

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: February 16, 2016
SUBJECT: BZA Case 19196, 1247 E Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

1247 ESE, LLC requests variance relief pursuant to § 3103.2 and § 401.11 for 900 square feet of land area per residential unit to accommodate a residential unit in the cellar of the existing apartment building. The Office of Planning (OP) recommends **approval** of the following:

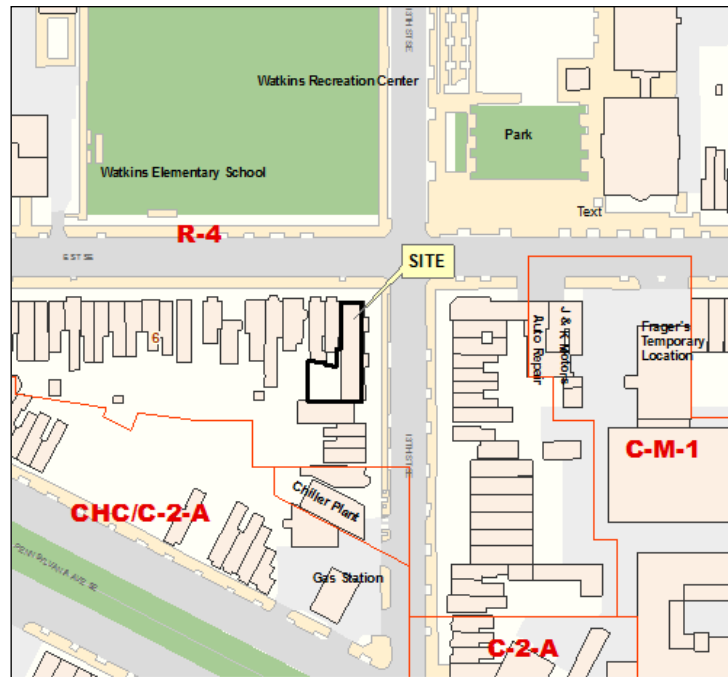
1. § 401.11 (900 square feet of land area per unit required, 702 square feet of land area provided)

II. LOCATION AND SITE DESCRIPTION

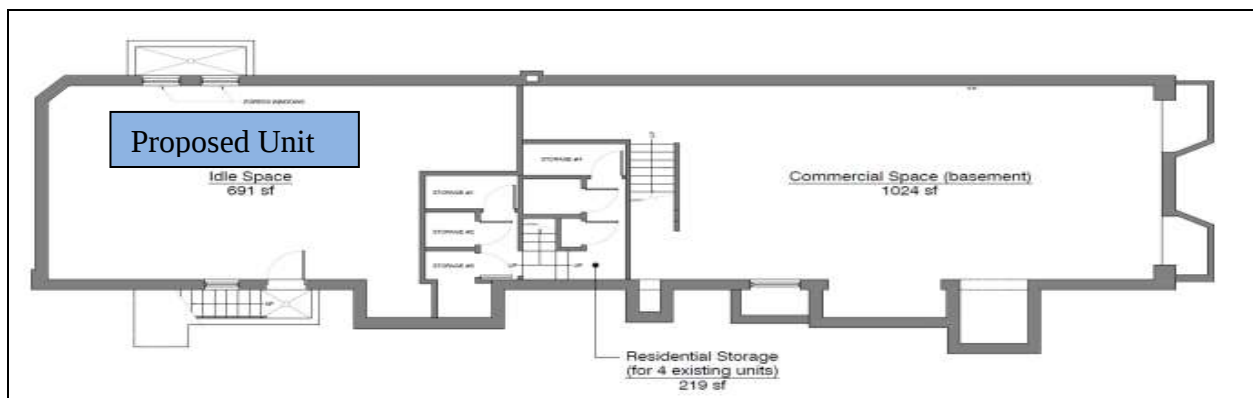
Address	1247 E Street, SE
Legal Description	Square 1019 , Lot 43
Ward	6
Lot Characteristics	Unusually shaped corner lot with no alley access
Zoning	R-4 – row houses, flats and conversions
Existing Development	Two-story mixed use building, with four apartment units and one vacant ground floor space for a cafe. Storage space in the basement and off-street parking accessed for 13 th Street, SE.
Historic District	Capitol Hill
Adjacent Properties	North: Across E Street, Watkins Elementary School and Watkins Recreation Center East: Across 13 th Street, row houses West: Row houses South: Row houses
Surrounding Neighborhood Character	A mixture of residential, institutional and commercial uses

III. APPLICATION IN BRIEF

The applicant proposes to convert a portion of the under-utilized, lower level storage space into one residential unit resulting in total of 5 units in the building. No external additions or changes are proposed.



13th Street, SE Elevation



Lower Level Plan

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Item (R-4)	Required	Existing	Proposed	Relief
Lot Area	900 sf/Unit or 4,500 sf for 5 units.	3,514 sf	702 sf/Unit	Yes
Lot Width	None prescribed	None prescribed	None prescribed	No
Lot Occupancy	40%	60%	60%	No
Side Yard	8 ft.	0 ft.	0 ft. +	Existing nonconformity
Rear Yard	20 ft.	0 ft.	0 ft.	Existing nonconformity
Height	35 ft.	22 ft.	22 ft.	No
Parking	2	4	4	No

V. OFFICE OF PLANNING ANALYSIS

Background

The building on the property was constructed in the 1890's as a mixed-use building with a commercial use on the northern portion of first floor and residential use on the south portion of the first floor and the upper floors. The building also had a large cellar space used for storage by the commercial use. Over the years, there have been various commercial uses on the site. In 2014, the BZA approved a request (BZA 18701) to operate a restaurant on the first floor with storage in the cellar space. The Applicant states that the cellar space (1,934 square feet) is too large a storage space for the restaurant and has experienced difficulty in renting the restaurant space along with the cellar space as prospective restaurateurs' state that the storage area is too large. After partitioning the cellar to meet the needs of the restaurant (1,024 square feet) and providing storage space for the four residential units (219 square feet) there still remains a vacant 691 square-foot portion that remains. The Applicant proposes to convert the space to a 691 square feet residential unit.

Variance relief from the requirements § 401.11,

i. Exceptional Situation Resulting in a Practical Difficulty

At 900 square foot of land area per unit approximately 4 units would be allowed. The fifth unit is requested because the restaurant does not require the large amount of space in the cellar and, even with the accommodation of storage for the existing residential uses, a large space would remain underutilized. Conversion of the space to residential would not conform to the requirement for 900 square feet of land area per unit. However, there is no other reasonable use for the space, so retaining it as vacant space presents some practical difficulty to the owner.

ii. No substantial detriment to the public good nor impairment to intent and purpose of the Zone Plan

The new residential unit would not require any changes to the exterior of the building and parking requirement would be met. The building would continue to be a mixed use building as was originally built. Typically, OP assesses relief from this section as a clear impairment of the intent of the R-4 regulations to limit the expansion of existing apartment buildings in this zone. However, in this case, there is an existing apartment building and no expansion to the structure is proposed. The space currently exists and is underutilized, potentially posing a safety and security risk to existing tenants. The unit would be 691 square feet of space which would not be a substandard unit and would be provided with adequate light and air.

VI. HISTORIC PRESERVATION

The property is within the Capitol Hill Historic District. The Historic Preservation Office (HPO) had no comments on the application as no changes are proposed on the outside of the building.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

The property is within ANC-6B and is scheduled to be reviewed at the February 9, 2016 meeting of the ANC.