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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: May 15, 2012

SUBJECT: BZA Case No. 18350 – 1865 Newton Street, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the variance request for relief from § 401.11 to permit conversion of an existing 3-unit apartment building to a 4-unit apartment building without meeting the 900 square feet minimum lot area for each unit in the R-4 district (3,600 square feet required, 3,250 square feet existing; 900 square feet per unit required, 812.5 square feet per unit proposed).

II. AREA AND SITE DESCRIPTION

Address	1865 Newton Street, NW
Legal Description	Square 2616, Lot 0100
Ward	1, ANC-1D
Lot Characteristics	3,250 square foot rectangular lot abutting a 15 feet wide public alley.
Existing Development	Three-story, brick and masonry building
Zoning	R-4 – Row dwellings and flats permitted
Adjacent Properties	Abuts an alley to the north, row dwellings to the east and west and fronts on Newton Street
Surrounding Neighborhood Character	Largely rowhouse buildings in the R-4 zone
Historic District	Mount Pleasant Historic District



Site Location



Photograph

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18350

EXHIBIT NO. 27

Board of Zoning Adjustment

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III. APPLICATION

The applicant states in the written statement that the property is developed with a two-story plus basement building. However, the pictures submitted by the applicant shows a three-story building and the building was granted a Certificate of Occupancy (C of O) on January 25, 2010 for three apartment units in a three-story plus basement building. The applicant has requested relief to convert the basement into an independent unit (bachelor apartment) thus making it a 4-unit apartment building. The proposal involves interior renovations. Floors 1, 2 and the basement would have approximately 894 square feet of floor area while the first floor would have approximately 982 square feet of floor area. The property currently has four off-street parking spaces accessible via the alley.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The applicant requests variance relief from the requirement to allow the conversion of a three-unit apartment to a four-unit apartment. No external additions are proposed to the existing structure.

Table 1 – Zoning Data

R-4 Zone	Regulation	Proposed¹	Relief
Lot Area (sf.) § 401.3 and § 401.11	3,600 sf. 900sf./unit	3,250 sf. 812.5sf/unit	Required
Lot Width (ft.) § 401	N/A	25ft.	None required
Lot Occupancy § 403	60% max.	28.1%	None required
Rear Yard (ft.) § 404	20 ft. min.	72 ft.	None required
Parking § 2101	1 space per 3 units	4	None required

V. ANALYSIS

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

Variance Relief from § 401.3 and § 401.11

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 applicant states that the existing building was originally constructed between 1900 and 1925 similar to the other buildings. The property has some grade change to the rear but again this is not a unique occurrence along the Newton Street row of properties, nor does this result in a practical difficulty in using the site for a conforming use.

The applicant has not provided any information regarding any unique physical characteristics of the subject lot or any other extraordinary circumstance affecting the property that leads to a practical difficulty. Therefore, the subject site does not meet this part of the variance test.

ii. No Substantial Detriment to the Public Good

The requested relief, if granted, would not be a significant detriment to the public good as there would be no external expansion of the building and the required parking spaces would be provided. In addition, the

¹ Information provided by applicant.

building is currently a 3-unit multifamily building and the conversion of the basement to an independent unit would make it a 4-unit multifamily building.

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]

The purpose of the R-4 zone is to stabilize low-density, single-family residential areas by allowing new construction of single-family and two-unit buildings. In addition, §401.11 states:

"An apartment house in an R-4 District, whether converted from a building or structure pursuant to §330.5 or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are 900 square feet of lot area for each dwelling unit, both existing and new."

The text is explicit in clarifying that multi-family residential conversions are subject to a minimum lot area per unit regardless of whether or not the change of use is through renovation or expansion. The purpose of the text is to prevent the conversion or expansion of row houses into apartment and multifamily buildings in order to preserve the character of the R-4 zone. In support of his proposed increase in the number of units the applicant has stated that there are two multi-family buildings in the neighborhood. It should be noted that the expansion of multifamily buildings in the R-4 district is exactly what §§330.3 and §401.11 are trying to prevent. Therefore, the increase in the number of units would conflict with the stated purpose of the R-4 zone.

VI. COMMUNITY COMMENTS

The property is located within ANC-1D. On February 21, 2012 the ANC voted to recommend approval of the requested variance.

VII. HISTORIC DISTRICT

The property is within the Mount Pleasant Historic District. The subject property is a contributing building to the historic district. The internal changes to the number of units in the building would not affect the historic character of the building.

VIII. SUMMARY AND RECOMMENDATION

OP recommends **denial** of the requested variance to allow the establishment of a four-unit apartment building as the applicant has not demonstrated a uniqueness or exceptional circumstances which would prohibit the building from meeting the minimum 900 square feet of land area per unit.