

## **MEMORANDUM**

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

**FROM:** Elisa Vitale, Project Manager  
Joel Lawson, Associate Director Development Review

**DATE:** June 27, 2019

**SUBJECT:** BZA Case 20032, 585 Columbia Road, NW - to allow a nonconforming apartment house in the RF-1 zone to expand from eight (8) units to ten (10) units.

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### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to E § 5201.1 and X § 901.1:

- E § 201.4, density of an apartment house in the RF-1 zone (900 sq. ft. per unit required; 545 sq. ft. per unit existing; 436 sq. ft. per unit proposed);
- E § 304.1, lot occupancy (40% maximum permitted; 43.22% existing; 57.69% proposed); and
- C § 202.2(b) expansion of an existing nonconforming building.

### **II. BACKGROUND**

The 1958 Zoning Regulations originally permitted the construction of purpose-built apartment buildings in the R-4 (current RF-1) zone provided they had 900 square feet of land area per unit. The subject apartment building was constructed in 1968 as a matter-of-right. Zoning Commission Order 18, issued in 1970, modified the zoning regulations to no longer permit apartment buildings in the R-4 zone.

The 2016 Zoning Regulations do not contemplate the expansion of a purpose-built apartment building constructed after 1958 but before 1970. Subtitle U § 320.2 does not apply in the subject application because the apartment building did not exist prior to May 12, 1958.

Through discussions with Office of Attorney General, Office of Zoning, and Office of Zoning Administrator staff, it was determined that in this extremely unique situation special exception relief would be appropriate because the regulations do not contemplate the expansion of a matter-of-right, purpose-built apartment building. Subtitle E § 5201 contemplates special exception relief from the minimum lot dimensions, which indicates that special exception relief would be available from E § 201.4. Therefore, OP has analyzed the relief based on the criteria in X § 901.1.

The Applicant initially applied for the following special exception relief pursuant to E § 5201.1 and X § 901.1<sup>1</sup>:

- E § 201.4, density of an apartment house in the RF-1 zone (900 sq. ft. per unit required; 545 sq. ft. per unit existing; 436 sq. ft. per unit proposed);
- E § 304.1, lot occupancy (40% maximum permitted; 43.22% existing; 57.69% proposed); and

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<sup>1</sup> Exhibit 2, dated April 1, 2019.

The Applicant subsequently updated the above relief request to include C § 202.2(b).<sup>2</sup>

The Applicant submitted a third revised relief request for the following:

- Special exception relief pursuant to E § 5201.1 and X § 901.1 from E § 304.1, lot occupancy (40% maximum permitted; 43.22% existing; 57.69% proposed);
- Special exception relief pursuant to X § 901.1 from C § 202.2(b) for expansion of an existing nonconforming structure; and
- Area variance relief pursuant to X § 1002.1 from E § 201.4 density of an apartment house in the RF-1 zone (900 sq. ft. per unit required; 545 sq. ft. per unit existing; 436 sq. ft. per unit proposed).<sup>3</sup>

### III. LOCATION AND SITE DESCRIPTION

|                                    |  |
|------------------------------------|--|
| Address                            | 585 Columbia Road, NW  |
| Applicant                          | EKM Law, PLLC on behalf of TANA, LLC, owner.   |
| Legal Description                  | Square 3051, Lot 174   |
| Ward, ANC                          | Ward 1, ANC 1A   |
| Zone                               | RF-1 – Residential Flat Zones are intended to provide for areas predominantly developed with attached row houses on small lots within which no more than two dwellings are permitted. A building existing before May 12, 1958 in the RF-1 zone may be used for more than two dwelling units. |
| Historic District                  | None   |
| Lot Characteristics                | The interior lot is roughly rectangular and has an area of 4,359 square feet, with 46.76 feet of frontage along Columbia Road NW. The lot is accessible via a variable width public alley to the north. To the east and west are adjoining lots.   |
| Existing Development               | The property is improved with an eight-unit apartment building that was constructed in 1968.   |
| Adjacent Properties                | To the north, east, and south are row buildings in residential use. To the west is an apartment building.  |
| Surrounding Neighborhood Character | The surrounding neighborhood is zoned RF-1 and is residential in character. McMillan Reservoir and the Howard University campus are to the south across Michigan Avenue NW.  |

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<sup>2</sup> Exhibit 14, dated April 8, 2019.

<sup>3</sup> Exhibit 16, dated April 10, 2019.

|                      |   |             |              |            |                   |
|----------------------|---|-------------|--------------|------------|-------------------|
| Proposed Development | The applicant proposes to expand the existing nonconforming eight-unit apartment building into a ten-unit apartment building by six units by increasing the building footprint. |             |              |            |                   |
|                      |   | Total Units | No. of Units | Unit Type  | Avg. Unit Sq. Ft. |
|                      | Existing  | 8           | 5            | 1 BR       | 548.8             |
|                      |   |             | 3            | Studio     | 340.7             |
|                      | Proposed  | 10          | 2            | 1 BR + Den | 704               |
|                      |   |             | 7            | 1 BR       | 529.1             |
|                      |   |             | 1            | 2 BR       | 874               |

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| Zone – RF-1                | Regulation                           | Existing             | Proposed <sup>4</sup> | Relief          |
|----------------------------|--------------------------------------|----------------------|-----------------------|-----------------|
| Lot Width (ft.) E § 201    | 40 ft.                               | 49.79 ft.            | No change             | None Required   |
| Lot Area (sq. ft.) E § 201 | 4,000 sq. ft.                        | 4,359 sq. ft.        | No change             | None Required   |
| Density E § 201            | 900 sq. ft. per unit                 | 545 sq. ft. per unit | 436 sq. ft. per unit  | <b>Required</b> |
| Pervious Surface E § 204   | 20%                                  | Not provided         | Not provided          | None Requested  |
| Height (ft.) E § 303       | 35 ft.                               | 28 ft./3 stories     | No change             | None Required   |
| Lot Occupancy E § 304      | 40%                                  | 43.22%               | 57.69%                | <b>Required</b> |
| Rear Yard (ft.) E § 306    | 20 ft.                               | 20.85 ft.            | 20.6 ft.              | None Required   |
| Side Yard (ft.) E § 307    | None required/8 ft. min. if provided | 0 / 8 ft.            | 0 / 8 ft.             | None required   |
| Parking C § 701            | 1 space/2 units                      | 5 spaces             | No change             | None Required   |

#### V. OFFICE OF PLANNING ANALYSIS

##### a. Subtitle E Chapter 5201 Addition To a Building or Accessory Structure

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy;
- (b) Yards;
- (c) Courts;

<sup>4</sup> Information provided by Application Exhibit 16, April 10, 2019.

- (d) *Minimum lot dimensions;*
- (e) *Pervious surface; and*
- (f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The Applicant is requesting relief from lot occupancy and minimum lot dimensions for apartment use.

*5201.2 Special exception relief under this section is applicable only to the following:*

- (a) *An addition to a residential building;*
- (b) *A new or enlarged accessory structure that is accessory to such a building; or*
- (c) *A reduction in the minimum setback requirements of an alley lot.*

The Applicant is proposing an addition to an existing residential building.

*5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 affected;*

The existing side yard at 589 Columbia Road NW provides separation between the adjacent apartment buildings. The conforming side yard adjacent to 521 Columbia Road NW would be maintained. Therefore, the proposed expansion of the existing apartment building should not unduly affect the light and air available to neighboring properties.

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

The west elevation, which is located on the property line would not feature any windows. The east elevation, which is adjacent to a conforming side yard, currently provides and would continue to provide windows. The proposed expansion of the existing apartment building should not unduly compromise the use and enjoyment of neighboring properties.

- (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 Applicant is proposing additions at the front, east side, and rear of the property, which would create a more regular building footprint. Along with the additions, the Applicant is proposing to modify the exterior of the building through the introduction of corrugated aluminum, spandrel, and black panels.

The existing building has a contemporary design that would be carried through the proposed façade alterations. The 500 block of Columbia Road NW includes a range of building types and styles; therefore, the proposed addition should not substantially visually intrude on the character, scale, and pattern of houses.

- (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; and*

The Applicant has provided photographs and plans at Exhibits 3 and 4, respectively.

*(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 Applicant is proposing a lot occupancy of 57.69%, which would not exceed the maximum permitted lot occupancy of 70%.

*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.*

No special treatment is recommended at this time.

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

The existing apartment building was constructed pursuant to a building permit issued on November 16, 1967 for an eight (8) unit, three-story brick apartment building.

*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 Applicant is not proposing to expand the height or number of stories, which would continue to conform to the RF-1 development standards for height and number of stories. The building would measure 28 feet and three stories, which would not exceed the maximum permitted height of 35 feet and three stories.

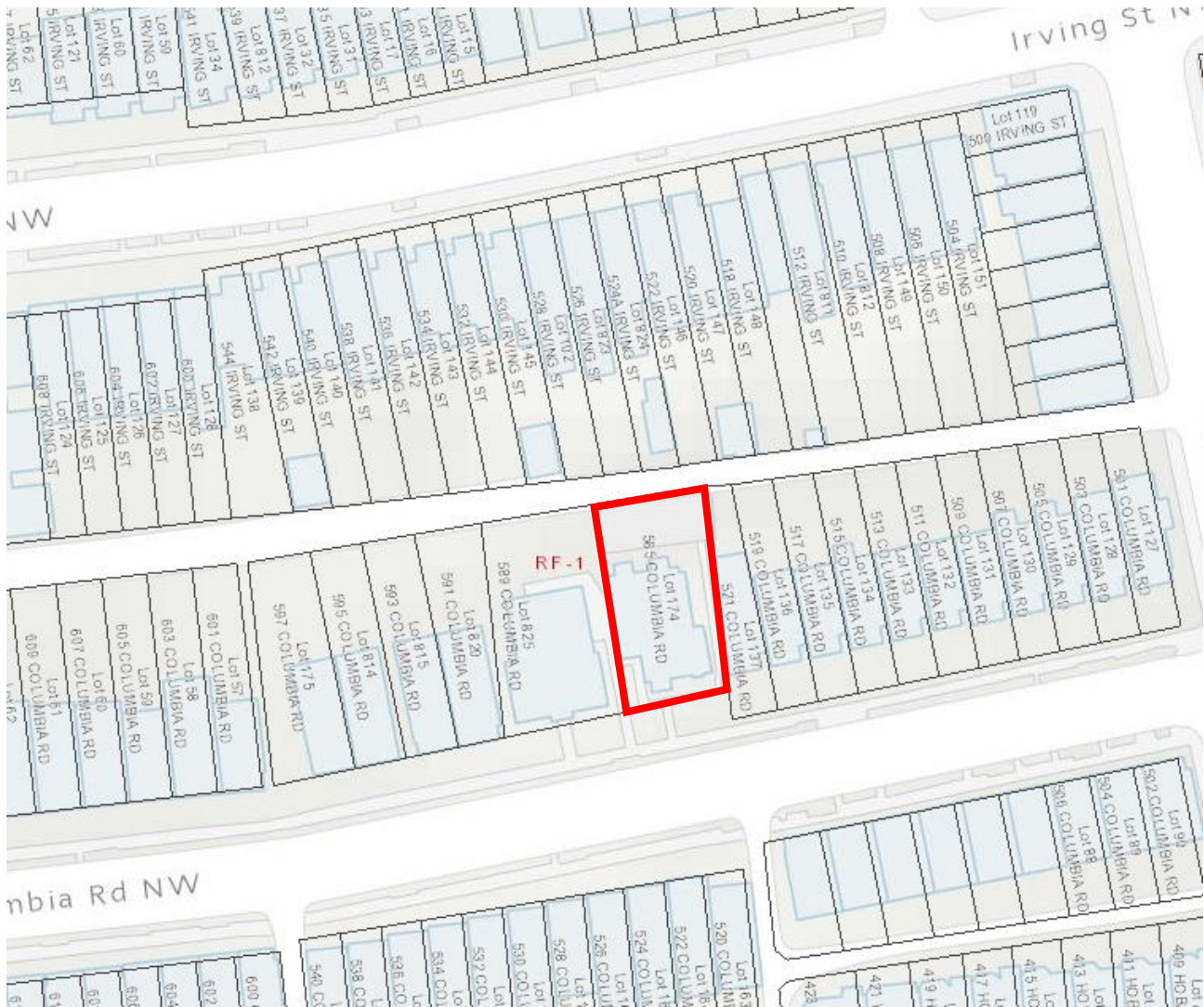
## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

The District Department of Transportation (DDOT) has filed a report indicating no objection to the requested relief (Exhibit 34).

## **VII. COMMUNITY COMMENTS**

At its regularly scheduled meeting on April 10, 2019, ANC 1A voted to support the requested relief to expand the existing apartment building and increase the number of units from eight (8) to ten (10) (Exhibit 21).

Attachment: Location Map



Location Map: 585 Columbia Road, NW