

**MEMORANDUM**

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

**FROM:** Matt Jesick, Case Manager  
 Joel Lawson, Associate Director Development Review

**DATE:** July 22, 2014

**SUBJECT:** BZA Case 18787 – 143 Rear W Street, NW

**I. RECOMMENDATION**

With regards to this proposal to build five rowhouses on an existing alley lot, the Office of Planning (OP) recommends **approval** of the following requested variance relief:

- § 2507.2, Alley Width (no dwelling may be erected on an alley less than 30’ wide; existing alleys are a maximum of 15’ wide).

The applicant has informed OP that the Zoning Administrator has determined that relief from § 401.6 is not required. If the Board determines that relief from that section is required, OP does not oppose the relief.

**II. LOCATION AND SITE DESCRIPTION**

Address	143 Rear W Street, NW
Legal Description	Square 3121, Lots 73 and 74
Ward and ANC	5, 5E
Lot Characteristics	Rectangular Lot – 101.3’ wide (east-west) x 90’ deep (north-south)
Zoning	R-4 – Rowhouses; Single family and flats
Existing Development	Vacant; used for parking – previously available for lease, now leased to DC Water to supplement street parking lost to construction of the First Street Tunnel Project
Historic District	none
Adjacent Properties	Residential rowhouses to the north, east and west; 4-story apartment buildings to the south
Surrounding Neighborhood Character	Mostly rowhouses to the east; Howard University and apartments to the west



### III. APPLICATION IN BRIEF

Applicant	143 Rear W Street, LLC
Proposal	Construct five rowhouses on five newly created alley lots
Requested Relief	§2507.2 – New Dwellings on Alley Lots



### IV. BACKGROUND

This application originally proposed four flats, or eight total units, on four new lots. That original design had three full floors plus a penthouse structure and large rooftop decks. OP felt the design was out of character – both in scale and design – with the neighborhood, and encouraged the applicant to work with neighbors on a revised design. The result is the current proposal for five rowhouses with two primary stories, a set back third story, and simplified and more contextual architecture. The applicant has also met with various city agencies, one of whom, FEMS, provided written comments stating that they have no objection to the proposal.

## V. ZONING REQUIREMENTS AND ANALYSIS

R-4	Regulation	Proposed	Relief
Height (ft.) § 2507.4	Distance from opposite side of alley to wall of the structure (~31' 1")	30' 4.8"	Conforming
Lot Area (sf) § 401	1,800 sf min.	9,118 sf total site area 1,823.6 sf per lot	Conforming
Lot Width (ft.) § 401	18' min.	20.2' per lot	Conforming
Lot Width § 401.6	New lots must have a 14' frontage on a street	No frontage on a street	Not Required
Lot Occupancy § 403	60% max. (1,200 sf)	59% (1,092 sf)	Conforming
Rear Yard (ft.) § 404	20' min.	20 ft.	Conforming
Side Yard (ft.) § 405	None required	None	Conforming
<b>Alley Width § 2507.2</b>	<b>30' alley width required for new one-family dwelling</b>	<b>15' alley, max.</b>	<b>Requested</b>

The proposed development would meet all zoning requirements of the R-4 zone, including lot size, lot width, building height, number of stories, lot occupancy and parking. The proposal would require a variance from the alley width requirement of § 2507.2. In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103.

**1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The subject property is exceptional in that it is vacant and does not currently have a viable long-term use operating on it. The property is the only large, vacant alley lot in the vicinity. Most squares in Bloomingdale do not have alley lots. Two squares have alley lots that are already developed with structures on alleys less than 30 feet wide, and another large alley lot is used for Crispus Attucks Park. The only other alley lot is the subject site. The subject site is large, especially for alley lots, which tend to be smaller than regular lots. At 9,118 square feet, the property is one of the largest sites in the neighborhood east of Second Street. The subject property is surrounded by alleys on all sides, making street frontage through a consolidation with other lots not possible.

**2. Does the extraordinary or exceptional situation impose an undue hardship or practical difficulty to the owner?**

The exceptional situation creates an undue hardship for the owner because the property is not economically feasible to own in the long term in its present condition, or even with the permitted potential uses. The property is vacant and it would likely not be feasible to construct a building for a matter-of-right use such as artist studios or private garages. Permissible special exception uses on alley lots include public parking garage and a storage facility, but the applicant's economic analysis indicates that those uses would not be viable in a largely low-density

residential area. The applicant's economic analysis also concludes that surface parking would not be feasible over the long term. The costs associated with operating the lot would necessitate a rental rate of at least \$150 per month per space, which, according to the study, is not a price the market would bear.

**3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

The requested variance can be granted without impairing the public good. The design was completely modified to be more in keeping with the character of the neighborhood. The original concept with four flats (eight units), a full three stories, rooftop penthouses, rooftop decks and apartment-like architecture, was revised to 5 rowhouses with a set back third story, no penthouse, and architecture with a genuine rowhouse feel and rhythm. The new buildings would be set back from the north and south property lines to create additional space between the proposed development and existing buildings. The submitted shadow studies show that the new construction would not unduly impact light available to nearby properties. Significant landscaping would make the alleys more visually appealing, and the presence of additional residents would add eyes on the alley and increase safety. The applicant also stated to OP that the existing lighting on the site would be supplemented with additional lights on the exterior of the units, typical for a residential rowhouse, which would increase safety but be designed to minimize spillover light into nearby properties.

Relief would not impair the integrity of the Regulations. The alley regulations were intended to prevent unsanitary housing and to ensure, in the words of the 1934 Alley Dwelling Act, "public health, comfort, morals, safety, and welfare". The applicant would be responsible for providing adequate water and sewer to the property. The applicant provided OP with a letter from the Fire Marshal indicating that FEMS has no concerns about the project. OP anticipates that the letter will be entered into the record. DDOT has already submitted a letter into the record indicating no objections to the requested variance and noting that pedestrians would have safe access to the site through an easement created for pedestrian and utility access. The design includes on-site parking for each unit so there should not be significant parking impacts, but DDOT states that if there are any parking impacts on nearby streets, those can be addressed through their policy tools.

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

As noted above, OP has received letters from FEMS and DDOT regarding the application. The applicant has reviewed the plans with MPD, DPW and DC Water, but those agencies have not provided written comments.

## **VII. COMMUNITY COMMENTS**

The Bloomingdale Civic Association and the ANC both voted to oppose the project, although as of this writing OP has not seen the written statements from those organizations. In one memo,

written by three neighbors to the Bloomingdale Civic Association and forwarded to OP, the authors expressed concern about the precedent that this development could set for other alley lots. OP notes that each case is evaluated independently and on its own merits, so this project would not form a precedent for other alley lots.