

## MEMORANDUM

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

**FROM:** Matt Jesick, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** March 10, 2017

**SUBJECT:** BZA #19453 – 1457 Girard Street, NW – Variance and Special Exception relief to permit the expansion of an existing apartment building

### **I. RECOMMENDATION**

With regard to this proposal to expand an existing apartment building, the Office of Planning (OP) recommends **approval** of the following relief:

- F § 302 FAR (0.9 (2,349 sf) existing, 1.8 (4,698 sf) permitted, 1.84 (4,802.4 sf) proposed) – *variance*;
- F § 304 Lot Occupancy (36% (939.6 sf) existing, 60% (1,566 sf) permitted, 62% (1,618.2 sf) proposed) – *special exception*;
- F § 202 Closed Court Width (15' required, 14.7' minimum proposed) – *variance*;
- F § 202 Closed Court Area (450 sf required, 286 sf minimum proposed) – *variance*.

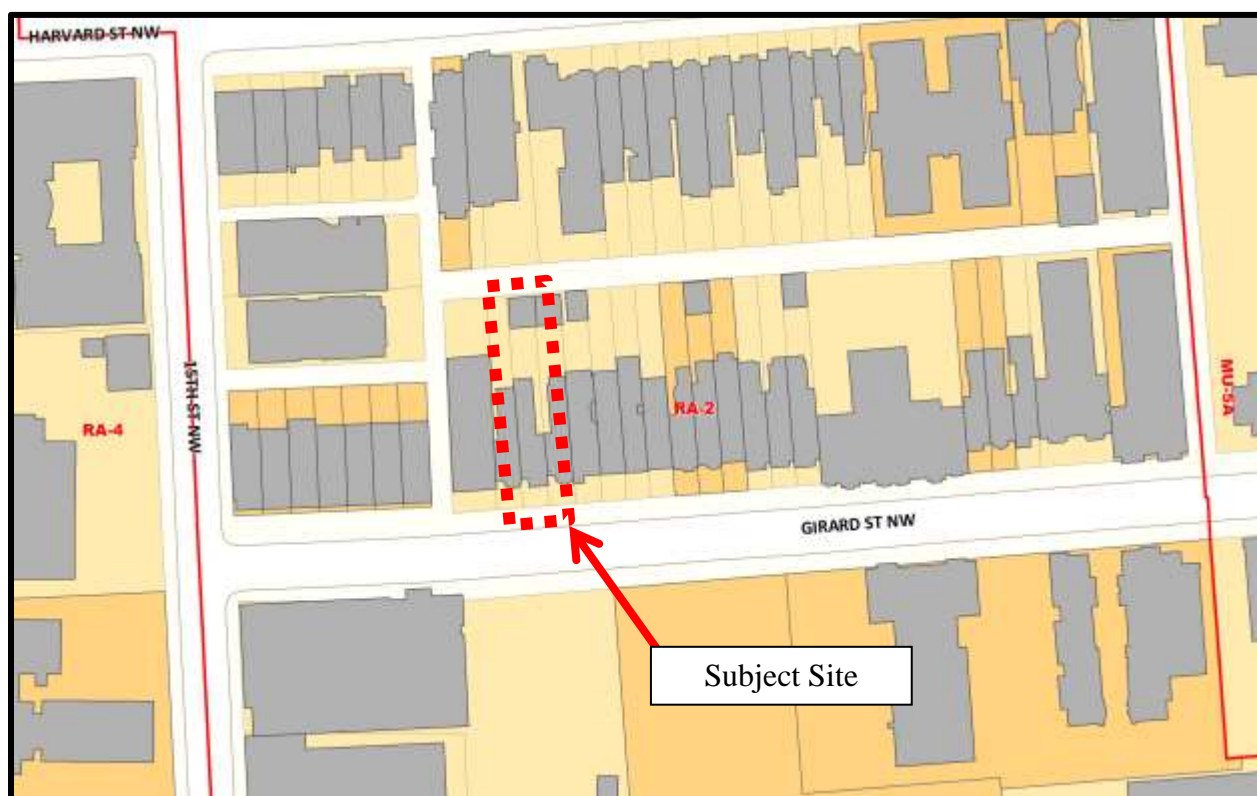
### **II. LOCATION AND SITE DESCRIPTION**

Address	1457 Girard Street, NW
Legal Description	Square 2668, Lot 37
Zoning	RA-2 (Moderate Density Apartments)
Ward and ANC	1, 1A
Historic District	None
Lot Characteristics and Existing Development	Rectangular rowhouse lot – 18' X 145'; Lot area = 2,610 sf; 20' alley at the rear; Existing three-story-with-cellar, five-unit apartment building in rowhouse-type building; building is set back from the front property line approximately 15' to the front of the bay; Existing garage at rear of property.
Adjacent Properties and Neighborhood Character	The neighborhood is mostly a mix of apartments – both converted from rowhouses and purpose-built – and rowhouses. There are also a few non-residential uses nearby including community-serving and institutional uses. There is a rowhouse to the east of the property and a three-unit apartment building, converted from a rowhouse, on the west. Most immediately adjacent

	buildings on Girard are set back a uniform distance from the front property line, creating a consistent streetscape.
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### III. PROJECT DESCRIPTION IN BRIEF

The applicant seeks to expand and reconfigure an existing apartment building, and increase the number of units from five to seven. The building would have two portions separated by a closed court, but also connected by an enclosed hallway at the first floor level. The front façade of the building would remain as-is, and a new mezzanine above the third floor would be set back about 18 feet from the main façade.



### IV. ZONING REQUIREMENTS AND ANALYSIS

The basic parameters of the proposal are described in the table below.

Item	Requirement	Existing	Proposed	Relief
Lot Area	n/a	2,610 sf	No change	n/a
Lot Width	n/a	18'	No change	n/a
Lot Depth	n/a	145'	No change	n/a
<b>FAR</b> <b>F § 302</b>	<b>1.8</b> <b>4,698 sf</b>	<b>0.9</b> <b>2,349 sf</b>	<b>1.84</b> <b>4,802.4 sf</b>	<b>Requested</b> <b>(delta = 104.4 sf)</b>

Item	Requirement	Existing	Proposed	Relief
Height F § 303	50'	36'	45'4"	Conforming
<b>Lot Occupancy</b> F § 304	<b>60%</b> <b>1,566 sf</b>	<b>36%</b> <b>939.6 sf</b>	<b>62%</b> <b>1,618.2 sf</b>	<b>Requested</b> <b>(delta = 52.2 sf)</b>
Rear Yard F § 305	15.1' min. (4" per ft. of height, based on proposed ht. of 45'4")	~57'	25.5'	Conforming
<b>Closed Court</b> <b>Width</b> F § 202	<b>15' min.</b>	n/a	<b>14.7' min.</b>	<b>Requested</b> <b>(delta = 0.3')</b>
<b>Closed Court</b> <b>Area</b> F § 202	<b>450 sf min.</b>	n/a	<b>286 sf min.</b>	<b>Requested</b> <b>(delta = 164 sf)</b>

### **Variance Analysis – FAR**

In order to develop as proposed, the applicant requests FAR relief to exceed the FAR limit by around 100 square feet. The following analysis of the three-part test described in X § 1000 examines the FAR variance.

#### **1. Exceptional Situation Resulting in a Practical Difficulty**

The property exhibits exceptional conditions which together create a practical difficulty in fully complying with the Regulations. The conditions are expressed in the discussion below which attempts to describe the cascading effects of different factors and decisions:

- Because proposed additional building mass would all be built at the rear of the property – rather than the front, in order to maintain the historic streetscape<sup>1</sup> – the property's neighbors asked that the building's proposed additional bulk be pushed back from the rear of the existing adjacent buildings, rather than added immediately to the rear of the current building volume. According to the applicant, the neighbors favored this arrangement because it would bring more light and air to the rear of their properties.
- In accommodating the neighbors' request, the building would be split into two volumes – one roughly on the footprint of the current apartment, and a new volume separated from the front portion by a closed court.
- In order to create the separated volumes, but have them still count as one building on the lot as required by the Regulations, the design incorporates an enclosed hallway at the level of the first floor. This hallway would contribute to FAR, so would increase the

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<sup>1</sup> This neighborhood is not part of an historic district, but the subject property and adjacent rowhouse structures were built over 100 years ago.

floor area of the project above the permitted FAR. According to the applicant the difference in floor area would be 0.036 FAR, or 90 square feet.

- Accommodating the neighbors' request and separating the building volume would also create inefficiencies in terms of vertical circulation in the building. Whereas a single building mass may have had only one staircase, the proposed building would have two staircases – one in each part of the building.
- OP asked the applicant to examine shortening the depth of either or both portions of the building to reduce their footprint and consequently their FAR. The depth of the structures, however, is governed by the run of the stairs and could not be decreased except with significant impacts to the unit layouts. For example, the stairs could be made switchback stairs, but on a property 18' wide, a switchback stair would leave very little usable width for the residential units.
- Also, the depth of the court could be decreased to decrease the area of the "connection". But a smaller court would only exacerbate the requested court relief, and increase the impact on adjacent properties.

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

Granting the requested variance would likely not result in harm to the public good. From the street, the building's appearance would remain largely as it is today, and would seem to have less visual impact and impact to the façade than other additions made to buildings on the street. See Sheet A9005 of Exhibit 51A. The design of the building in two parts would allow more light to reach the back yards of the adjacent buildings than would a layout that went straight back from the current building's volume. On the alley side, the project would meet rear yard requirements, and the depth of lots facing Girard and Harvard Streets results in an open, uncrowded appearance of the alley.

## **3. No Substantial Harm to the Zoning Regulations**

Granting the requested variance would not harm the intent of the Zoning Regulations. The FAR regulation is intended to govern the mass and bulk of a building, and the overall volume of the proposed building would not be out of character with buildings on Girard, or buildings facing this site across the alley and fronting on Harvard. In fact, from Girard Street, the mass of the building would appear to be less than other converted rowhouses on the block because the volume is set back toward the middle of the property. Also, the Regulations generally intend to protect light and air available to neighboring properties; The proposed design, which would result in a slight FAR variance, would achieve those aims better than a design of a single mass and no "connection".

### **Variance Analysis – Court Dimensions**

The proposed design would require relief from court width on the first floor, and court area on the first, second and third floors. A variance may be granted if the application meets the three-part test described in X § 1000.

### **1. Exceptional Situation Resulting in a Practical Difficulty**

The property exhibits exceptional conditions that render full compliance with required court dimensions practically difficult for the applicant. As discussed above, a variety of factors led to the decision to separate the building into two distinct masses. But connecting the masses to form one building would require an enclosed hallway. Any hallway would need to be about 3'6" wide, and on an 18'-wide lot, that hallway would reduce the width of the court to below what is required. Above the first floor connection, however, the court would meet the width requirement<sup>2</sup>. For court area, the placement of the rear portion of the building, and therefore the size of the court, is governed by the need for compliant parking spaces at the rear of the property as well as space for egress at the rear of the building. Decreasing the size of the building could create a larger court, but the length of the stair runs needed inside the building limits how large the court could be.

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

Granting a variance to court dimensions would likely not result in undue harm to the public good. The presence of the court originates with the ideas of preserving the front façade of the structure and permitting greater transit of light and air to adjacent properties. The court, therefore, even with decreased dimensions, is concomitant with benefits to the streetscape and the neighbors.

### **3. No Substantial Harm to the Zoning Regulations**

Granting the requested variance would not be likely to harm the intent of the Zoning Regulations. The Regulations generally intend to protect light and air available to neighboring properties; The proposed design, which would result in variances to court dimensions, would achieve those aims better than a design of a single building mass and no court.

### **Special Exception Analysis – Lot Occupancy**

The proposed design would have a 62% lot occupancy, when 60% is the maximum permitted in the zone. Special exception relief to lot occupancy is permitted pursuant to F § 5201.

**5201.3      An application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**

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

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<sup>2</sup> On page 6 of Exhibit 51, the applicant states that “the court width will exceed the required 15 feet at all levels”. OP has confirmed with the applicant that this statement is incorrect and court width relief is indeed required at the first floor.

The light and air available to neighboring properties should not be unduly compromised. A building on this lot with a compliant lot occupancy would be 2.9 feet shorter than proposed. It is unlikely that the extra depth of the proposed building would create significant additional shadow compared to one with 60% lot occupancy.

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

The building would have windows facing the internal court and the back of the building, but none on the sides, so impact on neighbor privacy should not be undue.

- (c) The addition or accessory structure, together with the original 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 subject street frontage;**

The project has been designed to preserve the front façade and the character of the Girard Street streetscape. A mezzanine above the third story may be slightly visible from Girard Street, but would be substantially set back from the front of the building. The mezzanine does not require any relief. On the alley side, the building would be similar in scale to other apartment buildings constructed both north and south of the alley.

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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; and**

The applicant has submitted plans, elevations, sections, renderings and photos.

- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).**

The proposed lot occupancy would be 62%, for which the applicant has requested special exception relief.

**5201.4 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.**

OP recommends no special treatments or conditions.

**5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.**

The proposed expansion of an existing apartment building is a conforming use in the RA-2 zone.

**5201.6            This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.**

The proposed height would be within the matter-of-right limit.

## **V.     COMMUNITY COMMENTS**

As of this writing the ANC has voted to support the project, and the record contains a number of letters of support of the request, including from the two immediate neighbors.