

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** *JL* Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director, Development Review

**DATE:** October 17, 2024

**SUBJECT:** BZA #21183 – 933 N ST NW – Request for relief to subdivide a lot and to construct a new rowhouse

### **I. RECOMMENDATION**

The applicant has requested the following area variance relief; Office of Planning (OP) recommends **approval** of the following:

- E § 207.1 Rear Yard (20 ft. min.; 0 ft. proposed)
- E § 207.4 Rear Extension (10 ft. max.; 32 ft. 4 in. proposed)
- E § 210 Lot Occupancy (60% max.; 59% existing; 80% proposed)

OP also recommends **approval** of the following requested Special Exceptions:

- E § 209.1 Closed Courts (13 ft. min.; 9 ft. 10 in. proposed)
- E § 208.4 Side Yard (side yard required; no side yard proposed)

### **II. LOCATION AND SITE DESCRIPTION**

Applicant	Cozen O'Connor on behalf of Shaw 933 N Street NW LLC
Address	933 N ST NW
Legal Description	Square 367, Lot 81
Ward / ANC	Ward 2, ANC 2G
Zone	RF-1
Historic District or Resource	Blagden Alley/Naylor Court Historic District Shaw Historic District
Lot Characteristics	120 ft. x 73 ft. rectangular lot with a historic 20 ft. wide public alley in the rear
Existing Development	Vacant apartment building

Adjacent Properties and Neighborhood Character	Adjacent building to the west: single-dwelling rowhouse Adjacent building to the east is a 4-unit apartment building. It was approved for zoning relief to build a rear addition in BZA case 20424 The neighborhood is a mix of residential and commercial uses. The site is about three blocks from the Mt. Vernon Square/7 <sup>th</sup> St. Metro Station.
Proposal	The proposal would allow the property to be subdivided with the existing historic apartment building on one lot and its vacant side yard on another lot. The new lot would be improved with a new 2-unit rowhouse.

### III. VICINITY MAP



### IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief
Lot Area E §202	1,800 sq.ft. min	8,820 sq.ft.	2,313 sq.ft. 6,507 sq.ft./unit	None requested
Lot Width E §202	18 ft. min.	73.5 ft.	23.9 ft. 49.6 ft.	None requested
Height E§ 203	35 ft. max.	63 ft.	35 ft. (rowhouse) 65 ft. (apt. building)	Conforming Existing Non-conf.

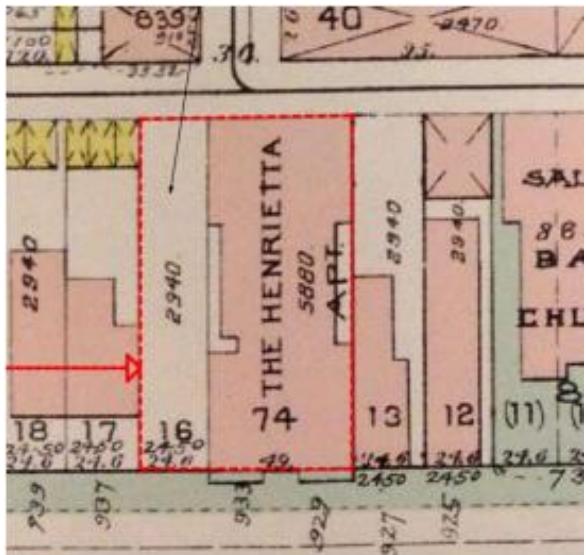
<sup>1</sup> Measurements provided by Applicant

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief
Side Yard E §207	Side yard required	1 side yard	No side yard	<b>Special Exception Relief Requested</b>
Closed Court E §209	13ft.	N/A	9 ft. proposed	<b>Special Exception Relief Requested</b>
Rear Yard E§ 207	20 ft. min.	0 ft.	0 ft. 0 ft	<b>Area Variance Relief Requested</b>
Rear Extension E§ 207.4	10 ft max.		32 ft 4in	<b>Area Variance Relief Requested</b>
Lot Occupancy E§ 210	60% max. 70% by special. ex.	59%	60% 80%	<b>Area Variance Relief Requested</b>

## V. ANALYSIS

### A. Variance Relief for Lot Occupancy on Henrietta Lot

#### *Exceptional Situation*



The subject property is the site of the Henrietta apartment building, which was built in 1900 and is a contributing structure in both the Blagden Alley/Naylor Court and the Shaw Historic districts. The building has fallen into disrepair and both its interior and exterior require extensive repairs. The requested relief would facilitate the property being subdivided into two lots, one with the existing apartment building, and one “vacant” for development with a proposed rowhouse. Development of the second lot would make restoration of the Henrietta building feasible.

As shown in the map to the left, the property currently includes a large side yard that used to be a separate record lot, known as lot 16. According to historical records, the Henrietta was constructed on lot 74 and after the early 1980s lot 16 was combined with the Henrietta’s lot 74 to create today’s lot 81. The proposal would restore the Henrietta’s lot back to its original alignment.

#### *Resulting Practical Difficulty*

The Applicant notes that there is no by-right way to provide for additional development on this site due to both its existing development configuration and the historic status of the existing building, and the lot cannot, by-right, be subdivided back to its historic configuration. The Applicant has explored alternative subdivision options, including subdividing the property so that the Henrietta lot would be at 70% lot occupancy and only require special exception lot occupancy relief. This option would result in the new lot being under the minimum lot size required in the RF-1 zone so a different area variance would be needed.

The Applicant states that taking on the Henrietta's restoration costs without subdividing and developing the undeveloped portion of the lot is not a feasible option. As a historically-contributing building the Henrietta requires specialized labor and precise materials to comply with the historic preservation guidelines. Both of which are more expensive than what is required for a typical restoration project.

#### ***No Substantial Detriment to the Public Good***

There does not appear to be a substantial detriment to the public good if the area variance relief were granted. While the proposed rowhouse on the proposed new lot would conform to lot occupancy, the subdivision would result in a smaller lot for the Henrietta building, which results in the lot occupancy non-conformity, although the Henrietta building exists on the property today and would not be expanded. It would be restored to its historic appearance, but the building would not be structurally altered. Therefore, the variance relief for the Henrietta building lot occupancy would not impact the light, air, noise, or privacy of the neighboring properties.

#### ***No Substantial Impairment to the Intent, Purpose, Integrity of the Zoning Regulations***

The proposed area variance relief would, in this case, would not substantially impair the intent, purpose, or integrity of the Zoning Regulations. Though the Henrietta's lot would exceed today's lot occupancy limits it would return to its original lot occupancy, which was permitted when the lot was its original size. Permitting the relief would allow this historic building to be restored and on its original sized lot without negatively impacting the surrounding neighborhood. The other lot created as part of the subdivision, which results in this lot occupancy relief for the Henrietta Building site, would allow a new rowhouse, a form of use consistent with the intent of the zone. The relief would also improve the character of the street and both historic districts.

### **B. Variance Relief for Rear and Rear Extension on New Lot**

#### ***Exceptional Situation***

The Applicant has requested area variance relief from the rear yard and rear extension requirements to allow the new rowhouse to be located with its rear along the alley. This is requested because of the electrical transformers in the front of the property, and the Blagden Alley-Naylor Court Historic District's requirements in the back of the property, both of which restrict the building's placement on the site.

The Henrietta building has two electrical transformers along the front of the property. These transformers cannot be relocated. As the building is in two historic districts, compatibility with the neighboring properties is also a critical part of the development approval processes. The new building has to be behind these transformers. This allows the proposed building to be aligned with the neighboring rowhouse to the west and would push the back of the new rowhouse to the rear of the lot.

The property is within the Blagden Alley-Naylor Court Historic District which is unique in that it is designated primarily for its alley architecture and cultural history. The new building as proposed on the rear property line would fill in a "gap" between structures along the alley, which would improve the character of the alley and of the Historic District.

#### ***Resulting Practical Difficulty***

If the relief is not granted, the house would have to be set back from Naylor Court by at least 22 feet. This would make it difficult for the house to provide adequate living space, since the bulk of the

building has to be pushed further into the site due to location of the electrical transformers in front.

It would also be difficult because according to Historic Preservation staff, setting back the building from Naylor Court alley would be harmful to the Blagden Alley-Naylor Court historic district. Consequently, the new building would likely lose HPRB approval if it were set back from the alley.

#### ***No Substantial Detriment to the Public Good***

Granting the requested relief would allow for the development of a new rowhouse that would add two residential units to the area. The building would be built up to both side lot lines so it would have no windows facing the adjacent neighbor. The building would have an interior courtyard which would allow adequate light and air flow into the property. The building would go from three stories in the front down to two stories in the rear which should help minimize any potential impact on the neighboring rowhouse.

Furthermore, locating the building's rear along the alley would improve the historic character of the Naylor Court by filling in the "gap" in the row of buildings.

#### ***No Substantial Impairment to the Intent, Purpose, Integrity of the Zoning Regulations***

The requested area variances would not substantially impair the intent, purpose, and integrity of the Zoning Regulations. The RF-1 zone encourages the development of rowhouse flats and the proposal would allow for this vacant site to be improved with a new rowhouse flat that is compatible with both historic districts.

### **C. Special Exception for Closed Court and Side Yard on Henrietta Lot**

#### **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The requested special exception relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The relief would allow for the property to be subdivided so that the side yard could be improved with a new rowhouse. The new rowhouse and the existing Henrietta apartment building would become attached structures that are constructed lot line to lot line. This would be consistent with the RF-1 zone side yard requirement for attached rowhouses.

Subdivision of the lot and construction a new rowhouse results in the request for a new closed court along the western side of the Henrietta apartment building. A portion of the court would be adjacent to the new lot's courtyard. Therefore, the proposed court width should be sufficient for adequate light and air to the apartment units.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; ...*

The requested special exception relief should not result in an adverse impact on the neighboring properties. As discussed below in the E § 5201 section the new rowhouse having a courtyard in

the center and no widows along its western side should help to prevent potential impacts on the neighboring property to the west. There should be no impact to the neighboring property to the east.

## **SUBTITLE E § 5201 Special Exception Relief**

*5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The Applicant requests special exception relief from closed court and side yard requirements.

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The requested relief should not result in an undue impact on the light and air of the neighboring properties. The proposed closed court would be along the shared property line between the new building and the existing apartment building.

The removal of the side yard should not significantly impact the light and air of the neighboring property to the west at 937 N St. NW. This neighbor has windows along this side but the new building would have a court yard in the center of the property which should prevent it from significantly impacting the light and air to this neighbors 'windows.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

The enjoyment and privacy of the adjacent neighbors should not be unduly compromised. The proposed court would be between the two proposed lots so it would not be near neighboring properties.

The new rowhouse would not have windows along its western side facing the neighboring property at 937 N. St. NW

- (c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;*

The requested relief would not impact the existing apartment building's appearance along the street and alley. It would allow the current side area to be subdivided and improved with a new rowhouse. The new rowhouse would improve the visual character of both N St. NW

and the historic Naylor Court alley by filling in the “gap”, aligning with the house to the west, and by not being setback from the alley.

The Historic Preservation Office reviewed the project and considers the new rowhouse a significant improvement to N St. NW and Naylor Court alley.

The Historic Preservation Review Board determined the rowhouse to be compatible with both historic districts.

*(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The record is complete with plans, drawings, photographs, elevations, and photographs.

*5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

No height relief is being requested.

## **VI. COMMENTS FROM HISTORIC PRESERVATION STAFF**

The Historic Preservation Review Board (HPRB) approved the project’s concept design on April 25, 2024. Historic Preservation staff consider the building’s lack of a rear setback to be a ...crucial consideration on the alley side where much like on the front, this project will fill a gap in the Naylor Court alleyscape which begs for a building. Critical to the character and scale of the Blagden Alley Naylor Court Historic District- which is the only historic district specifically designated because of its alley history and architecture-is how alley structures sit directly on the alley without setback., (HPO report)

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

In an email to OP, DDOT stated they have no objection to the proposal. As of the writing of this report, no other District agency comments have been submitted.

## **VIII. ANC COMMENTS**

As of the writing of this report, there is no report from ANC 2G in the record. On page 24 of Exhibit 8, the Applicant’s burden of proof, is a letter of support from ANC 2G for the HPRB case.

## **IX. COMMUNITY COMMENTS**

On page 25 of the Burden of Proof at Exhibit 8, the applicant has submitted a copy of a letter filed by a neighbor in support of the HPRB case.