

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 9, 2016

SUBJECT: BZA Case 18511C (1018 Irving Street, N.W.) for a Modification of Significance to increase building height and to permit one dwelling unit each on two of the lots

I. BACKGROUND

July 23, 2013: BZA Case 18511, variances to requirements for alley lot height, nonconforming structure, lot area and width, rear yard and side yard to allow the applicant to subdivide an alley lot into three record lots and convert an existing automotive repair shop to office use and two artist studios in the R-4 District were granted by the Board.

May 24, 2016: BZA Case 18511A, a two year extension was granted by the Board, expiring January 13, 2018.

May 27, 2016: BZA Case 18511-B, a request for an area variance from § 2507.3 (ZR58) to permit the conversion of a nonresidential structure (approved for use as an office and artist studio) to office and residential use was withdrawn by the applicant.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following Modification of Significance pursuant to Y § 704:

- E § 5102, Area variance to Height of Buildings on alley lots (20 feet permitted; 23 feet proposed).

The Office of Planning (OP) recommends **approval** of the following Modification of Significance pursuant to Y § 704:

- U § 601.1(c), Special exception to permit one dwelling unit on each of the two alley lots approved for artist studios (lots 219 and 220).

Subject to the following conditions:

- The applicant submits descriptions of communications with relevant agencies for the conversion of lots 220 and 221 to residential use that did not submit comments to the file; and
- The existing cornice on the building is retained.

III. LOCATION AND SITE DESCRIPTION

Address	1018 Irving Street, N.W.
Applicant	Alleyoop LLC
Legal Description	Square 2851, Lots 219, 220 and 221
Ward, ANC	Ward 1, ANC 1A
Zone	RF-1
Lot Characteristics	Group of three alley lots fronting public alleys on three sides
Existing Development	One-story industrial building last used for auto repair
Adjacent Properties	Mixture of row houses, flats and small apartment buildings
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Convert a former auto repair shop on alley lots to an office and two dwelling units

IV. OFFICE OF PLANNING ANALYSIS

Modification of Significance pursuant to relevant provisions of § Y 704:

704.6 A public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.

704.7 The scope of a hearing conducted pursuant to Subtitle Y § 704.1 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.

The applicant proposes to modify the approval under BZA Order 18511 as described below:

1. Increase the building height from 22.5 inches to 23 feet, or an increase of 7 inches¹; and
2. Permit the conversion of each of the two approved artist's studios to single family dwellings.

No other modifications are proposed.

704.8 A decision on a request for modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application.

Building Height: The maximum height permitted for alley structures is twenty feet and the proposed development was approved BZA for a height equal to 22 feet, 5 inches, as measured under ZR16. The applicant now requests a variance to increase the height by an

¹ BZA Order 18511 increased the height to 19.5 feet, equal to 22 feet, 5 inches as measured under ZR16.

additional seven inches. The applicant states that this is to be able to raise the level of the finished floor of the second story to preserve the existing decorative brick cornice parapet atop the majority of the exterior walls. However, it is actually to maintain a nine-foot interior height of the second floor.

Building code allows no more than 3 feet, 7 inches between the finished floor and a window sill. By increasing the height of the building by seven inches the applicant is able to raise the finished floor of the second story and establish window sills atop the existing decorative parapet wall to maintain a nine-foot ceiling height on the second floor. OP supports the preservation of the parapet wall, but does not find any uniqueness resulting in a practical difficulty to having to provide an interior ceiling height of less than 9 feet, or 8 feet, five inches, in order to preserve that parapet wall. Therefore, OP recommends denial of the increase in building height by an additional seven inches and does not find that it would adversely affect the adaptive reuse of the building. OP does, though, recommend that the applicant retain the cornice so as to maintain the architectural integrity of the building.

Residential Use:

The Zoning Regulations permit residential use on an alley when not in conformance with U § 600.1(e). However, in this case the application is not in conformance with U § 600.1(e) (3) because the site cannot be accessed via a public alley no less than fifteen feet in width. Therefore, the proposed residential uses can only be approved by special exception pursuant to the provisions of U § 601.1(c), as described below.

(c) Residential use not meeting the matter-of-right requirements of Subtitle U § 600.1(e), provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following conditions:

(1) The alley lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;

The alley lots are located within the RF-1 zone, and not wholly or partially within the R-1-A, R-1-B or R-2 zones.

(2) A building may not be constructed or converted for a dwelling unit unless there is a minimum of four hundred and fifty (450) square feet of lot area;

Each of the two lots proposed for conversion consists of 1,800 square feet, in excess of the minimum requirement of 450 square feet.

(3) The alley lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

The alley lots are connected via an improved alley to a public street, and the applicant informed OP that electric, water and sewer are available within the alley.

(4) The Board of Zoning Adjustment shall consider relevant agency comments concerning:

(A) Public safety, including any comments from the Fire and Emergency Medical Service Department and the Metropolitan Police Department;

(B) Water and sewer services, including any comments from the Water and Sewer Authority, especially the Department of Permit Operations;

(C) Waste management, including any comments from the Department of Public Works; and

(D) Traffic and parking, including any comments from the District Department of Transportation; and

(5) An applicant shall submit or arrange for the submission of agency comments to the official case record. If no agency submission occurs, an applicant shall instead describe any communications with relevant agencies; and

Following a meeting with DC Water the applicant submitted a letter to OP indicating water and sewer availability to the site. The applicant informed OP that he was unable to obtain comments from any other agencies. OP received no responses to its requests for comments from other agencies. Therefore the applicant needs to submit descriptions of any communications with all other relevant agencies.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed adaptive reuse of the portion of the building on lots 220 and 221 would permit one-family residential use within the RF-1, consistent with uses permitted within that zone.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The conversion of a portion of the existing structure on lots 220 and 221 to residential use would allow for residential use within a residential zone, consistent with the surrounding residential development. Retention of the cornice of the building, constructed in 1915, would maintain this architectural element of the building and help to minimize the impact of the adaptive reuse of this building on the neighborhood.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other District agencies were received.

VI. COMMUNITY COMMENTS

ANC 1A is scheduled to review the application on September 14, 2016.

Twenty-one letters were submitted to the file in support of the application.

One letter was submitted to the file in opposition to the application.

Attachment: Location Map

