

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 1, 2019

SUBJECT: BZA Case 19915 (1000 Rhode Island Avenue, N.W.) to permit the conversion of a flat to a three-unit apartment building with no off-street parking

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance relief:

1. U § 320.2(d), Conversion of an Existing Residential Building (900 square feet of lot area per unit required; 331.67 square feet proposed).

OP recommends **approval** of the following special exception relief:

1. U § 320.2, Conversion of an existing residential building existing prior to May 12, 1958 to a three-unit apartment house; and
2. C § 701.5, Parking (1 space required; none existing; none proposed).

II. BACKGROUND

This property was the subject of BZA Application No. 16801, heard and decided by the Board on December 11, 2001. The Board granted relief for the following area variances for the construction of a flat:

1. Increase the number of stories from three to four;
2. Increase in lot occupancy from 60 to 100 percent;
3. Decrease in rear yard from 20 feet to zero; and
4. Decrease in the number of off-street parking spaces from one to zero.

On December 27, 2002, DCRA issued a permit for the *“repair/reconstruction and addition to existing footprint to create a four story and basement two-family dwelling”* out of a pre-1958 building that was constructed in 1905 (emphasis added).

III. LOCATION AND SITE DESCRIPTION

Address	1000 Rhode Island Avenue, N.W.
Applicant	Martin Esh Hardy
Legal Description	Square 337, Lot 19
Ward, ANC	Ward 6, ANC 6E

Zone	RF-1
Historic District	Shaw
Lot Characteristics	Unusually shaped corner lot with no alley access
Existing Development	Four-story flat plus basement with no off-street parking
Adjacent Properties	Row houses and flats
Surrounding Neighborhood Character	Moderate density residential, including parks and public schools
Proposed Development	Conversion of existing cellar space into an apartment unit with no off-street parking

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	40 feet	40 feet	Not Required
Lot Width E § 201	18- foot min.	28.08 feet	28.08 feet	Not Required
Lot Area E § 201	1,800 sq. ft. min.	995 sq.ft.	995 sq.ft.	Required
Lot Occupancy E § 304	60% max.	%	%	Not Required
Rear Yard E § 306	20-foot min.	None	None	Not Required
Parking C § 701.5	1 space per two units or 1 for the new unit	None	None	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitle U § 320.2(d), 900 Square Feet of Lot Area for the Conversion of a Residential Building per Unit Required, 331.67 Square Feet Proposed

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is improved with a flat on a lot consisting of 995 square feet. The flat includes a finished cellar originally proposed for use as storage when the building was repaired and reconstructed in 2007 for use by the tenants in the two residential units above. After more than ten years following the building’s repair and reconstruction, the occupants of those two residential units above have yet to make use of the cellar storage space, resulting in over 900 square feet of unused interior space that must be maintained by the applicant.

ii. No Substantial Detriment to the Public Good

The cellar space is existing, as are the windows and exterior doors to access the space from the street. Conversion of this space into a residential unit would not increase the floor area or the footprint of the building, and no alterations to exterior of or additions to the building would

be necessary. The addition of this one residential unit within the existing footprint of a two-unit, four-story building would be minimally perceptible to the public.

iii. No Substantial Harm to the Zoning Regulations

The exterior of the physical structure would remain in conformance the Zoning Regulations in effect at the time of the construction of the building, including the area variances granted by the Board pursuant to BZA Order 16801. No building additions or reconfiguring of the existing units to create additional apartments is proposed.

b. Special Exception Relief from Subtitle U § 320.2, Conversion of an Existing Residential Building

320.2 *Conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

- (a) *The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

The maximum height of the existing building is forty feet, as was granted by the BZA pursuant to Order 16801. No building additions are proposed and no alterations to roof structures are proposed.

- (b) *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;*

Not applicable. The application requests a total of three dwelling units.

- (c) *There must be an existing residential building on the property at the time of filing an application for a building permit;*

The subject property is improved with an existing residential building.

- (d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;*

There is less than nine-hundred square feet of land per dwelling unit and the subject application includes a request for area variance relief to this provision, as described above, to reduce the land area per dwelling unit to 331.67 square feet.

- (e) *An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;*

Not applicable. No building additions are proposed.

- (f) ***Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;***

Not applicable. No building additions, including a roof structure or a penthouse, are proposed.

- (g) ***Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property...***

Not applicable. No additions are proposed.

- (h) ***A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;***

No roof top architectural elements are proposed to be removed or altered.

- (i) ***Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:***
- (1) ***The light and air available to neighboring properties shall not be unduly affected;***
 - (2) ***The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and***
 - (3) ***The conversion and any associated additions, 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 subject street or alley;***

No building additions are proposed.

- (j) ***In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;***

Although no building additions are proposed, the applicant submitted photographs sufficient to represent the proposal.

- (k) ***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 or nearby properties, or to maintain the general character of a block;***

As no exterior work is proposed OP makes no recommendations for special treatment.

- (l) *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and*

The application does not request to modify or waive any of the above noted requirements.

c. Special Exception Relief from Subtitle C § 703.2, Minimum Parking Number Requirements

703.2 *The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

- (a) *Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*
- (b) *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (c) *Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- (d) *Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
- (e) *The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
- (f) *All or a significant proportion of dwelling units are dedicated as affordable housing units;*
- (g) *Quantity of existing public, commercial, or private parking, other than on street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
- (h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*
- (1) *A curb cut permit for the property has been denied by the District Department of Transportation; or*
- (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking*

provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;

- (i) ***The presence of healthy and mature canopy trees on or directly adjacent to the property; or***
- (j) ***The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.***

The subject application demonstrates conformance with more than one of the above noted criteria as the subject property has no alley access and the lot occupancy is one-hundred percent, eliminating the possibility of locating a parking space on-site, even if a curb were provided. It is located within an area well served by public transportation, including the G-9 Metrobus on Rhode Island Avenue and the Shaw-Howard University Metrorail station, approximately four blocks away.

703.3 ***Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.***

The applicant requests the reduction of one parking space, equal to the amount that cannot be provided on-site.

703.4 ***Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.***

DDOT submitted as email to the file (Exhibit 35) stating that no TDM plan would be necessary.

The Historic Preservation Office commented that the application is not subject to historic preservation review because the proposal is for interior work only.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted an email to the file dated January 31, 2019 stating that no TDM is necessary. (Exhibit 35)

No other District agencies submitted comments to the file as of the date of filing of this report.

VII. COMMUNITY COMMENTS TO DATE

ANC 6E, at its regularly scheduled meeting of December 4, 2018, voted in support of the application. (Exhibit 32)

No other community comments were submitted to the file.

Attachment: Location Map

