



MEMORANDUM

2013 MAR -5 PM 2:42

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Project Manager

DATE: March 5, 2013

SUBJECT: BZA Case No. 18515 – 200 5th Street SE (Square 0843, Lot 0018)

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the variance request for relief from § 401.3 – lot area (5,400 sq. ft. required; 1,011 sq. ft. existing) in order to convert an existing nonconforming 4-unit apartment building and a dental office into a six-unit apartment building.

OP normally does not support relief from this provision, since the regulations are very clear that the R-4 district is not intended to be an apartment zone (§330.3). However, in this case, no additions are proposed, the building is already used for multi-family use, and the existing internal configuration is problematic.

II. AREA AND SITE DESCRIPTION

Address	200 5 th Street SE
Legal Description	Square 0843, Lot 0018
Ward/ANC	6/ANC 6B
Lot Characteristics	1,011 square foot rectangular lot without public alley access.
Existing Development	Existing multi-family, three-story, brick and masonry building with 4 units and a dental office.
Zoning	CAP/R-4 – Row dwellings and flats permitted.
Adjacent Properties	The subject building abuts flats to the south on 5 th Street and to the east along Independence Avenue.
Surrounding Neighborhood Character	Low to moderate density residential buildings. Largely rowhouses with some multi-family residential buildings.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18515

EXHIBIT NO. 31



Site



Street View of 5th Street including Subject Property (Bing Photo)

Board of Zoning Adjustment
District of Columbia
CASE NO. 18515
EXHIBIT NO. 31



III. APPLICATION IN BRIEF

The applicant, 200 5th Street LLC, is seeking variance relief to convert the existing nonconforming multifamily residential building, consisting of 4 units and a dental office to six residential units. The proposal involves interior renovations only, which would transform the existing floor plans on the first and second floors. Specifically, the area assigned to the dental office would be converted into a two-bedroom unit. The second floor one-bedroom unit's kitchen, which is located at the other end of the unit, beyond the stairwell, would be converted to an efficiency unit. The property currently has no off-street parking as it is nonconforming, having no rear yard and 100 percent lot occupancy. The building's most recent Board approval under Order 11907 granted relief to change the previous nonconforming dry-cleaning use to a dental office in 1975. The building's historical record indicated it was designed for office use and the building was first permitted for four units in 1978, as shown by the submitted certificate of occupancy (Exhibit 10).

IV. REQUESTED RELIEF

The applicant requests variance relief from the lot area requirement of subsection 401.3 to allow the conversion of the dental office to a residential unit, and the conversion of the single unit on the second floor to two units, to create a more efficient residential floor as shown in the applicant's plan (Exhibit 11). No external additions are proposed to the existing structure.

Table 1 –Zoning Requirements

Standard	R-4 Requirement	Existing Property	Proposed	Relief Required
Lot Area § 401.3	900 s.f./unit or 5,400 sq. ft.	1,011 sq. ft.	1,011 sq. ft.	Yes
Lot Occupancy § 403.2	60% (607 sq. ft.)	100% (1,011 sq. ft.)	100% (1,011sq. ft.)	Existing non-conforming
Parking § 2101	1 space per 3 d.u.	None	None space	Existing non-conforming

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 401.3

i. Exceptional Situation Resulting in a Practical Difficulty

The 1,011 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 1907 and does not meet the current lot occupancy or lot area requirements for the R-4 zone. The building currently has 3 floors and a basement with a total of 4 residential units and a dental office.

It is currently classified as a commercial property by DCRA (Use Code 51 – structure used primarily for offices) and based on records, this type of use has been its historic use. Apartment uses within the building first appeared in 1978.

The building's current layout accommodated office uses. The stairwell separates a small portion of the rear of the property from its front, creating an inefficient use of residential space, particularly for the second floor, as it physically divides the living space while providing access to the third floor. Due to the lack of additional space to expand, there is no opportunity to isolate the stairwell to create a private contemporary residential space on the second floor. In the alternative, if the stairwell were removed and relocated for a more efficient layout, the existing entrances would have to be altered. As a contributing structure in the historic district this would not meet with the Historic Preservation Office's approval. Thus, the stairwell's

location is an extraordinary circumstance which impacts the reasonable and efficient residential use on the second floor.

ii. No Substantial Detriment to the Public Good

The requested relief could be granted without substantial detriment to the public good. The proposal would result in the removal of the commercial use and addition of residential, which would not be inconsistent with the block's or square's character, which is a mix of multi-family residential and single family units typical of the Capitol Hill neighborhood. The renovation would not involve changes to the exterior, thereby maintaining the building's character along the street frontages of 5th Street and Independence Avenue.

iii. No Substantial Harm to the Zoning Regulations

While § 330.3¹ intends to prevent the conversion of non-conforming row houses to preserve the character of the R-4 zone, in this instance, the proposed request would convert an historic former commercial building to full residential use for the entire first floor and a more efficient residential use of the second floor. Granting relief would not impair the intent of the Zoning Regulations, since in this case, the number of units would not represent an apartment conversion on the block, as it already functions primarily as an apartment building, since 1978. From a planning perspective, OP would not normally support such an increase given the lot's area. However, due to the building's structural nature, including the location of its stairwell, improving the building's functionality as a contemporary residence in conformance with current building code, would not harm the Zoning Regulations.

VI. AGENCY COMMENTS

The District Department of Transportation (DDOT) stated no objection to the proposal.

VII. COMMUNITY COMMENTS

The applicant met with ANC 6B at the ANC's regularly held meeting on February 12, 2013 and the ANC is in support of the application. Their report would be issued under separate cover.

VIII. RECOMMENDATION

Based on the foregoing discussion regarding the internal layout of the former commercial building, OP recommends **approval** of the requested variance to allow the establishment of a six-unit apartment building, as the relief could be granted without detriment to the public good and substantial harm to the Zoning Regulations.

JL/kt
Case Manager Karen Thomas

¹ Section 330.3 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.”