



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 25, 2011

SUBJECT: BZA Case 18270 – 715 Florida Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 774.1 (15 feet required, none proposed); and
- § 2001.3 (enlargement of a nonconforming structure).

II. LOCATION AND SITE DESCRIPTION

Address	715 Florida Avenue, N.W.
Legal Description	Square 2877, Lot 971
Ward	1
Lot Characteristics	Level, unusually shaped lot with alley access
Zoning	C-2-B: Moderate density retail and service commercial areas ARTS Overlay: Encourages retail, entertainment and residential uses, and the adaptive reuse of older buildings
Existing Development	Two-story commercial building
Adjacent Properties	North and South: vacant East: small two-story office building West: one-story restaurant building
Surrounding Neighborhood Character	Commercial

III. APPLICATION IN BRIEF

The applicant proposes to convert an existing two-story commercial building constructed in 1922 from office to restaurant use. The building is a nonconforming structure because it has no rear yard.

An existing one-story section of the building, 21 feet, 9 inches in height, extends out from the rear of the building to the rear lot line, enclosing a stairwell providing access to the second floor. The applicant proposes to increase the height of this stairwell enclosure to 37 feet, 5 inches, to expand it to allow for a secondary means of egress from the roof.



IV. ZONING REQUIREMENTS and REQUESTED RELIEF

ARTS/C-2-B Zone	Regulation	Existing	Proposed	Relief
Height § 770	65 ft. max.	40 ft.	40 ft.	None required
Floor Area Ratio-nonresidential §§ 771 & 1904	3.00	1.82	2.57	None required
Lot Occupancy § 772	100 % max.	100 %	100 %	None required
Rear Yard § 774	15 ft. min.	None	None	Required ¹
Side Yard § 775	None required	None	None	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 774, Rear Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property currently is improved with no rear yard, with the building extending to the rear lot line. A second-story is proposed to be constructed above a one-story portion at the rear of the site to provide a modern stairway to the roof as a secondary means of egress. If the applicant is not permitted to increase the height of the stairwell enclosure at the rear of the building, he would not be able to extend this existing stairwell to the roof in order to provide a secondary means of egress, which would be a practical difficulty.

ii. No Substantial Detriment to the Public Good

No substantial detriment to the public good would result from the granting of this variance. It would allow for the modernization and adaptive reuse of an existing commercial building, without increasing the footprint of the building and within an area that would be minimally visible from street.

iii. No Substantial Harm to the Zoning Regulations

The granting of this variance would not result in substantial harm to the Zoning Regulations. It would allow for the modernization and continued use of a commercial building with a preferred use in the ARTS Overlay District.

b. Variance Relief from § 2001.3, Addition to Nonconforming Structures

i. Exceptional Situation Resulting in a Practical Difficulty

The existing building is nonconforming for rear yard. The proposed building addition to this nonconforming structure would allow for its adaptive reuse as a restaurant with a roof terrace, and permit the applicant to construct a secondary means of egress from the roof. It would be a practical difficulty if the applicant were not permitted to minimally expand the subject building as proposed.

ii. No Substantial Detriment to the Public Good

The expansion of this nonconforming building would allow this existing vacant structure to be converted to a restaurant, one of the preferred uses of the ARTS Overlay. The addition

¹ A portion of the rear yard is provided above the height of the first floor. It is for the reduction of this portion of the rear yard that is the subject of this application.

would be minimally visible from the street, would not adversely affect light and air into the structure as the building would continue to have windows on three sides, and would serve to eliminate a vacant structure and activate this portion of Florida Avenue with a new use. Therefore, there would be no substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The granting of this variance would not result in substantial harm to the Zoning Regulations. It would allow for the adaptive reuse of the building with a preferred use within the ARTS Overlay.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT informed the Office of Planning by email on September 7, 2011 that it had no comments on the application.

No other agency comments were received.

VII. COMMUNITY COMMENTS

ANC1B, at its regularly scheduled meeting of September 1, 2011, voted in support of the application.

No other community comments were received.

Attachment: Location Map

