

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 8, 2016

SUBJECT: BZA Case 19201 (1771 U St., NW and 2001 18th St., NW) for variances from §§ 774.1 and 2001.3 to allow for rear yard relief and the expansion of a non-conforming structure

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends approval of the following requested relief, subject to the applicant's supplementing the record to provide additional information and justification for the request:

- § 774.1 (15 foot rear yard required; no rear yard proposed)

Additionally, because both the existing rear yard and a closed court are non-conforming, the application appears to require relief from § 2001.3. OP would have no objection to the granting of such relief.

II. LOCATION AND SITE DESCRIPTION

Address	1771 U St., NW and 2001 18 th St., NW
Applicant:	Bourbon Two Real Estate, LLC
Legal Description	Square 2557, Lot 10 and 11
Ward / ANC	Ward 1; ANC 1C
Zone	C-2-A
Historic Resource	Strivers' Row Historic District
Lot Characteristics	1 corner lot and 1 interior lot with pedestrian easement access to alley on east. Rear elevation ½ floor higher than front.
Existing Development	3 one-story buildings on 2 lots. Northern building fronting 18 th Street is perpendicular to two southern buildings fronting on U Street and occupies most of Lot 11's rear yard and part of Lot 12's. Remaining rear yard considered a closed court.
Adjacent Properties	<u>North</u> : two-story commercial bldg. <u>East</u> : One story commercial bldg...
Surrounding Neighborhood	Low density neighborhood commercial uses nearby, with mix of row houses and four to seven story apartments nearby.

Proposed Development	The applicant proposes to construct a roof deck atop most of the property and, to provide access, to fill-in the entire closed court/rear yard and construct a partial second story accommodating access stairs.
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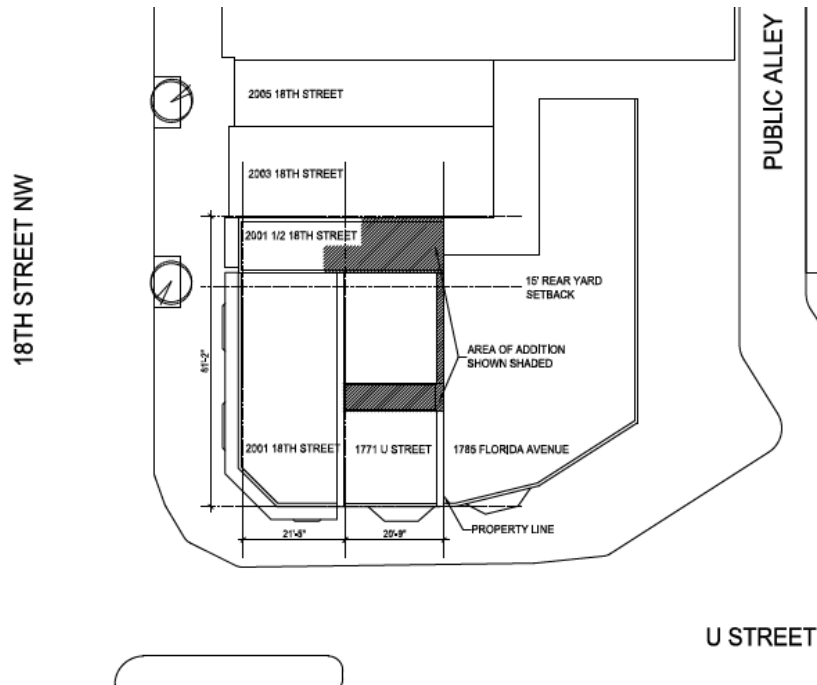


Figure 1. Location and Proposed Additions

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – C-2-A	Regulation	Existing	Proposed	Relief
Height § 770.1	50 ft. max.	18.5 ft.	18.5 ft. ¹	None
Lot Width	No min.	42.15 ft.	42.15 ft.	None
Lot Area	No min.	2,647 sq. ft.	2,647 sq. ft.	None
Floor Area Ratio § 771.2	1.5 Non-residential.	0.91	1.1	None
Lot Occupancy § 772.1	100 % max. for non-residential	85 %	100 %	None
Rear Yard § 774.1	15 ft. min.	None.	None	Area Variance Requested
Side Yard § 775.5	Not required	None	None	None
Closed Court § 776.1	12 ft. and 250 ft. squared, if provided.	3 ft. 4 in. to 6 ft. 3 in. wide	Eliminate	None

¹ The second story will next extend above the existing measuring point, which is the top of the tall apparent-roof / tiled parapet on 18th Street, which rises several feet higher than the actual roof.

Parking §2101.1	0, historic structure with small addition	0	0	None
Loading § 2202.1	Not required	n/a	0	None
Roof Structure § 411.5	20 ft. max. 1:1 setback	None	None	None
<i>Addition to Non-conforming Structure § 2001.3</i>	<i>Expansion not permitted</i>	<i>Existing non-conformities for rear yard and closed court</i>	<i>Elimination of closed court non-conformity through expansion into closed court/ rear yard</i>	<i>Variance required, but not requested, to expand into area where rear yard is mandated and for elimination of non-conforming closed court.</i>

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 774.1 and § 2001.3

i. Exceptional Situation Resulting in a Practical Difficulty

The exceptionally narrow northernmost building intrudes into the rear yard of both of the southern properties and creates a non-conforming closed court for both lots, located at the northeast corner of the to-be-consolidated lots. The applicant's filing as of March 3, 2016 states, but does not demonstrate, that the building must be expanded into the closed court to provide access to a proposed roof deck, that denial of relief would preclude access to a roof deck, and that the inability to access a roof deck would result in the practical difficulty of putting the proposed use at a competitive disadvantage in the Adams-Morgan / Dupont Circle market.

In conversations with OP the applicant's architect has conveyed the following, which, if filed, would demonstrate compliance with this part of the variance test:

- It would not be possible to provide a rear yard without tearing down all of the northernmost building and portions of the two southernmost buildings;
- It would be difficult to receive permission for this because the structures are contributing buildings to a historic district.
- Absent such demolition, stairs to and from the roof deck would be most logically located at the northeast corner of the building because of the combination of code-required minimum distance separation of egress stairs and historic preservation-required minimization of structural and visual intrusions on the contributing one-story buildings and surrounding historic fabric.

ii. No Substantial Detriment to the Public Good

The granting of rear yard and § 2001.3 relief would not likely result in a detriment to the public good. The site is already deficient with respect to both rear yard and closed court. Granting relief to eliminate the closed-court non-conformity and not require a rear yard would enable the

maintenance of the existing continuous street wall on 18th Street and the retention of the historic structures. The proposed addition would not affect the light or air available to the two-story building to the north or impact the existing pedestrian easement from the applicant's property to the nearby alley system.

iii. No Substantial Harm to the Zoning Regulations

If the applicant were to submit the additional information outlined by the project architect, demonstrating the existence of an exceptional situation that would result in a practical difficulty without the requested relief, the granting of such relief would not likely result in substantial harm to the zoning regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has filed a letter registering no objection to the requested relief. OP's Historic Preservation Office has given concept approval to the proposed design.

VI. COMMUNITY COMMENTS

There were no ANC or other community comments in the application file at the time OP completed this report.