District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

Joel Lawson, Associate Director Development Review

DATE: February 25, 2014

SUBJECT: BZA Case 18692: Application of 1717 E Street LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to construct a new eight-unit apartment house under subsection 330.5, in the R-4 District at premises 1717 E Street, N.E. (Square 4546, Lots 165, 166 and 167).

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of the requested use variance by 1717 E Street LLC, pursuant to § 3103.2, under sub-section 330.5 to permit construction of a new eight-unit apartment house in the R-4 District at 1717 E Street, NE. ***OP would support a six-unit apartment building*** *given the lot's condition, and consistent with the anticipated density for the site in the R-4 District*.

II. LOCATION AND SITE DESCRIPTION

Address	1717 E Street NE
Legal Description	Square 4546, Lots: 165, 166, 167
Ward	6: ANC 6A
Lot Characteristics	Three flat rectangular lots, encumbered by a 32-foot wide DC Water easement which runs diagonally through portions of the three lots.
Zoning	R4- attached and semi-detached single family dwellings. The zoning allows a flat (2 units) on each lot.
Existing Development	3 vacant lots, with a 22-foot diameter underground water main.
Adjacent Properties	Two-story apartment buildings.
Surrounding Neighborhood Character	A mixture of two-story row dwellings on the north side of E Street and garden style apartment buildings along the south side of E Street. (Kingman Park Neighborhood)

III. APPLICATION IN BRIEF

The applicant, 1717 E Street LLC proposes to construct an 8-unit apartment building on a single combined lot, currently consisting of three lots in Square 4546, as identified above. The proposed development would satisfy the off-street parking requirements, as well as the bulk requirements of the Regulations.

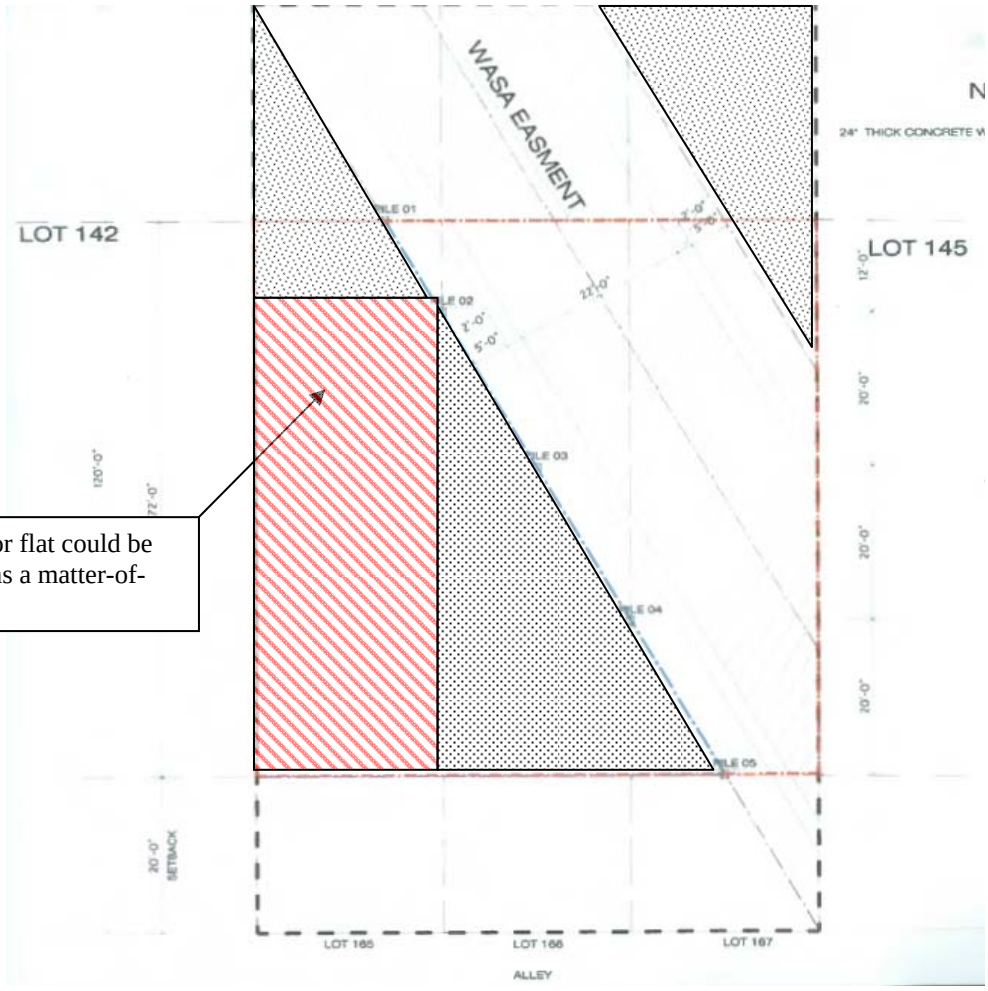
IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. 3 stories.	vacant	40 ft. 3 stories	None required
Lot Width § 401	18 ft. min.	3 at 22.67 ft.	68 ft.	None required
Lot Area § 401	1,800 sf. min.	3 at 2,848.67 ft.	8,246 sf.	None required
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	vacant	29 %	None required
Rear Yard § 404	20 ft. min.	vacant	20 ft.	None required
Parking § 2101	1 per 2 units	vacant	4 spaces	None required
Pervious Surface § 412	30%	100%	65%	None required

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 330.5 (Use Variance)

E STREET



A semi-detached row dwelling or flat could be built in this area (22.67' x 60') as a matter-of-right.

i. Exceptional Situation Resulting in a Hardship

The combined lots are diagonally traversed by a 32-foot wide easement, which accommodates one of the oldest water mains in the city. The easement's area, 2,350 sf., in addition to the area of the shaded portions shown in the adjacent diagram, results in over 50% of the lot as unbuildable. The result is an unusually shaped portion of the lot where a matter-of-right development could reasonably occur (shown as striped in the diagram above), such as one semi-detached dwelling or flat. This represents 16% (1,320 sf) of the combined area, excluding the required 20-ft rear yard.

The information provided by the applicant indicates that the lot and any development would be subject to extraordinary liabilities due to the potential of failure and repairs of the below grade infrastructure and heavy equipment for such repairs would pose a threat of potential structural damage to any future building. Development is severely restricted on the property due to DC Water's easement, over which the applicant has no control. As such, the applicant has demonstrated a unique condition resulting in a hardship in providing the zoning's anticipated level of development, including 3 row dwellings, but has not demonstrated the same for an additional two units. The applicant informed OP that documentation would be submitted to the Board to demonstrate the financial hardship of developing the site.

ii. No Substantial Detriment to the Public Good

A matter-of-right dwelling would stand alone as a semi-detached structure and would be unusual and out of character with the existing row character of the neighborhood. The proposed new construction as an apartment building would fill in a gap between two apartment buildings where none previously existed, setback 28 feet from the north property line, consistent with the abutting buildings. Light and air to the closes residents to the building on the east (Lot 145) would not be unduly impacted as the proposed building would be well separated from that development by the presence of the easement. There are no at risk windows belonging to the apartment building to the west. Parking would be provided on-site, accessible from the alley, as required to reduce impacts to the on-street parking supply. The applicant has also agreed to the neighbor's demands that the building be excluded from DDOT's RPP program. Therefore, in this instance, the design is a creative solution to develop the neighborhood's long-standing vacant lots, and would not present a substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Given the lot's severe constraints, the design of a small apartment building could:

- Be compatible in scale to surrounding low density apartment buildings and row dwellings, a number of which have been converted to small apartment buildings, and
- could satisfy all other requirements of the regulations, including lot occupancy, height, rear yard setback, pervious surface and parking requirements.

As such, the form of development, given the unique site constraints, would not pose substantial harm to the Zoning Regulations. However, the number of units would be contrary to the intent of the zone and has not been justified by the applicant.

VI. CONCLUSION

The first aspect of the variance test is not satisfied to support an eight-unit apartment building where 3-flats or 6 units would have been permitted as a matter-of-right. Given the lot's exceptional condition it would be impractical to develop three flats or row dwellings within the resulting trapezoidal shape. However, no rationale for a hardship was established to permit the development of an 8-unit apartment building on the lots in the R-4 District, given the very unique conditions on this site. A revised design of a six-unit apartment building would be supported as consistent with the lot's limited buildable area and within the density

anticipated for lots within the R-4 District. The case has not been demonstrated for two additional units in this new development.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation discussed with OP the department's support of the proposed development on condition that the surface parking proposed in the front of the building is removed. The applicant has agreed to submit revised plans without the parking located at the front of the building.

VIII. COMMUNITY COMMENTS

The applicant met with the ANC 6A on January 9, 2014. Their report would be issued under separate cover.

Attachment: Location Map