



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** December 6, 2011  
**SUBJECT:** BZA Case No.18287, 1324 14<sup>th</sup> Street, NW

### I. OFFICE OF PLANNING RECOMMENDATION

In its original request, CAS Riegler Real Estate Development LLC (Applicant) proposed to renovate, make rear additions to the 2<sup>nd</sup> and 3<sup>rd</sup> floors and add a new 4<sup>th</sup> floor to the building at 1324 14<sup>th</sup> Street, NW. The building would accommodate commercial use on the ground floor and six residential units on the upper floors. Subsequently, the Applicant has modified the design by reducing the upper floor additions and thus the requested rear yard (§ 774.1) and extending a nonconforming rear yard (§ 2001.3) relief are no longer needed. The changes have also resulted in a reduction in the number of units from 6 to 5. The commercial use remains unchanged. To accommodate the proposal, the Applicant has requested the following variance relief:

- § 772.1, Lot Occupancy (75% required for residential use, 80% proposed)
- §776, Closed Court (15 ft. width and 350 sq. ft. area required, 8.4 ft. width and 126.25 sq. ft. area proposed)
- § 2001.3, Nonconforming Structure (Addition to a non-conforming structure that conforms to lot occupancy)
- §1901.6, Conditional variance to allow a restaurant on the property in the event the linear footage for eating/drinking establishment in Square 211 along 14<sup>th</sup> Street exceeds 50% at the time of Building Permit.

The Office of Planning (OP) recommends **approval** of the requested lot occupancy, closed court and the addition to a non-conforming structure relief and recommends **denial** of the requested “conditional variance” relief from the requirements which govern eating establishments along 14<sup>th</sup> Street in Square 211.

### II. AREA AND SITE DESCRIPTION

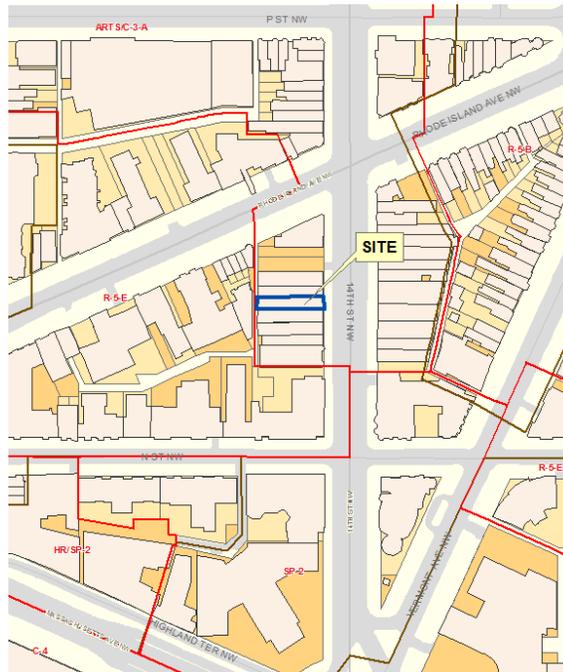
<b>Address:</b>	1324 14 <sup>th</sup> Street, NW
<b>Legal Description:</b>	Square 211, Lot 32
<b>Ward:</b>	Ward 2, ANC-2F
<b>Zoning:</b>	ARTS/C-3-A
<b>Lot Characteristics:</b>	The 3,250 square feet (25ft. x 130 ft.), rectangular property is developed with a 3-story building. The ground floor is currently occupied with retail uses and the 2 upper floors are vacant. To the rear of the lot is an 11-foot wide alley.



<b>Adjacent Properties:</b>	To the north is a 2-story building with retail use; to the east across 14 <sup>th</sup> Street are 3-story buildings with various commercial uses; to the south is a 3-story building with retail use; to the west across the alley is a 3-story, loft style, residential building.
<b>Neighborhood Character:</b>	The property is within the Logan's Circle neighborhood which is developed with a mixture of apartments, hotel, office and retail uses many within mixed uses buildings.
<b>Historic Preservation:</b>	Greater 14 <sup>th</sup> Street Historic District

### III. MAPS

SITE LOCATION



AERIAL VIEW



**IV. APPLICATION IN BRIEF**

The Applicant wishes to renovate and convert the existing commercial building to commercial use (restaurant) on the first floor and residential uses on the upper floors. In addition, the Applicant proposes rear additions to the 2<sup>nd</sup> and 3<sup>rd</sup> floors and a new 4<sup>th</sup> floor to accommodate five units. The 3<sup>rd</sup> floor will have loft style apartments with sleeping areas within the 4<sup>th</sup> floor addition. The 4<sup>th</sup> floor will be set back 12.5 feet from the front of the building to preserve the historic character of the building façade.

**V. ZONING REQUIREMENTS and REQUESTED RELIEF**

<b>ARTS/C-3-A Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height (ft.) § 770	65 ft.	40 ft.	46.5 ft.	None required
FAR § 771	Commercial – 2.5 Residential – 4.0	Commercial - 1.7	Commercial – 1.0 Residential – 1.8	None required
Lot Occupancy § 772.1	Commercial – 100% Residential – 75% max.	Commercial – 100%	Commercial – 100% <b>Residential – 80%</b>	<b>Required</b>
Rear Yard (ft.) § 774	12 ft. min.	0 ft. - 1 <sup>st</sup> floor 61.5 ft. - 2 <sup>nd</sup> floor 96.7 - 3 <sup>rd</sup> floor	<b>0 ft. - 1<sup>st</sup> floor</b> 18 ft. - 2 <sup>nd</sup> and 3 <sup>rd</sup> floor 30 ft. - 4 <sup>th</sup> floor	<b>Required</b> for 1 <sup>st</sup> floor
Closed Court § 776.4	15 ft. width/ 350sf area	None	<b>8.4 ft. width/126.25 sf. area</b>	<b>Required</b>

**VI. OFFICE OF PLANNING ANALYSIS**

As seen on the table above, the proposal has a non-conforming rear yard for the first floor which currently exist and does not meet the residential lot occupancy of 80% (§772.1) and closed court width and area requirements (§ 776.4).

LOT OCCUPANCY, CLOSED COURT AND REAR YARD

*i. Uniqueness Resulting in a Practical Difficulty*

The property is unique due to a confluence of factors which makes an exceptional situation. The property is long and narrow, 25 feet width and 130 length, and was developed in 1905 with a wholly commercial building. The proposal is to convert the upper floors to residential use. The building is a contributing structure to the Greater 14<sup>th</sup> Street Historic District which greatly restricts the amount of space that can be added given the C-3-A zoning of the property. The building was constructed prior to 1958 and now has a non-conforming to rear yard.

### Lot Occupancy

The property's zoning designation allows the building to have additional height within which the property could accommodate the proposed square footage needed for a viable development. However, additional height is limited due to that fact the building is a contributing structure to the historic district. Therefore, the addition was extended towards the rear which slightly increased the lot occupancy over that permitted. Additionally, because of the building's length and the height of adjacent buildings, enough light and air will not be available from the rear and front of the building to serve the center of the building. Therefore, a court area has to be provided to allow adequate light and air to the center of the building. In providing for this court area, a slight increase in lot occupancy is needed to accommodate reasonable sized units. Therefore, length of the property and the historic restrictions combines to presents practical difficulty with meeting the lot occupancy requirement at the same time constructing units which are of reasonable sizes.

### Court

The Applicant has introduced the closed court area to bring more light and air to the center of the building. The width and area of the proposed court has been reduced due to the narrowness of the lot and the existing structure. Introducing a court that meets the width and area requirement would encroach on stairs and corridors necessary for circulation and further infringe on the livable space. Therefore, meeting the court width and area requirements presents a practical difficulty to creating units which are of reasonable sizes, with efficient corridors and adequate light and air.

### Rear Yard

Due to the fact that the building is a contributing structure to the historic district, demolition to meet the rear yard requirement would not be allowed and is therefore a practical difficulty to meeting the requirement on the first floor.

#### **ii. Detriment to the Public Good**

The non-conforming rear yard, the non-conforming court and the proposed additions that increase the residential lot occupancy will not impact the light, air or enjoyment of the adjacent properties as both adjacent buildings extend into their rear yards greater than or similar to the proposed addition. There are no privacy concerns as the adjacent properties extend to or close to the property line. Therefore, no substantial detriment to the public good would result from the proposed additions.

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

The Applicant has demonstrated that the development of the property under the matter-or-right lot occupancy, court width and court area and rear yard requirements presents some difficulty which would limit its efficient upgrading and reuse. The proposed lot occupancy and closed court would allow the property to be used in a manner that would not substantially harm the zone plan and would not negatively impact the use of adjacent properties. OP is very supportive of proposals to renovate buildings and add residential units to streets which encourage a mix of uses with ground floor retail and residential use on the upper floors.

### CONDITIONAL VARIANCE

The applicant has requested a conditional variance from the requirements of §1901.6. The applicant has stated that they have designed the building to accommodate a restaurant on the ground floor and

without which the renovation to accommodate the upper floor residential use will not be possible. The applicant further states that per §1901.6 there exists linear frontage to accommodate the proposed restaurant but would like to pre-emptively have the variance due to the time frame to process a variance and a Building Permit. On December 1, 2011, the Department of Consumer and Regulatory Affairs (DCRA) informed OP that based on their most updated figures, Square 211 has 112 feet of linear frontage available for eating establishment use.

OP cannot support the granting of such a variance, as it would set a precedence of granting a variance without the full knowledge of the situation that may exist at that time.

## **VII. HISTORIC PRESERVATION**

The property is a contributing building to the Greater 14<sup>th</sup> Street Historic District. The proposal was reviewed by the Historic Preservation Review Board (HPRB) on November 17, 2011 and was conceptually approved with final review delegated to Historic Preservation staff.

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

The District Department of Transportation (DDOT) will submit a report under separate cover. OP is not aware of comments from any other District agency.

## **IX. COMMUNITY COMMENTS**

The property is within ANC-2F. On November 2, 2011 the application was reviewed by the ANC which voted to recommend approval of the requested variances.

MBR/