

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 23, 2016
SUBJECT: BZA Case 19182 1512 6th Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following relief for the expansion of a non-conforming apartment building in the R-4 zone:

- § 405.8 side yard (If provided, 8 foot minimum required; 2.5 feet existing; no side yard proposed);
- § 2001.3 non-conforming structure (No expansion permitted; non-conforming lot area per dwelling unit and side yard width existing; additional story and elimination of non-required side yard proposed).

II. LOCATION AND SITE DESCRIPTION

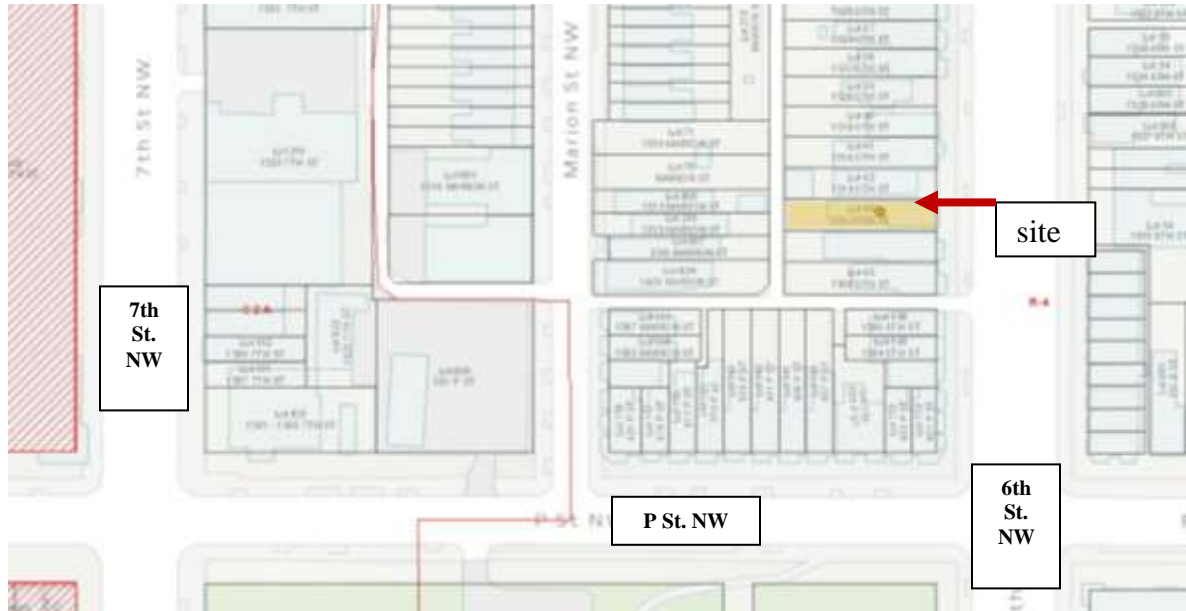
Address	1512 6 th Street, NW		
Legal Description	Square 445, Lot 63	Ward	6
Lot Characteristics	Rectangular 2,100 Sf, 21-foot wide lot with a front berm and retaining wall and an upward slope towards rear.		
Zoning	R-4: intended for row dwellings and flats		
Existing Development	Grandfathered 4-unit apartment building		
Historic District	N/A		
Adjacent Properties	A 3+ story row-house apartment building to the south, a semi-detached 2 story house to the north.		
Neighborhood Character	The area is predominantly residential with row-houses, semi-detached structures and both purpose built apartments and conversions. It is adjacent to, but not part of, the Shaw historic district.		

III. APPLICATION IN BRIEF

The existing building is a 2.5 story semi-detached building that was converted to a four-unit apartment building in 1939. The applicant proposes to maintain the use and number of units, and to renovate and enlarge the structure by constructing an additional story, and filling-in an existing non-conforming side

yard, while decreasing the building depth by 13 feet so as not to exceed the maximum 60% lot occupancy.

To respond to comments from the District Department of Transportation's (DDOT's) public space staff, the applicant is revising the front yard plans and the treatment of access to the first and second levels of the building. The applicant has informed OP that the revised plans will be submitted prior to the hearing. The revisions are not anticipated to affect the requested or necessary relief.



IV. ZONING REQUIREMENTS and RELIEF REQUESTED

The building is now, and would continue to be, conforming with respect to lot occupancy for a conversion, to rear yard, and to height. The structure is non-conforming with respect to its side yard, but would be brought into conformity if the side yard relief is granted. The Zoning Administrator has determined that, because the height of the building is measured from the existing grade, the proposed new top story would comply with the zone's height and the limitation on the number of stories.

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max. 3 stories	25 ft. 6 in. 2 ½ stories	33' 3 ¼" ¹ 3 stories	None required None required
Lot Width § 401	18 ft. min.	21 ft.	same	None required
Lot Area § 401	1800 SF min.	2100 SF	2100 SF	None required
Floor Area Ratio § 402	n/a	n/a	n/a	n/a
Lot Occupancy § 403	60% max.	60%	same	None required
Rear Yard § 404	20 ft. min.	26' 10"	40'	None required
Side Yard § 405	≥ 8 ft., if provided	2.5', South 0' North	0', South Same	Variance requested None required
Expansion of Non-Conforming Structure § 2101	No Addition to non-conforming structure	Grandfathered side yard & area non conformity (<900 sf lot /du)	Elimination of side yard non-conformity. Addition to bldg. with non-conforming lot area	Variance requested Variance Requested

V. OFFICE OF PLANNING ANALYSIS

A. Area Variance Relief (§ 3103.2) from § 405, Side Yard Width

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has demonstrated that the unusual narrowness of the existing side yard (as narrow as 2'6") results in a space that creates maintenance difficulties and has become a breeding ground for vermin.

ii. No Substantial Detriment to the Public Good

Given the exceptionally narrow dimensions of the existing side yard, the requested side yard relief would not result in a substantial diminution of the light available to the two at-risk windows on the side wall of the south-adjacent building. Most buildings on the block are either row-dwellings or semi-detached dwellings, with some being built to side lot lines while next to buildings removed from one side lot line. Conversion of the applicant's building from a semi-detached to a row structure would not harm the pattern of building types in the neighborhood. The filling in of the narrow side yard would eliminate a potentially unsafe area, and improve sanitary conditions.

iii. No Substantial Harm to the Zoning Regulations

A side yard is not required in an R-4 zone. A conforming side yard may be eliminated by-right. However, the Board previously determined² that the elimination of a non-conforming side yard requires

¹ Measured from top of existing grade (as shown with reconstructed retaining walls in proposed plans) to flat roof

² The 2005 BZA Case No. 17310 (1812 35th Street, NW)

a variance. Since a side yard is not required in the zone, the granting of a variance to eliminate the applicant's narrow side yard would not result in substantial harm to the zoning regulations.

A. Area Variance Relief (§ 3103.2) from § 2101, Non-Conforming Structure

The variance relief for the non-conforming side yard has been analyzed above. This section addresses the addition of a story to a building non-conforming for lot area per dwelling unit.

i. Exceptional Situation Resulting in a Practical Difficulty

The building is now, and would continue to be, conforming with respect to lot occupancy for a conversion, to rear yard, and to height. The exceptional condition is the building's 1939 conversion to an apartment house with 525 square feet of lot area for each of the four dwelling units. The applicant has stated that without the additional story the apartment house could not be brought up to contemporary residential space and amenity standards, resulting in a practical difficulty in a competitive market if the building were denied the additional story and the four units were limited to their existing square footage.

ii. No Substantial Detriment to the Public Good

There would be no substantial detriment to the public good. The additional story would not result in an intensification of use, as the building already contains four apartments. The building would continue to meet parking standards. The proposed height would be consistent with the south-adjacent property. Due to the planned reduction in building depth the proposed story would not result in additional shadowing of neighboring properties.

iii. No Substantial Harm to the Zoning Regulations

When meeting with OP, the Zoning Administrator confirmed that both the existing and proposed lowest level does not constitute a story. It does not and would not measure more than 4 feet above the existing grade. Accordingly, there would be no substantial harm to the zoning regulations from the vertical expansion of the building within the height and number of stories permitted by-right in the R-4 zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation will be submitting a report under separate cover.

The building is not landmarked, or in a historic district.

VII. COMMUNITY COMMENTS

There were no ANC or neighborhood comments on file at the time OP completed this report.