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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: February 7, 2012

SUBJECT: BZA Case 18312 – 1341 Irving Street, NW

I. RECOMMENDATION

With regards to this proposal to convert an existing building to a multiple dwelling, the Office of Planning (OP) recommends **denial** of the following variance relief:

- § 401, Lot Area (3,600 sf required, 2,471.58 provided).

II. LOCATION AND SITE DESCRIPTION

Address	1341 Irving Street, NW
Legal Description	Square 2848, Lot 815
Ward and ANC	1, 1A
Lot Characteristics	Rectangular interior rowhouse lot – 16'8" x 148.3'; 16 foot alley on north side of lot
Zoning	R-4 – single family or flat, rowhouse buildings
Existing Development	Existing rowhouse structure
Historic District	None
Adjacent Properties	Rowhouse structures
Surrounding Neighborhood Character	Mostly rowhouses; Apartment buildings further to the west

III. APPLICATION IN BRIEF

The subject site is a rectangular, interior rowhouse lot. The structure on the lot is a vacant rowhouse building consisting of only the front and rear façades, party walls and a roof. The interior has been totally demolished. The applicant proposes to rehabilitate and add on to the structure in order to create a four unit apartment building.

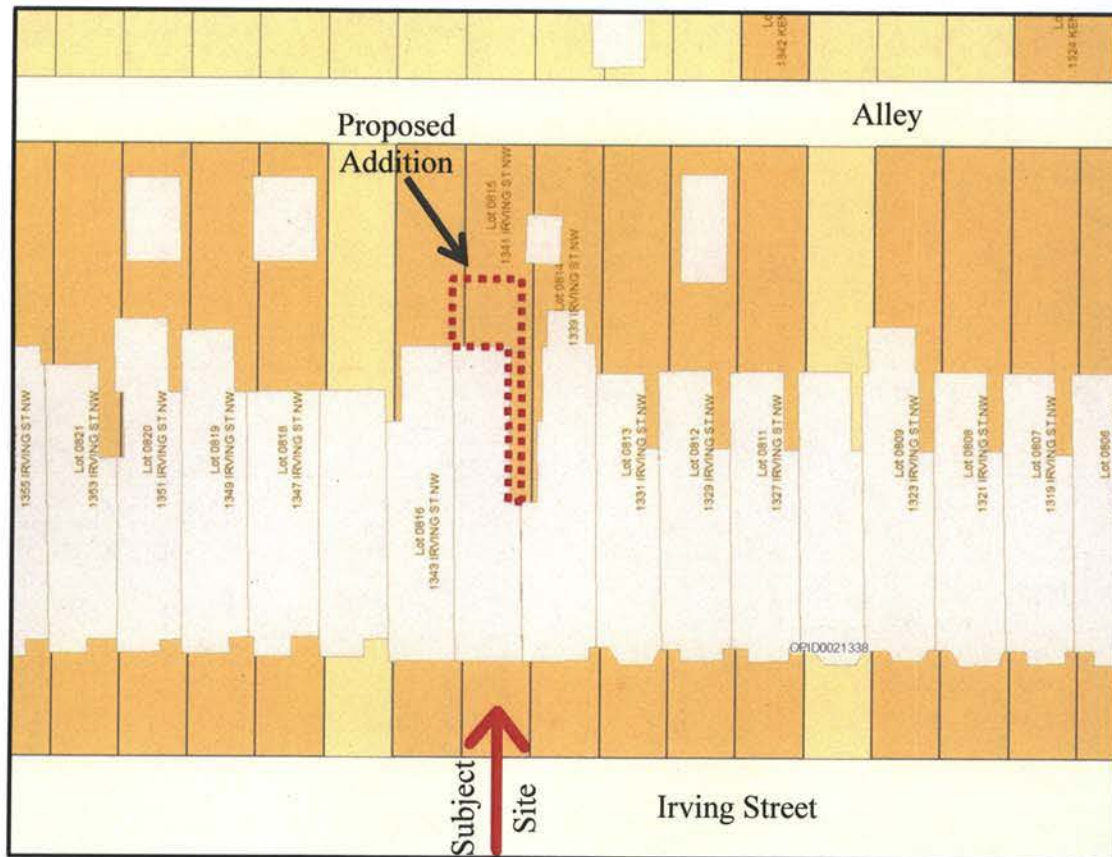
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18312
EXHIBIT NO. 28





IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

R-4	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. 3 Stories	37 ft.	No change	Conforming
Lot Area (sf) § 401	3,600 sf (900 sf per unit)	2,471.58 sf	No change (617.9 sf per unit)	Required
Lot Width (ft.) § 401	18 ft.	16.66 ft.	No change	Existing
Lot Occupancy § 403	60% max. (1,483 sf)	44% (1,087.5 sf)	60% (1,483 sf)	Conforming
Rear Yard (ft.) § 404	20 ft.	45 ft.	25 ft.	Conforming
Side Yard (ft.) § 405	None required	None provided	No change	Conforming

V. ANALYSIS

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 lot is not unique or exceptional. It is rectangular and the same size as adjacent lots and other lots on the square. The extant structure on the property is in an exceptional state of disrepair. It is only a shell with walls and a roof.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

Although the subject building is exceptional in its state of disrepair, that condition does not appear to lead to a practical difficulty for the applicant. Section 401 of the Zoning Regulations requires a minimum of 900 square feet of lot area per apartment when a building in the R-4 zone is converted to an apartment building. The proposal for four units would result in only 618 square feet of lot area per unit. Even a three-unit apartment building, with about 824 square feet of lot area per unit, would not meet the requirement. A single family dwelling or a flat could be constructed as a matter-of-right.

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 relief would be a detriment to the public good. The District has identified a need for more family-sized housing, especially in amenity-rich areas like Columbia Heights. Allowing the conversion to apartments would diminish the availability of family-sized housing stock in the area. The Comprehensive Plan's Guiding Principle Number 3 says that "Housing should be developed for households of different sizes, including growing families as well as singles and couples." Accordingly, zoning in the area includes both low and moderate density zones, as well as other areas zoned for multi-family development.

Previous iterations of the design have included an at-risk window on each floor of the eastern side of the building. The latest design received by OP seems to have eliminated the at-risk windows. Such windows would have opened onto and overlooked the adjacent lot, and impaired the privacy of that property.

Relief would also impair the intent of the Zoning Regulations. The "primary purpose [of the R-4 zone] shall be the stabilization of remaining one-family dwellings" and it "shall not be an apartment house district as contemplated under the General Residence (R-5) Districts..." (Zoning Regulations, §§ 330.2 and 330.3). More specifically, in text amendments approved in 2007, the Zoning Commission sought to limit these types of conversions by strengthening the language on minimum lot area and lot occupancy for apartment conversions, particularly for proposals also including additions to the building.

VI. HISTORIC PRESERVATION

The subject site is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.