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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 17, 2013
SUBJECT: BZA Case 18613, 11 50th Street and 4945 Ayers Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance relief requests:

- § 400.1 (three stories permitted, four stories proposed); and
- § 2001.3 (permit addition to nonconforming building).

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18613

EXHIBIT NO. 2.5

II. LOCATION AND SITE DESCRIPTION

Address	11 50 th Street and 4945 Ayers Street, S.E.
Legal Description	Square 5331, Lots 32 and 33
Ward	7
Lot Characteristics	Rectangular lot
Zoning	R-3 – row dwellings
Existing Development	Two 12-unit abandoned garden apartment buildings with off-street surface parking
Adjacent Properties	North: Across Ayers Place, church South: Garden apartments East: Across 50 th Street, one-family detached dwellings West: One-family detached dwelling
Surrounding Neighborhood Character	Residential neighborhood, including churches and public libraries

III. APPLICATION IN BRIEF

The applicant proposes to renovate and modernize two abandoned apartment buildings. Each building is three-stories in height, with four units per floor, for a total of twelve one-bedroom, one bathroom units. The renovation would include bringing the buildings up to code, and raising the roof by 1.9 feet to accommodate a partial fourth floor for the back two units of each building to allow for creation of a master bedroom and bathroom within the permitted forty foot height limit. An outdoor deck area atop the third floor would also be created, similar to the building to the south

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that was modernized in 2006. No building footprint expansion is proposed, no new structures or uses are proposed and the number of units would be unchanged.

Building permits were issued to the applicant to modify the roof for the purpose of creating cathedral ceilings in the living/dining areas of the back two apartments on the third floor. The applicant now proposes to add a fourth floor within the area that was proposed to be a cathedral ceiling in order to provide a master bedroom and full bath for each of those two units.

The applicant purchased the buildings in 2010 and is unsure how long they have been vacant.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

Lot 32

R-3 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-feet/3-stories max.	37.1 feet and 3-stories	39 feet and 4-stories	Required
Lot Area § 401	4,000 SF min.	9,401 SF	9,401 SF	None required

Lot 33

R-3 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-feet/3-stories max.	37.1 feet and 3-stories	39 feet and 4-stories	Required
Lot Area § 401	4,000 SF min.	9,333 SF	9,333 SF	None required

V. OFFICE OF PLANNING ANALYSIS

- a. **Variance Relief from § 2001.3, Additions to Nonconforming Structures**
- b. **Variance Relief from § 400.1, Height of Buildings**

- i. **Exceptional Situation Resulting in a Practical Difficulty**

The existing buildings were constructed in conformance with the Zoning Regulations in 1964 and became nonconforming when the properties were rezoned from R-5-A, an apartment zone, to R-3, a row house zone in 2008 (ZC Case No. 07-30.) Although now abandoned, the buildings remain configured as twelve-unit, three-story apartment buildings. Expansion of two of units in each building to include a second bedroom and bath would not increase the footprint of the buildings, alter the use, increase the number of units or increase the height of the buildings beyond forty feet, the maximum permitted in the R-3. Instead, it would give the applicant the ability to not just renovate and bring the existing abandoned units up to code and put back into productive use, but to update the building to contemporary living standards. Without the ability to add a fourth floor, the applicant would be unable to convert some of the units to two-bedroom, two-bathroom units, diversifying the unit mix while creating contemporary living spaces.

ii. No Substantial Detriment to the Public Good

Expansion of the buildings would not result in a substantial detriment to the public good. It would allow for the renovation and reuse of the existing structures within the existing footprints for residential purposes within a residential zone, and permit two units in each of the building to be expanded from one to two-bedroom apartments. It would not increase the number of units or alter the use of the building. The height of the buildings would remain below forty feet, the maximum permitted in feet. The additional floor would be incorporated into the roofs of the structures and partially concealed by the roof line, minimizing the appearance of the fourth floor. It would also function more as loft space than a full floor, minimizing its impact.

iii. No Substantial Harm to the Zoning Regulations

The buildings currently exist as twelve-unit apartment buildings. The proposal to expand two units in each of the buildings from one to two-bedroom units, and create a partial fourth floor would not increase the number of units, alter the use of the building, or increase its bulk beyond what the regulations permit.

VI. COMMUNITY COMMENTS

No comments were received from ANC 7E.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

District Department of Transportation, in a memorandum dated August 16, 2013, indicated that it had no objection to the application.

No comments were received from other agencies.

Attachment: Location Map

