40 percent to 59 percent; and
3. **Variance relief to §§ 2001.7 and 2101.1 of 11 DCMR** to reduce the number of off-street parking spaces required from 1 to 0 and not be required to provide parking for an addition increasing the intensity of the use by more than 25 percent

for an existing apartment house located on the east side of 4th Street, N.W., between P Street and Q Street, Square 521, Lot 835. The property is located within the R-4 Zone District.

SUMMARY RECOMMENDATION

The Office of Planning recommends that the Board **APPROVE** the following variance requests:

1. Reduce the minimum lot size to 3,735 square feet;
2. Reduce the number of off-street parking spaces provided to 0; and
3. Increase the existing lot occupancy by 1.6 percent to 56.4 percent for the modernization of the stairwell.

The Office of Planning recommends that the Board **DENY** the following variance request:

BZA
Case No. 17298
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17298
EXHIBIT NO. 31

1. Increase the lot occupancy to 59 percent to allow for the provision of exterior balconies, expanded rear porches and expansion of the building into the front yard for the purpose of expanding the dwelling units on the south side of the building.

PROJECT DESCRIPTION

The applicant proposes to renovate and expand a four-unit apartment house that was constructed in 1937. The expansion includes the addition of a third floor to the building, containing two additional dwelling units, and the expansion of the existing stairwell, bringing it into conformance with the Building Code. In addition the applicant also proposes to reduce the existing side yards to zero through the addition of a trellis on each side of the building at the roof level of the proposed third floor. As no side yard is required if none is provided within the R-4 Zone District, this will bring the existing building into conformance with the Zoning Regulations for side yard. New rear porches for the third floor and expanded rear porches for the first and second floors are proposed for the rear of the building and open balconies are proposed for the front of the building on the second and third floors. The footprint of the building will also extend out 5 feet into the front yard on the south side of the building to expand the size of the dwelling units on the south side of the building. No off-street parking is proposed.

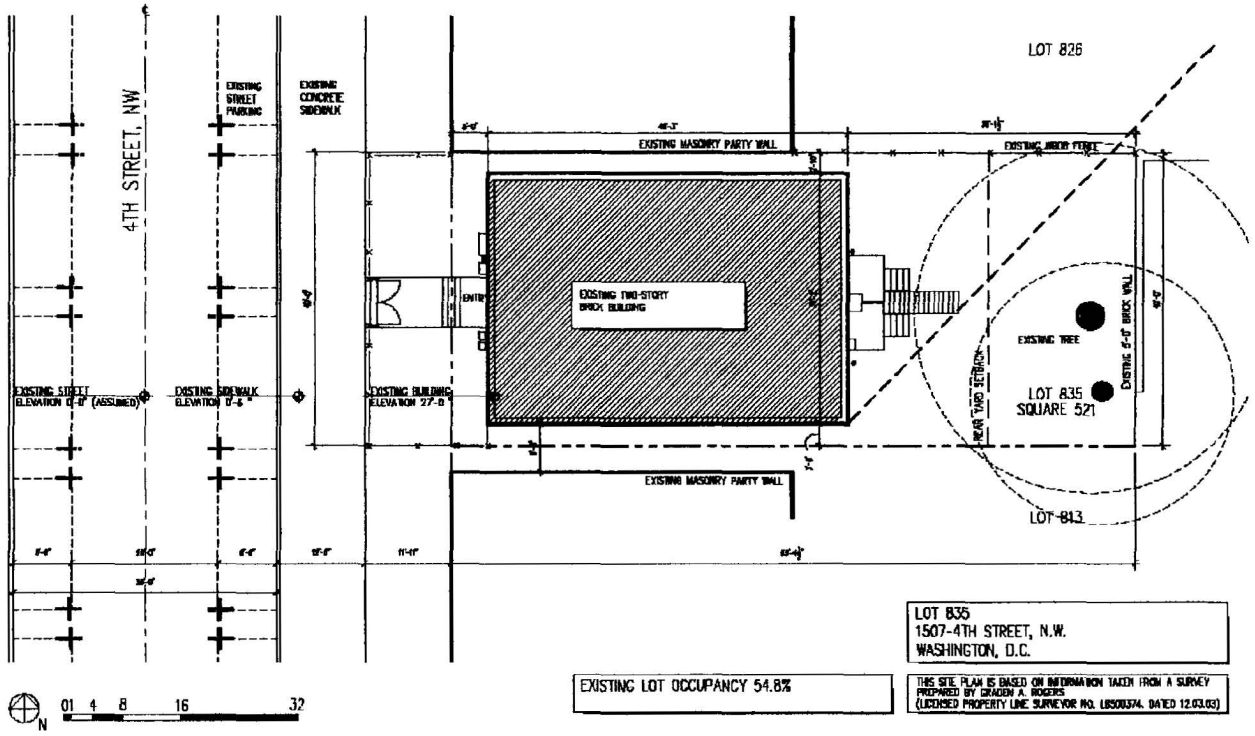
SITE AND AREA DESCRIPTION

The subject property is a rectangular lot on the east side of 4th Street. It is 40 feet wide and 93 feet, 4.5 inches deep, with a land area of 3,735 square feet. The site slopes gently downward from west to east. It is improved with a two-story four-unit apartment house constructed in 1937. At the rear of the structure are four porches, one for each unit. An exterior stairwell extends out from the back, providing access to the rear yard. The subject property has no alley access and no on-site parking is provided.

To the north and south are 3-story multi-family structures. To the east, to the rear of the subject property, is a mixed use building. To the west, across Fourth Street, is a passive park owned by the National Park Service. At the northeast corner of Fourth and P Street is a lot improved with four billboards. All surrounding properties are located within the R-4 Zone District.

The surrounding area is primarily developed with residential uses, including row houses and apartment buildings up to three stories in height. A limited amount of neighborhood retail is available, as is a church and a mosque. Some of the residential and retail space is either vacant and/or abandoned.

The area has been identified on the Generalized Land Use Map as being located within "moderate density" residential land use category, which is described as "*[r]ow houses and garden apartments are the predominant uses; may also include low density housing.*"



EXISITNG SITE PLAN

EXISTING ZONING
The subject property is located within the R-4 Zone District, "*row dwellings, conversions, and apartments residence district.*" (§ 105.1(a)(4))

R-4 Districts
"*The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.*" (§ 330.1)

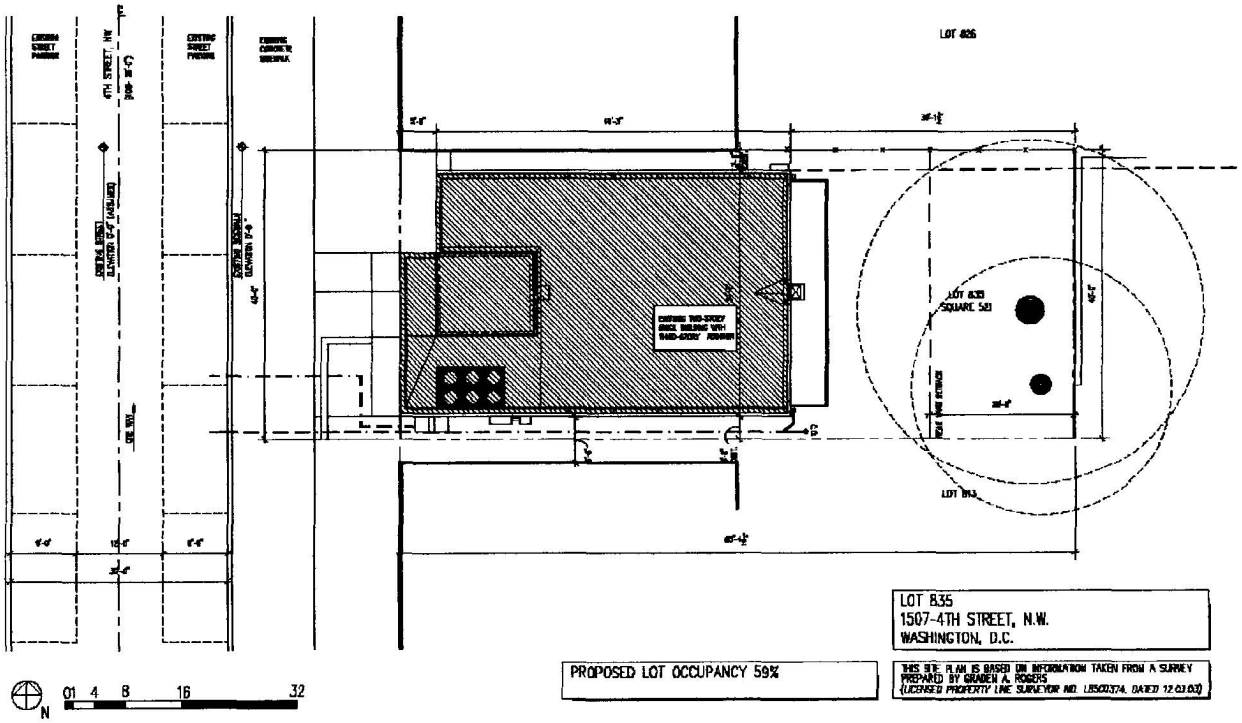
RELIEF REQUESTED:
The Board of Zoning Adjustment is empowered to grant variances under § 3103 of the Zoning Regulations.

Variance relief to § 401, Minimum Lot Dimensions
Section 401 sets forth the minimum required lot size within the R-4 Zone District as 4,000 square feet. The subject property consists of 3,735 square feet, 265 square feet or 6.6 percent less than the minimum required. The subject property is unique because it is developed with an existing apartment building that predates the adoption of the Zoning Regulations. All adjacent properties are developed. As a result it is not possible to increase the area of the subject property. Therefore, it would be an exceptional and practical difficulty for the applicant to be required to provide the minimum 4,000 square feet required by the R-4 Zone District.

Variance pursuant to § 772.1, Percentage of Lot Occupancy
Section 772.1 sets forth the maximum lot occupancy permitted for apartment houses within the R-4 Zone District as 40 percent. The subject property is unique because it is improved with a building constructed prior to the adoption of the Zoning Regulations with a lot occupancy of 54.8 percent, in excess of the maximum permitted. As the existing lot occupancy predates the adoption of the Zoning Regulations in 1958, it is legally nonconforming. The subject property can only be brought into conformance with the lot occupancy provision through the demolition of a portion of the building, which would be an exceptional and practical difficulty to the applicant.

However, the applicant also proposes to increase the lot to allow for:

- Expanded rear porches on the first and second floors and the provision of rear porches on the third floor equal in size to the expanded porches below them;
- The addition of an open balcony on the second floor and the provision of an open balcony on the third floor directly over the second floor balcony;
- The expansion of the interior stairwell in order to bring it into conformance with the current building code; and
- The expansion of the footprint of the building to expand the dwelling units on the south side of the building into the front yard.



PROPOSED SITE PLAN

A portion of the proposed increase in lot occupancy, 1.6 percent, is for the expansion of the existing stairwell. This increase will permit the modernization of the building, and is therefore

consistent with the provision of § 2001.2, which allows building additions to nonconforming structures for the purpose of "*modernizations to the structure.*" However, the remainder of the requested increase in lot occupancy, for expanded rear porches, new exterior balconies and expansion of the units on the south side of the building, is not for "*ordinary repairs, alterations, and modernizations to the structure*", and therefore not consistent with § 2001.2.

Section 2001.3(a) permits enlargements or additions to existing nonconforming structures provided the structure also conforms to percentage of lot occupancy requirements and "*neither increases nor extends any existing nonconforming aspect of the structure.*" The expansion of the rear porches, the provision of open balconies and the expansion of the size of the units on the south side of the building will increase the nonconforming aspect of the existing structure, and is not consistent with this provision. Therefore, the proposed increase in lot occupancy for the porches and open balconies cannot be permitted. However, the proposed 1.6 percent increase for the stairwell is consistent with § 2001 and therefore should be approved.

Variance pursuant to § 2100.7, Authority to Require Parking Spaces;
Variance pursuant to § 2101.1, Schedule of Requirements for Parking Spaces
The Zoning Regulations do not require the provision of off-street parking for a building addition unless the addition increases the intensity of the use by more than 25 percent. In this case the increase in the use is from 4 to 6 dwelling units, or an increase of 33.4 percent. As a result, § 2100.7 requires parking for the two additional units. Section 2101.1 requires one space for every 3 units for an apartment house within the R-4 Zone District, or a total of 1 space for the two new units. No parking is required for the existing four units because the existing building predates the adoption of the Zoning Regulations. Therefore, one off-street parking space is required.

The subject application requests a reduction of the off-street parking requirements from 1 to 0 spaces. The subject property has no alley access, the existing side yards are insufficient in width to allow for vehicular access to the rear yard and the Zoning Regulations prohibit parking in front of buildings. As a result, it is not possible to provide on-site parking due to the configuration of the square and location of the existing building.

The subject property is unique in that vehicular access to the rear of the property is not possible. Only through the removal of a portion of the existing structure could the applicant provide this one space, which would be peculiar and exceptional practical difficulty. Therefore, the Office of Planning recommends approval of the variance request to reduce the number of off-street parking spaces from 1 to 0.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief to §§ 401, 2100.7, 2101.1 and "*that the relief 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.*" (§ 3103.2)

It is also the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief to§ 772.1 to increase the lot occupancy by 1.6 percent to 56.4 to allow for the modernization of the stairwell. However, the increase in lot occupancy to 59 percent to permit the

addition of exterior balconies, expanded rear porches and expansion of the building into the front yard for the expansion of the units on the south side of the building is not consistent with § 2001 and therefore the Office of Planning does not recommend approval of this request.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following objective of the Ward 5 Element:

> "*Preserve and protect the ward's stable neighborhoods and its sound housing stock;*" (§ 1608.1)

This proposal will contribute toward achieving the following objective of the Housing Element:

> "*The general objectives for housing are to stimulate production of new and rehabilitated housing...*" (§ 302.1)

COMMUNITY COMMENTS
ANC 5C, at its regularly scheduled meeting of March 15, 2005, voted in support of the application "*with strong advice for Mr. Lee to do all that he could to make the units affordable and, if possible, to look at a design of the building that would be consistent with the Victorian architectural line of the rest of the homes in the area*".

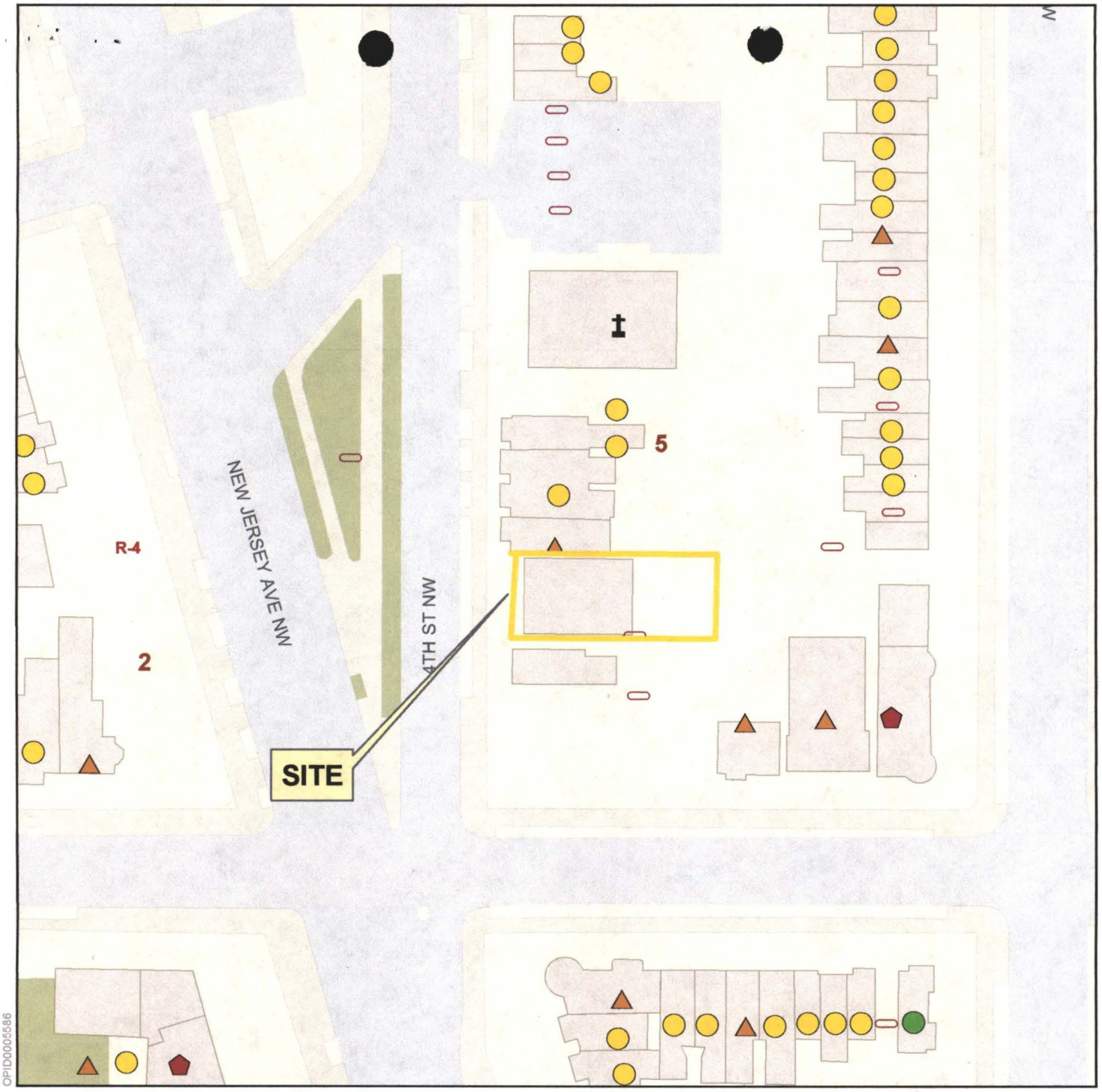
RECOMMENDATION
The Office of Planning recommends that the Board **APPROVE** the following variance requests:

1. Reduce the minimum lot size to 3,735 square feet;
2. Reduce the number of off-street parking spaces provided to 0; and
3. Increase the existing lot occupancy by 1.6 percent to 56.4 percent for the modernization of the stairwell.

The Office of Planning recommends that the Board **DENY** the following variance request:

1. Increase the lot occupancy to 59 percent to allow for the provision of exterior balconies, expanded rear porches and expansion of the building into the front yard for the purpose of expanding the dwelling units on the south side of the building.

EMM/sjm$_{AICP}$



OPID0005586

BZA APPLICATION NO. 17298
1507 Fourth Street, N.W.

Feet

N

0 50 100

★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ March 22, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Rowhouse
- Single-Family Semi-Detached
- Multi-family
- Store
- Mosque
- Vacant

