


## MEMORANDUM

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

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

**DATE:** April 11, 2019

**SUBJECT:** BZA Case 19978: Request for special exception and variance relief to allow construction of a second story addition to an existing building on an alley lot.

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

OP analysis and recommendation is based on the revised application at Exhibit 31 and 32. OP recommends **approval** of the following special exception relief pursuant to Subtitles E §§ 5108 and 5204 and X § 901.2:

- E § 5104, rear yard (5 feet required; 0 feet existing; 0 feet proposed); and
- E § 5105, side yard (5 feet required; 0 feet existing; 0 feet proposed).

OP recommends **approval** of the following variance relief pursuant to Subtitle X § 1002.2:

- E § 5102, height (20 feet and 2 stories maximum permitted; 13.16 feet and 1 story existing; 21.16 feet and 2 stories proposed)<sup>1</sup>;
- E § 5106, alley centerline (12 feet required; 7.5 feet existing; 7.5 feet proposed); and
- E § 5107, pervious surface (10% minimum required; 0% existing; 0% proposed).

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

Address	775 (rear) Fairmont Street NW
Applicants	Toye Bello, agent, on behalf of Hoagie House, LLC.
Legal Description	Square 2885, Lot 0862 – Lot 0862 is a tax lot.
Ward, ANC	1 / 1B
Zone	RF-1 – Provides for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.
Lot Characteristics	Lot 0862 is an alley lot that measures 62.5 feet by 26 feet. The lot is bounded to the north and west by 15-foot improved public alleys. To the south and east are adjoining lots that front on Fairmont Street NW.

<sup>1</sup> The Zoning Self-Certification (Exhibit 4) and Architectural Plans and Elevations (Exhibit 6) do not reflect consistent building height measurements for the existing and proposed buildings. The Applicant should rectify the inconsistency prior to the BZA hearing.

Existing Development	The property is currently improved with a one-story brick garage structure that has been used as a commercial business. The property was the subject of a previous BZA case (17892), which granted use variance relief for a commercial use in the Residential Flat (R-4) zone.
Adjacent Properties	The adjacent properties at 767 to 775 Fairmont Street NW are improved with row buildings in residential use. Across the alley, to the north, is the site of the Gyro Motor Company / Standard Material Company, which is a historic resource that is currently in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with a mix of row buildings and small apartment buildings.
Proposed Development	The applicant is proposing to construct a second story addition to the existing building and convert the building from commercial to residential use.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>2</sup>	Relief
Height E § 5102	20 ft. max./2 stories	13.16 - 15 ft./1 story	21.16 ft./2 stories	<b>1.16 ft. requested</b>
Lot Width E § 201.1	18 ft. min.	26 ft.	26 ft.	None required
Lot Area E § 201.1	1,800 sq. ft. min.	1,625 sq. ft.	1,625 sq. ft.	Existing nonconforming
Lot Occupancy E § 5103	N/A	92 %	100 %	None required
Rear Yard E § 5104	5 ft. min.	0 ft.	0 ft.	<b>5 ft. requested</b>
Side Yard E § 5105	5 ft. min.	0 ft.	0 ft.	<b>5 ft. requested</b>
Alley Centerline E § 5106	12 ft. min.	7.5 ft.	7.5 ft.	<b>4.5 ft. requested</b>
Pervious Surface E § 5107	10% min.	0%	0%	<b>10% requested</b>
Parking C § 701	1 space min.	0 spaces	1 space	None required

### IV. OP ANALYSIS

#### a. Variance Relief from Subtitle E §§ 5102, 5106, and 5107

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

The existing alley building was constructed prior to May 12, 1958 and does not comply with the development standards of Subtitle E, Chapter 51. The Applicant would not be able to comply with the pervious surface or alley centerline setback requirements without demolishing a portion of the existing building.

---

<sup>2</sup> Information provided by Applicant in Zoning Self-Certification, Exhibit 4, dated January 26, 2019.

In returning the structure to residential use, the Applicant is proposing to construct a second story, which would result in a nonconforming building height. The existing first floor would contain parking and living space, while the second story would feature two bedrooms and an office. The existing structure measures approximately 15 feet in height, which presents a practical difficulty to the Applicant. The proposed construction of a second story that meets the required seven-foot ceiling height, results in a building that slightly exceeds the maximum permitted 20-foot height.

*ii. No Substantial Detriment to the Public Good*

The alley lot is adjacent to a 15-foot wide improved public alley to the north and west. Other structures in Square 2885 that face the alley to the north are located on the property line, which limits the alley width at its intersection with Sherman Avenue NW. Failure to provide the required alley centerline setback would not further restrict the alley width.

The zoning regulations contemplate two-story alley buildings. The Gyro Motor Company / Standard Material Company to the north across the alley is two stories and in residential use. Construction of a second story should not negatively impact neighboring properties.

*iii. No Substantial Harm to the Zoning Regulations*

The existing alley building was constructed prior to May 12, 1958 and does not comply with the development standards of Subtitle E, Chapter 51. The Applicant is proposing to extend the existing alley centerline setback, and pervious surface nonconformities by constructing a second story addition to the alley building at 775 (rear) Fairmont Street NW.

Although the Applicant is proposing to extend the building footprint at the northwest corner of the property, the new construction would take the place of existing paved, impervious surface. While the Applicant proposed to introduce greenery through rooftop planters, it would not create new pervious surface on the property.

The Applicant is proposing to provide the required parking on-site. The proposed single household residential use is permitted in the RF-1 zone. Therefore, granting the requested area variance relief should not result in substantial harm to the zoning regulations.

**b. Special Exception Relief from Subtitle E § 5104 and 5105**

*The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.*

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

The existing alley building was constructed prior to May 12, 1958 and is nonconforming. The Applicant is proposing to extend the existing rear and side yard nonconformities upward by constructing a second story addition to the alley building at 775 (rear) Fairmont Street NW. The proposal would be in harmony with the general purpose and intent of the Zoning Regulations.

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

The existing building is nonconforming for side and rear yard. The Applicant is proposing to extend the nonconforming yards vertically through the addition of a second story. The Applicant would have to demolish a portion of the existing structure to provide conforming site yards. Windows in the

addition would generally face the alleys, not the yards of adjacent lots. Furthermore, the rear yards of the properties at 767 to 775 Fairmont Street NW provide separation from the proposed alley residential use.

The proposed addition to and residential use of the alley building should not adversely affect the use of neighboring properties.

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

Comments from other District agencies had not been received at the time this report was drafted.

## **VI. COMMUNITY COMMENTS TO DATE**

Comments from the community and ANC had not been submitted to the record at the time this report was drafted.

Attachment: Location Map

**Location Map:**



**Location: 775 (rear) Fairmont Street NW**