

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 Jøel Lawson, Associate Director Development Review  
**DATE:** May 13, 2014

**SUBJECT:** BZA Case 18760, 1412 4<sup>th</sup> Street, SW (Channel Square Housing, LLC)

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of variance relief from the use provision under § 320.3 to permit the operation of offices on a portion of the ground floor (up to 5,000 sf) of an apartment building, including an existing office, at premises 1412 4th Street, S.W. (Square 547, Lot 24).

**II. LOCATION AND SITE DESCRIPTION**

Address	1412 4 <sup>th</sup> Street SW
Legal Description	Square 0547, Lot 0024
Ward 6/ANC 6D	6 /ANC 6D
Lot Characteristics	Flat rectangular lot improved with 5 residential apartment buildings.
Zoning	The property is split zoned R-5-D and R-3. The subject of this application is located within the R-3 portion of the site.  R-3 permits row dwellings and other permitted uses in the R-2 district. Currently, the apartment building is a non-conforming structure and use in this zone district.
Existing Development	The subject building is a 15-unit apartment building which fronts on 4 <sup>th</sup> Street SW, with no more than 5,000 sf. of ground floor office space. Four other residential buildings on the subject lot comprise the development within the square, bounded by O Street to the north, P Street to the south, 3 <sup>rd</sup> Street to the east and 4 <sup>th</sup> Street on the west.
Historic District	None. The area is within the jurisdiction of the Commission of Fine Arts.
Surrounding Neighborhood Character	Residential structures, including a mix of high rise apartments, walk-up garden apartments and coops. It is located north of Fort McNair at P Street.



**III. APPLICATION- IN-BRIEF**

Proposal	The applicant, Channel Square Housing LLC, pursuant to 11 DCMR § 3103.2, requests a variance from the use provisions to allow office uses, for a portion of the first floor of the apartment building under subsection 320.3, in the R-3 District.
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**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

Section 320.3 permits any use permitted in an R-2 District under § 300.3; and row dwellings. Pursuant to 11 DCMR § 3103.2, the applicant requests a variance from the use provisions to allow an office use under subsection 320.3, in the R-3 District.

**V. OFFICE OF PLANNING ANALYSIS**

**Variance Relief from § 320.3**

**i. Exceptional Situation Resulting in a Hardship**

The applicant’s apartment buildings were developed under the Southwest Urban Renewal Plan in the 1960’s. The subject building was specifically developed to allow up to 5,000 square feet of neighborhood commercial space on the ground floor. The space was a conforming use under the previous zone designation of UR and was made nonconforming with the expiration of the Urban Renewal legislation in 1998, when the apartments obtained the current zoning of R-5-D and R-3 (ZC Order 807).

The ground floor use began as a grocery store, with continuous non-residential uses thereafter, as demonstrated by the applicant’s submission. The current use is an office operated by a non-profit entity under contract by the District’s Department of Employment Services (DDOES). The ground floor space is structurally different from the apartment units above and there is minimal rear access. Costly reconstruction would be required to convert the long standing commercial ground floor space to habitable apartment units.

The building’s prior zoning history, the ground floor’s design and its continuous non-residential use, in combination is an exceptional situation of the property creates undue hardship for the property owner in conforming to the current regulations.

**ii. No Substantial Detriment to the Public Good**

There would be no harm to the public good since the space has been occupied by office uses at various times since 2002, as noted by the issued certificates of occupancies without adverse impacts due to noise, traffic or otherwise, on the surrounding neighborhood. Its current office has operated under contract with a District agency for the past seven years to serve District residents and is a public benefit.

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

There would be no substantial detriment to the public good as adequate parking (up to 13 spaces) is provided onsite to serve the commercial space. The office is within walking distance of the Waterfront Metrorail Station and along a well-served bus route on 4<sup>th</sup> Street and P Street, SW.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received by OP from other District agencies to date.

**VII. COMMUNITY COMMENTS**

The ANC voted approval of the applicant’s request at its regularly held meeting on April 14, 2014.

Attachment: Location Map

