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D.C. OFFICE OF ZONING**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM:  Stephen Cochran, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: January 9, 2012

SUBJECT: Supplemental Report, BZA Case No.18446, 1308 Euclid Street, N.W.

BOARD OF ZONING ADJUSTMENT
District of ColumbiaCASE NO. 18446EXHIBIT NO. 33**RECOMMENDATION**

The Office of Planning (OP) has considered the additional information submitted by the applicant both at the hearing and on January 7, 2013 and reiterates its previous recommendation that the Board **deny** the relief requested in this case.

BACKGROUND

At the November 27, 2012 hearing, the applicant submitted a document entitled "*Blueprint*" for Approval of Application No. 18446. It compares the present BZA case with BZA Case No. 17991, which OP recommended the Board approve, and suggests that the earlier case lays a foundation for the Board's approving the current case.

The applicant was to have submitted additional information by January 4, 2013 for the Board to consider at its decision meeting. This was submitted to the Office of Zoning the afternoon of January 7, 2013.

DISCUSSION

Applicant's November 27 Submission: Notwithstanding that each case before the BZA is judged on its own merits, the applicant's comparison of the two cases does not mention facts in BZA 17991 that differentiate it from Case 18446 and that undercut the applicant's presentation of these two cases as similar and deserving of similar Board decisions.

- The row house in Case 17991 had been renovated from a rooming house to three apartments by a previous owner and had been continuously used as such for seven years. The owner was seeking to have an existing situation made legal and was not proposing any new construction.

The row house in Case 18446 has not been used for three apartments for over 20 years, and is not now configured for three apartments. Approximately twenty-five years ago the owner had taken a non-compliant three-unit building that and made it a compliant two-unit building. The applicant is now seeking relief to return the building to its formerly non-compliant configuration, and would need to engage in substantial new construction to construct the third unit. The photos submitted by the applicant demonstrate that the basement level is not suitable for habitation.

- Reversion to two units for the row house in Case 17991 would have resulted in a 2,520 square foot two-level unit, clearly an exceptionally large rental unit for the market at North Capitol and V Streets, NW.



Alternatively, the applicant could have left vacant one of the the already occupied units for which renovation work was completed by the previous owner.

Incorporation of the basement level into the existing first floor unit in Case 18446 would result in a 1,900 square foot unit, approximately 25% smaller than in Case 17991. The housing market at 13th and Euclid Streets, NW differs from the other case's location. OP is aware of similarly-sized, recently-converted, duplex units within one block of the applicant's site. These units are condominiums, not rentals. Alternatively, the applicant could leave the existing basement unoccupied. The applicant has demonstrated that it is not now suitable for occupation.

Applicant's January 7 Submission: The applicant has submitted comparative plans for a two-unit and a three-unit building configuration. The applicant states that it would cost an additional \$41,000 to \$58,000 to finish the building renovation as a flat rather than as a three-unit building.

The applicant's July 23, 2012 filing stated that repair work in the basement needs to be done and that absent the reconversion of the basement into a residential unit there would not be "any corresponding material economic benefit to mitigate restoration and maintenance costs. Even if were appropriate to assume that the Board should grant relief to compensate the owner for additional expense incurred 25 years after purchasing the building, it appears there may be simpler, cheaper ways to incorporate the basement level into the first floor apartment. The additional information provided on January 7, 2013 does not demonstrate that there are exceptional conditions that would lead to a practical difficult if the applicant were not granted the requested relief.

The applicant states that to connect the two floors it would be necessary to:

- Move the existing first floor kitchen and mechanical rooms, and install a new half-bath, at an estimated cost of \$ 26,000 to \$38,000. This is predicated on the new stair connection having to be located where the existing kitchen, mechanical room and bathroom are.

Based on the floor plans submitted by the applicant for the existing first floor unit, the same staircase would easily fit into the space shown for the existing first floor study, allowing a stairway connection between the floors without relocation work for the existing kitchen, mechanicals and bathroom.

- Remove all bedrooms from the first floor and excavate the rear of the lower level to accommodate three bedrooms and an additional bathroom in the basement, at a cost of \$15,000 to \$20,000.

The applicant does not explain why it would not be feasible to keep the existing one-bedroom first floor configuration (substituting a stairway for the existing study as noted above) and add just two additional bedrooms in the basement without any additional excavation.

CONCLUSION

Although the requested relief would not likely cause substantial harm to the surrounding properties or the neighborhood, granting the requested relief in the absence of a demonstration of exceptional conditions leading to a practical difficulty would further erode 11DCMR's Section 330.3's statement that "The R-4 District shall not be an apartment house district...". Granting the relief would cause substantial harm to the Zoning Regulations.