



MEMORANDUM

2013 DEC -3 PM 3: 25

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
Abel Lawson, Associate Director Development Review
DATE: December 3, 2013

SUBJECT: BZA Case 18673, 325 Maryland Avenue NE, request for a use variance to permit a single family dwelling to be used for offices

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends denial** of the requested use variance relief from § 330.5 to permit the commercial use of residentially-zoned property at 325 Maryland Avenue NE. The Applicant did not establish that the conditions involving the Subject Property rise to the level of an undue hardship

II. LOCATION AND SITE DESCRIPTION

BOARD OF ZONING ADJUSTMENT
District of Columbia

Address	325 Maryland Avenue NE	CASE NO. <u>18673</u>
Legal Description	Square 784, Lot 36	EXHIBIT NO. <u>36</u>
Ward	6	
Lot Characteristics	The Subject Property is rectangular in shape and is located on Maryland Ave between 3 rd and 4 th Streets NE. A 4 ft wide public alley is located at the rear The Subject Property's dimensions are 90 ft. x 20 ft. The property does not include on-site parking	
Zoning	CAP/R-4 – detached and semi detached single family dwellings	
Existing Development	The existing development includes a 3,141, sf two story rowhouse built in 1880 According to the Applicant, there is no prior Certificate of Occupancy for the Subject Property	
Historic District	NA	
Adjacent Properties	Adjacent properties include two and three story rowhouses	
Surrounding Neighborhood Character	The neighborhood is characterized by two and three story rowhouses	

III. APPLICATION IN BRIEF

The Applicant has requested a use variance from § 330.5 to allow his existing, single family dwelling to be utilized for office uses to accommodate low-impact professional services such as public policy advocacy or a photographic studio The Applicant stated that he has invested

Board of Zoning Adjustment
District of Columbia



hundreds of thousands of dollars into restoring the historic home, is possibly moving to Northwest DC, and would like to retain the property for commercial use. In addition, the Applicant indicated that he would like to ensure that the historic integrity of the property is maintained.



Subject Property



Constitution Ave NE

Subject Property

IV. OFFICE OF PLANNING ANALYSIS

Use Variance Relief from § 330.5 R-4 Districts

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions which result in an exceptional and undue impact upon the owner of the property?**

OP does not find a specific uniqueness that imposes a practical difficulty which is unnecessarily burdensome to the Applicant. A practical difficulty related to the Subject Property's shape, size, or topographical characteristics has not been established; the Subject Property is rectangular in shape, 1,800 sf in total area, and has no significant grade changes. The Subject Property's prior use as a blacksmith shop, dating to 1880, is irrelevant; the Property has been used as either a single family residence or flat for several decades.

Historic Renovations and Economic Condition

The Applicant states that the Subject Property is unique as a result of its historic nature, which creates an unusual economic dynamic specific to the Property. The Applicant desires to maintain the historical integrity of the Subject Property's interior spaces. Renovations to historic properties are relatively common in the area, and the Applicant's prior renovations do not contribute to a unique or exceptional situation or condition. The Applicant states that the Subject Property's unique economic condition partially results from the expense of making the historically-consistent renovations. The Applicant has not provided financial data which supports the finding of an exceptional condition.

The Applicant has also not demonstrated that a conforming use could not be found. The Subject Property is currently being used as a single family residence. Prior to the Applicant's renovation of the house into a single family home, the structure was configured as a flat. According to the Applicant, converting the Subject Property back to a flat would include blocking the stairs and would potentially compromise the Subject Property's historical integrity. A letter provided by the Applicant's realtor advised that renting the Subject Property as a single-family home would likely generate sufficient economic return for the Applicant, however, the Applicant also states that his block of Maryland Avenue NE is unique in that only 45% of the owners currently live within their properties. Several of the houses in the area are used as flats, which are permitted uses in the R-4 zone.

Adjacent CAP/C-2-A Zone

The Applicant also points to the presence of the nearby CAP/C-2-A zone as contributing to the uniqueness of the property. The Subject Property is approximately 45 yards from the CAP/C-2-A zone, which permits commercial uses, including offices for professional services. Although the Subject Property is in the vicinity of the CAP/C-2-A zone, it is nonetheless located approximately mid-block in the CAP/R-4 zone, which only permits single-family residential uses (including detached, semi-detached, row dwellings, and flats).

The Applicant has not demonstrated that these characteristics rise to the level of undue hardship which would justify conversion of the structure from a residential to commercial use, or preclude any reasonable use of the property among those allowed within the R-4 zone.

2. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The relief could not be granted from § 330.5 without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Map. The primary purpose of the R-4 zone is the stabilization of remaining one-family dwellings in areas now developed primarily with row dwellings. The Applicant's proposal would create a commercial use mid-block in a residential zone, contravening the District's zone plan and creating a detriment to the public good. In addition, the Applicant's immediate neighbor residing at 327 Maryland Avenue NE is opposed to the Applicant's request for relief, stating that granting the relief would have a negative impact on quality of life in the neighborhood.

V. COMMUNITY COMMENTS

ANC 6C voted 6-0 to oppose the application at its regularly scheduled monthly meeting on November 13, 2013. As of this writing, several neighbors have submitted letters regarding this application. The neighbor residing at 327 Maryland Ave NE submitted a letter on November 13, 2013 stating his opposition to the application. The neighbor owning the adjacent property to the west, 323 Maryland Avenue NE, as well as two other properties on the block, submitted a letter on September 23, 2013 supporting the application. The neighbor residing at 337 Maryland Avenue NE submitted a letter on October 22, 2013 and indicated concern with the proposal's impact on parking