



## MEMORANDUM

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

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** February 1, 2011

**SUBJECT:** BZA Application 18163: 1444 Fairmont Street, NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

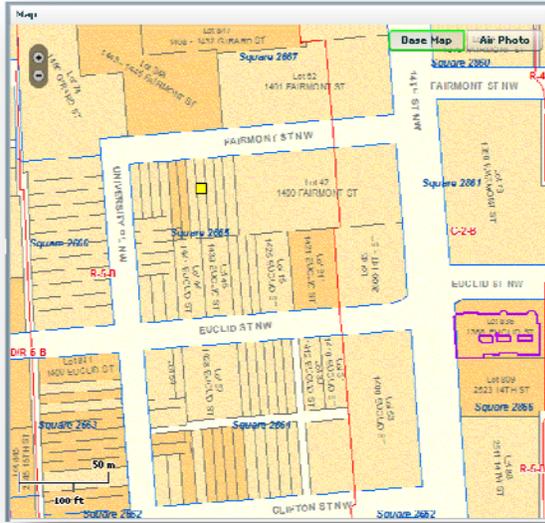
1. **An area variance pursuant to § 2101.1 of Title 11 DCMR**, to reduce the required number of off-street parking spaces from 2 spaces to 0 spaces;
2. **An area variance pursuant to § 406**, to reduce the required court width where 10 feet (minimum) is required and 3 ft 9 inches is provided; and
3. **Variance relief pursuant to § 2001.3 (b)(2)**, to extend the nonconforming aspect of the court, including the addition of the penthouse level which extends the court's height by 9ft 6 inches.

OP's review included the latter relief to address the addition which extends the court's height.

### II. AREA AND SITE DESCRIPTION

Address	1444 Fairmont Street, NW
Legal Description	Square 2665, Lot 0032
Ward	1
Lot Characteristics	Long, narrow, rectangular lot with no alley access.
Existing Development	Vacant row dwelling with deteriorated interior.
Zoning	R-5-B: which permits all types of urban residential development to a moderate height and density.
Adjacent Properties	North: Across Fairmont Street, apartment buildings. South: Apartment buildings. East: An abutting row structure and an apartment building with surface parking at the corner of Fairmont and 14 <sup>th</sup> Street. West: Row houses and flats.
Historic District	None.
Surrounding Neighborhood Character	Mixture of residential structures, including, attached row homes, flats and apartment buildings.





Zoning and Vicinity Map

**III. APPLICATION-IN-BRIEF**

The applicant, DCHD, and its contract purchaser Jonathan Rubin, propose the redevelopment of the vacant and deteriorated row structure at 1444 Fairmont Street NW into a 5-unit apartment building in the R-5-B District. The building’s renovation includes excavation of the existing cellar floor to provide the required height for habitable space of the garden unit and a small penthouse addition recessed towards the rear of the building. The third floor and penthouse level would be split to accommodate two, one-bedroom units, with the bedroom and deck area for each unit on the penthouse floor. The building would continue to appear as a three-story building with a basement from street view, but would effectively show four stories from the rear. No parking is currently available on the lot, and the property has an existing open court on the west side of the property.

**IV. ZONING REQUIREMENT and REQUESTED RELIEF**

R-5-B Requirements	Existing	Permitted/Required	Proposed	Relief
§ 401 Lot Area	2,417 sf	None Prescribed	2,417 sf	None required
§ 401 Lot Width	16.6 ft.	None Prescribed	16.75 ft	None required
§ 403.2 Lot Occupancy (max.)	46%	60%	50%	None Required
§ 402.4 FAR (max.)	1.4	1.8	1.7	None Required
§ 400.1 Height (max.)	42.5 ft	50 ft (no limit on stories)	43.5 ft	None Required
§ 405.9 Side Yard (min.)	0	None Required	0	None Required
§ 404 Rear Yard (min.)	59 ft	4 inches per foot of vertical distance... but not less than 15 feet.	53 ft	None Required
§ 406 Open Court	3ft 9 inches	4 in. per foot of height of court, but not less than 10 ft.	3ft. 9 inches	<b>Relief Required</b>
§ 2101.1 Parking (min.)	0	1 per each 2 dwelling units	0	<b>Relief Required</b>

The proposed renovation of the flat to a five-unit apartment building would satisfy all bulk requirements, including density, height and lot occupancy, but would require variance relief from the parking and open court requirements.

## **VI. ANALYSIS**

### **Variance Relief**

#### Exceptional Situation

The subject property, which predates the 1958 Zoning Regulations, includes an existing nonconforming structure with respect to the width of the open court and the narrow lot width. In addition, the property does not abut an alley system at the rear of the lot to accommodate vehicular access to the property. The confluence of factors creates an exceptional situation of the property, which affects a feasible renovation of the property within the limits of the relevant R-5-B provisions.

### **§ 2101.1 - Off-Street Parking**

#### Peculiar and Exceptional Practical Difficulties

The subject property does not abut an alley system from which rear access to the lot would be possible. Curb cuts to the front of the property would not be permitted by either the District's Public Space regulations or Section 2116 of the Zoning Regulations, which does not permit parking between the building's frontage and the street.

#### Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan, since Section 2116 of the Zoning Regulations expressly prohibits parking anywhere else on the lot and there is no access to the lot via an alley system at the rear. It would allow for the rehab of this property consistent with the use provisions of the R-5-B District.

The subject property is located mid-block off the multi-modal 14<sup>th</sup> Street corridor. Metrobus, as well as the Circulator bus is frequent and the square is almost equidistant between two Green Line Metro stations. Car-share options are also within the building's immediate vicinity. Therefore, the availability of a variety of transportation options reduces the incentive for future tenants to own vehicles, as parking could not be accommodated on-site.

### **§§ 406, 2001.3(b)(2) – Court Width and Addition to a Nonconforming Structure**

#### Peculiar and Exceptional Practical Difficulties

The court width is an existing condition of the structure designed to provide light and air to interior rooms of the building. The building's renovation includes excavation of the existing cellar floor to provide the required height for habitable space of the garden unit and a small penthouse addition recessed towards the rear of the building with the existing court retained and extended up.

Eliminating the court would increase lot occupancy, affect the light and air to the new units, and potentially reduce the number of bedrooms in the plan on each floor, as the Building Code standard requires all bedrooms to have a window. Given the lot's width only one bedroom would be reasonably accommodated at the rear and would result in an inefficient floor plan if two bedrooms were included. Retaining the court facilitates an efficient design according to building code requirements, as shown on submitted plans.

Intent, Purpose and Integrity of the Zone Plan

Granting this variance would not impair the intent, purpose and integrity of the zone plan, as the court area is intended to provide light and air to the building, including bedroom windows as required by the building code. The existing court would meet its intended purpose and its function would not be diminished if relief was granted.

The court also provides a separation between the subject property and the abutting residence to the west, which also has a court facing the subject property. Eliminating the court would not be practical for the reasons discussed, while maintaining the court would fulfill the intent as expressed through the Zoning Regulations.

Section 2001.2 permits ordinary repairs, alterations, and modernizations to non-conforming structures devoted to conforming uses, including structural alterations. The structure would also conform to lot occupancy requirements (§ 2001.3 (a)) and the addition conforms to use and structure requirements (§ 2001.3 (b) (1)). The addition also does not create any new nonconformity of structure and addition combined (§ 2001.3 (b) (2)).

**VI. COMMUNITY COMMENTS**

The ANC met at its regularly held meeting on January 6, 2011 and voted unanimously to approve the requested relief in support of the property's renovation.

**VIII. AGENCY COMMENTS**

No comments were received from other District agencies.

**IX. RECOMMENDATION**

The Office of Planning has reviewed the application in terms of the property's zoning, the character of the neighborhood and the standards for variance relief. The application can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Map." The rehabilitation of this abandoned former rooming house furthers the public good by removing an eyesore from the community and supports DHCD's goal of providing affordable housing in the District.

OP recommends **approval** of the requested variance relief, including from the parking requirement of Section 2101 to have no on-site parking spaces , from the court width requirements of Section 406 and from Section 2001.3(b)(2) to extend a nonconforming structure to permit the needed rehabilitation of the building for apartment use, as permitted in the R-5-B District.