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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: April 10, 2012

SUBJECT: BZA Case No. 18333 – 821 Randolph Street, N.W.

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the variance request for relief from § 401.3 to permit conversion of an existing 3-unit apartment building to a 4-unit apartment building without meeting the minimum lot area requirement for each unit in the proposed 4-unit apartment building in the R-4 residential zone district (3,600 sq. ft. required; 3,182 sq. ft. existing).

II. AREA AND SITE DESCRIPTION

Address	821 Randolph Street NW
Legal Description	Square 3027, Lot 0085
Ward	4
Lot Characteristics	3,182 square foot rectangular lot with public alley access.
Existing Development	Two-story, brick and masonry building with basement
Zoning	R-4 – Row dwellings and flats permitted
Adjacent Properties	Abuts an alley to the north, row dwellings to the east and west and the dwelling fronts on Randolph Street.
Surrounding Neighborhood Character	Low to moderate density residential buildings and institutional uses. Largely rowhouses with some multi-family residential buildings. The C-2-A District is to the west along Georgia Avenue.



BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18333

EXHIBIT NO. 26

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III. APPLICATION IN BRIEF

Mr. Grant Barker, property owner, has requested zoning relief to convert the building, currently used as a three-unit apartment house, into a four-unit apartment building. The existing units are one on each of the first and second floors, with a third unit shown at the rear half of the basement. The front half of the basement is shown partitioned off from the rear apartment unit and is the subject of this application. According to the applicant it was previously used as office space. Records indicate that home occupation permits were issued by the Department of Consumer and Regulatory Affairs (DCRA) between 2002 and 2011 for the property as shown in the table below:

Address	Unit	SSL	Id	Type	Date Issued	Completion Status	Completion Date	Detailed Description
821 Randolph St., N.W.		3027 0085	CO1002719	Certificate of Occupancy	2010/07/28	Completed	2010/07/28	Apartment building --- 3 units
821 Randolph St., N.W.		3027 0085	HO0900932	Home Occupation	2009/11/13	Completed	2009/11/13	Home office for home improvement business.
821 Randolph St., N.W.		3027 0085	HO1100097	Home Occupation	2011/03/30	Completed	2011/03/30	Construction consulting.
821 Randolph St., N.W.			HO41474	Home Occupation	2002/09/20	Completed		
821 Randolph St., N.W.			HO89192	Home Occupation	2005/01/06	Completed		

Source: DC Property Information Verification System (<http://pivs.dcr.in.dc.gov/intpivs/view>)

The proposal involves interior renovation to transform the area that was formerly used as a home office into a two-bedroom apartment. Each floor of the building has 1,200 square feet of floor area. The property currently has two legal off-street parking spaces accessible via the alley to the north of the property.

IV. REQUESTED RELIEF

Pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under subsection 401.3, to allow the conversion of an existing three (3) unit apartment house to a four (4) unit apartment house not meeting the minimum lot area per unit requirement in the R-4 District at the subject premises. No external additions are proposed to the existing structure.

Table 1 –Zoning Data

R-4 Provision	Required	Existing	Proposed	Relief Required
Lot Area § 401.3	900 s.f./unit or 3,600 sq. ft. for four units	3,182 sq. ft.	3,182 sq. ft.	Yes
Lot Occupancy § 403.2	60% (1,910 sq. ft.)	60% (1,910 sq. ft.)	60% (1,910 sq. ft.)	No
Building Height §400.1	40'3 stories	2 stories	2 stories	No
Parking § 2101	1 space per 3 d.u.	1 space	2 spaces	No

V. OFFICE OF PLANNING ANALYSIS

An analysis of the project against the relevant variance criteria is provided below.

Variance Relief from § 401.3

i. Exceptional Situation Resulting in a Practical Difficulty

The 3,182 square-foot property is rectangular in shape and one of several similarly-sized and shaped lots on the subject square. The existing building was originally constructed in 1914 and meets the current lot occupancy and lot area requirements for single family dwellings in the R-4 District. The building currently has two floors and a basement with a total of three residential units and conforms to the number of units per area requirement. The property has no significant grade changes and has alley access to parking at the rear. The applicant's request for an additional residential unit would require a lot area of 3,600 square feet to satisfy the 900 square foot per unit requirement for apartment houses in the R-4 District requirement.

The applicant has not cited a unique physical characteristic, exceptional situation or any other extraordinary circumstance affecting the property and has not demonstrated a need for an additional residential unit. As such, the subject property does not satisfy this criterion of the variance test.

ii. No Substantial Detriment to the Public Good

The requested relief would have a substantial detriment to the public good. The purpose of the R-4 zone is to stabilize low-density, single-family residential areas by allowing new construction of single-family dwellings and flats. The proposal would result in a change of use from a permitted three-unit apartment house to a four-unit apartment house, which would increase the density beyond that anticipated by the area per unit requirement of the R-4 District. Currently the neighborhood is experiencing a revitalization of its housing stock, including single-family dwelling units. Therefore, reduction in the number of available family-sized units in this neighborhood would have an adverse impact on the neighborhood's character.

iii. No Substantial Harm to the Zoning Regulations

Granting relief would impair the intent of the Zoning Regulations. Section 330.3 explicitly states that: *"The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement."* [Emphasis added]. In addition, §401.1 states: *"...the lot area requirements of § 401.3 must be met when the building is being converted to a use or replaced by a building intended to house a use that would require more lot area or lot width than is on the building's lot"*. The text is explicit in clarifying that multi-family residential conversions are subject to the minimum lot area requirement regardless of whether or not the change of use is accompanied by a building addition. The purpose of the text is to prevent the non-conforming conversion of row houses to preserve the character of the R-4 zone.

The applicant has stated to OP that the front portion of the basement was used as office space. However, as shown, permits were issued for a home occupation use, which is distinct from a commercial office use. The Zoning Regulations consider a home occupation as an accessory to a residential use (§ 203.1). In addition, § 203.4 requires that the residential character and appearance of the dwelling unit be maintained and no interior or structural alteration is permitted to make it difficult to return the premises to a use that is exclusively residential (203.4 (e) and (f)). While the proposed use would be residential, in keeping with the requirement of Section 203.4 (f), the proposal would conflict with the per unit requirement of the R-4 District.

Subsequent to the subject application, a building permit was issued by DCRA on 03/21/2012 for the interior renovation /alteration in the basement to add a family room and bedroom to the existing residential unit. The

applicant's request to the Board for variance relief is therefore contradictory. Attachment 1 provides a comparison between the submitted plans to the Board and that permitted by DCRA on 3/21/2012.

Based on the requirements of the Zoning Regulations and the existing information on record for the subject property, granting relief would impair the intent of the Zoning Regulations.

VI. AGENCY COMMENTS

The District Department of Transportation (DDOT) report of March 5, 2012 stated no objection to the proposal.

VII. COMMUNITY COMMENTS

The applicant met with the SMD of ANC 4C at their meeting on March 19, 2012. The ANC has scheduled the applicant to present the proposal at the ANC4C's meeting on April 11, 2012. Subsequently, the ANC will issue its report under separate cover. OP has no additional information from the ANC to date.

OP received signed letters in opposition from community members dated February 22, 2012. However, the applicant's representative informed OP that the community concerns regarding potential on-street parking had been addressed, since two legal parking spaces would be provided and two tandem spaces would be available on-site at the rear of the building.

VIII. RECOMMENDATION

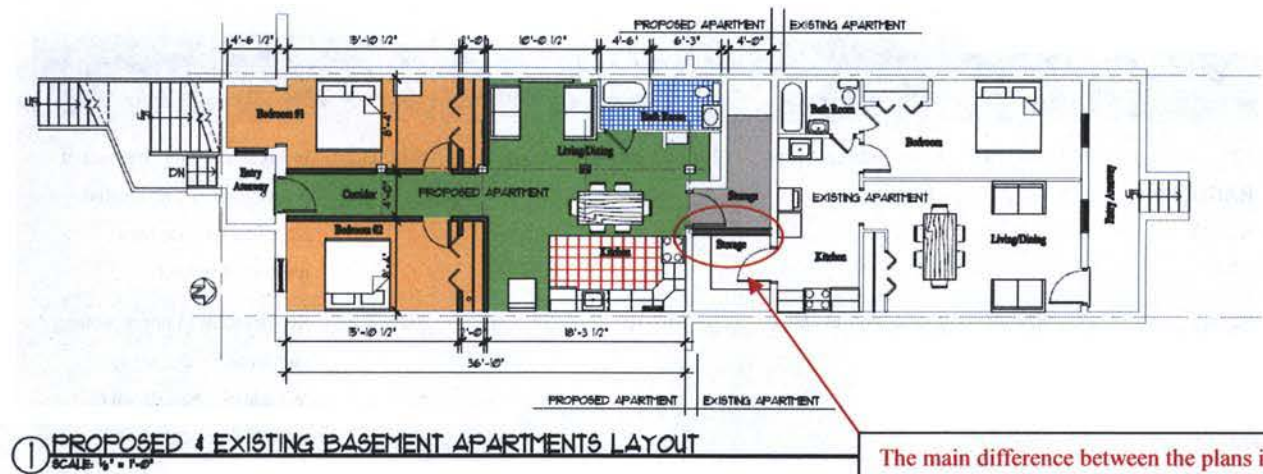
OP recommends **denial** of the requested variance to allow the establishment of a four-unit apartment building, due to the lack of physical uniqueness or exceptional circumstance of the property and subsequent findings indicating an intent to renovate and expand the existing basement apartment as one unit for a total of three units within the residential building, as permitted by the current Zoning Regulations.

Attachment I

- A. Submitted Plans
- B. Issued Permits

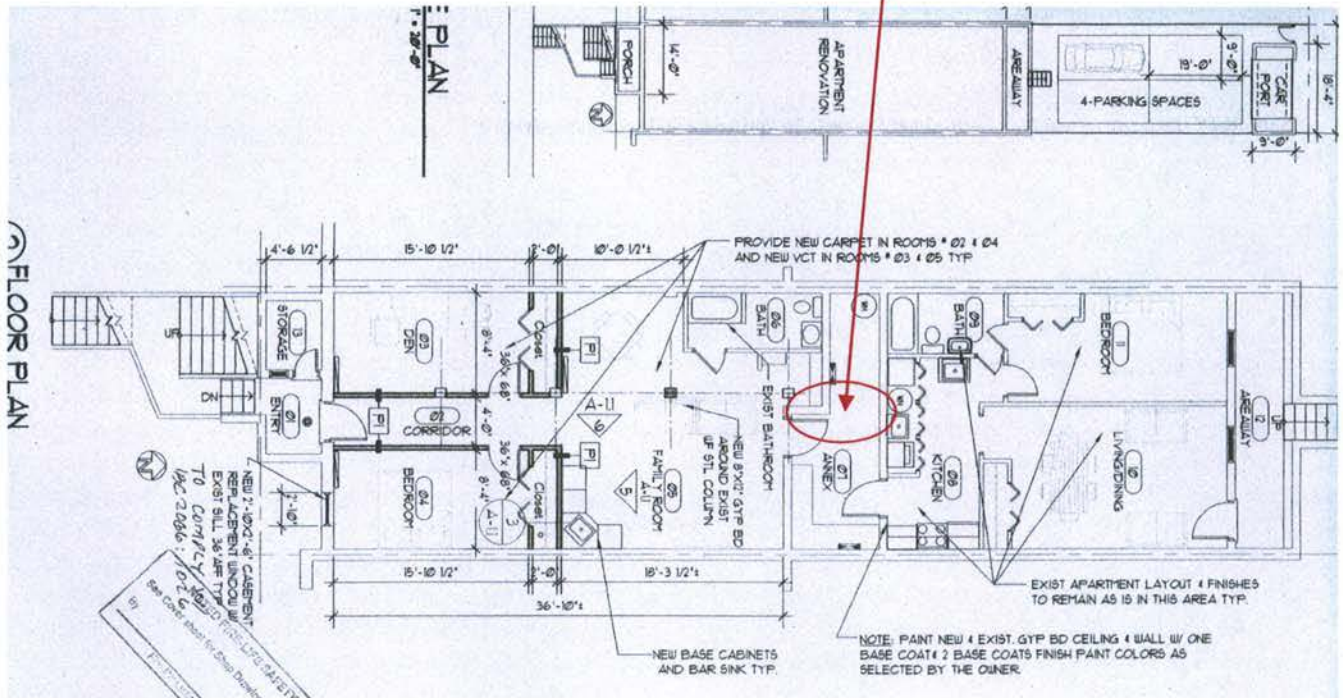
Attachment I

A. Submitted Plans



Submitted BZA Application

The main difference between the plans is the inclusion/removal of the partition wall in this area.



Approved Plan by DCRA (B1206248)

Source: DCRA

B. Issued Building Permits

<u>Address</u> ▲	<u>Id</u>	<u>Type</u>	<u>Date Issued</u>	<u>Completion Status</u>	<u>Completion Date</u>	<u>Detailed Description</u>
821 RANDOLPH ST NW	PC71188513	Post Card/Electrical - General	2012/03/20	Completed	2012/03/20	Installation or replacement of not more than 1 residential electric appliance for a residential project.
821 RANDOLPH ST NW	PC14822601	Post Card/Plumbing	2012/02/16	Permit Issued	2012/02/16	Replacement of not more than 1 plumbing fixture, on a residential, commercial or industrial project.
821 RANDOLPH ST NW	B1206248	Construction/Alteration and Repair	2012/03/21	Permit Issued	2012/03/21	Interior Renovation / Alteration in the Basement to add family and bedroom to the existing unit.

Source: DC Property Information Verification System (<http://pivs.dcra.in.dc.gov/intpivs/view>)