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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: March 27, 2012
SUBJECT: BZA Case 18324 – 1337 Maryland Avenue, NE

I. RECOMMENDATION

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

- § 401, Lot Area (2,700 sf required, 1,800 sf provided).

II. LOCATION AND SITE DESCRIPTION

Address	1337 Maryland Avenue, NE
Legal Description	Square 1028, Lot 35
Ward and ANC	6, 6A
Lot Characteristics	Rectangular interior rowhouse lot – 18' x 100'; 10 foot alley on south side of lot
Zoning	R-4 – single family or flat, rowhouse buildings
Existing Development	Existing rowhouse structure
Historic District	None
Adjacent Properties	Rowhouse to the east, vacant rowhouse lot to the west
Surrounding Neighborhood Character	Mostly rowhouses; Some small apartment buildings; Church to the west

III. APPLICATION IN BRIEF

The subject site is a rectangular, interior rowhouse lot. The rowhouse structure on the lot is occupied as a flat, with one unit on the first floor and a second unit on the second floor. The applicant wishes to convert the building to an apartment house with the addition of a third unit in the basement.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18324

EXHIBIT NO.

26

Board of Zoning Adjustment
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IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

R-4	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. 3 Stories	40 ft.	No change	Conforming
Lot Area (sf) § 401	2,700 sf (900 sf per unit)	1,800 sf	No change (600 sf per unit)	Required
Lot Width (ft.) § 401	18 ft.	18 ft.	No change	Conforming
Lot Occupancy § 403	60% max. (1,483 sf)	55% (990 sf)	No change	Conforming
Rear Yard (ft.) § 404	20 ft.	21 ft.	No change	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 of a similar size as adjacent lots and other rowhouse lots in the vicinity. The structure on the property is also not unique or exceptional.

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

The first part of the variance test has not been met, and therefore the second part of the variance test is also not successfully met.

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 three units would result in only 600 square feet of lot area per unit. The existing use on the property, a flat, is a legal, conforming use in the R-4, and seems to be functioning effectively today.

In addition, arguments put forth in the application materials are not relevant to a variance test. The written statement argues that three units on the subject property, Lot 35, are financially necessary to achieve a future joint development with Lot 34. The future development of an off-site property is not relevant to the variance relief on a subject lot. The statement also indicates that "The owner purchased the property with the basement level and without the knowledge that

the level could not be used as a separate unit...” Unfamiliarity with the Zoning Regulations cannot be used as the basis for granting a variance.

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 not be a detriment to the public good. The District has identified a need for larger family-sized housing, but in this case no larger units would be lost, as has been the case in other R-4 conversions. There might be a slight increase in the number of vehicular trips to and from the site, but that additional traffic would be negligible.

Granting relief, however, would 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.