



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: February 21, 2014
SUBJECT: BZA Case 18711 - 3112 13th Street NW, Waiver of Rules for Late Submittal of a Report

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The attached report concerning BZA Case 18711, 3112 13th Street NW, is being submitted less than seven days prior to the scheduled Board of Zoning Adjustment Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept this report into the record.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18711
EXHIBIT NO. 36

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DATE: February 21, 2014**SUBJECT:** BZA Case 18711 - request for variance relief from §§ 401.3 and 2101.1 to convert the existing three-story row dwelling at 3112 13th Street NW into a four-apartment building**I. OFFICE OF PLANNING RECOMMENDATION**

Normally, the Office of Planning does not support requests to allow more apartments within a converted rowhouse than the zoning anticipates. R-4 is not intended to be an apartment zone.

"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." (§ 330.3)

In this case however, the application is for a building that has already been converted from residential use to a CBRF and the applicant is proposing to take it back to residential use. As such, the Office of Planning (OP) **does not oppose** variance relief from § 401.3 of the Zoning Regulations to convert the existing R-4 zoned building from a community-based mental health facility to four non-conforming apartments (900 square feet of land area per unit is required, 657 square feet per unit is proposed).

However, OP **does not support** the proposed third-floor addition because this expansion would be contrary to the intent of the Zoning Regulations. If this results in units considered too small, then OP would support relief from § 401.3 to allow three, rather than the requested four, dwelling units.

Although the original application also requested relief from the requirement under § 2101.1 for two onsite parking spaces for the proposed four apartments, that request was withdrawn in the Supplemental Submission of the Applicant dated February 14, 2014.

II. LOCATION AND SITE DESCRIPTION:

Address	3112 13 th Street NW
Legal Description	Square 2848, Lot 0033
Ward	1A
Lot Characteristics	The 18.75 x 140-foot rectangular interior lot with an area of 2,626 square feet (0.06 acre) abuts a 10-foot wide rear alley along the western boundary (refer to Figure 2). A north-south building restriction line extends across the lot a distance of 30 feet back from the right-of-way of 13 th Street NW. Vehicles can access the property directly from the adjacent alley.



Zoning	<i>R-4</i> – community-based residential facilities for occupancy by persons with handicaps (include mental impairment) are allowed as a matter of right, while apartment conversions are allowed subject to the minimum lot area requirement under § 401.3
Existing Development	According to DC land records, the existing three-story building with a cellar was constructed in 1900 (refer to Figures 1 and 2). These records indicate that the building was originally constructed as a one-family dwelling. Two Certificates of Occupancy (CO's) issued in 1978 show it was subsequently used as a rooming and boarding house for elderly people (second floor) and a foster care-rooming and board house for 8 children (first and second floors). Since then CO's have been issued for • a community residence facility for 8 children and staff (on floors 1-3) in 1980, and • a community residential facility for the 8 mentally-challenged residents (on floors 2-3) in 1985 The application indicates that the building can no longer serve the needs of the current residents because the structure can no longer accommodate the mobility needs of (the aging residents), and the rental subsidy needed to operate this facility is no longer available.
Historic District	None
Adjacent Properties	The one-story Church of Christ to the south, similar three-story row dwellings of the same height to the north and the Harriett Tubman Elementary School to the east across 13 th Street (refer to Exhibit 2)

III. PROJECT DESCRIPTION IN BRIEF

Applicant	3112 13 th Street LLC, owner of record
Proposal	To convert the existing three above-grade stories and basement of the existing building into four apartments as well as construct an extensive third floor addition that would expand the proposed third floor unit. Planned construction would include a variety of exterior and interior improvements to bring this structure up to the current residential Building Code. Section 401.3 requires a minimum 900 square feet of lot area per apartment for apartment conversion. A maximum two units would be allowed as a matter-of-right on the 2,626 square-foot lot, although the property is close to the size that would permit a conversion of the existing building to three units. The proposed four units would represent 657 square feet per unit, a 27% reduction of the current requirement. Mechanical parking onsite for four vehicles was included originally, but was withdrawn along with an associated request for parking relief in the above-referenced Supplemental Submission.
Relief Sought	§401.1 – a variance to reduce the minimum lot area per apartment

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ¹	Relief?
Height (ft.) § 400	40 ft. max., 3 floors	37.5 ft., 3 floors	SAME	None required
Lot Width (ft.) § 401	None Prescribed	18.75 ft.	SAME	None required
Lot Area (sq. ft.) § 401 ²	3,600 sq. ft. min.	2,626 sq. ft.	SAME	None required
Lot Area – Conversion to apartments § 401	900 sq. ft./apartment	N/A	657 sq. ft./apartment	-243 sq. ft. / apartment
Lot Occupancy § 403	60% or current lot occupancy	Unknown	SAME	None required
Rear Yard (ft.) § 404	20 ft. min.	Unknown	SAME	None required
Parking § 2101	1 space / 3 units	2 spaces	SAME	None required

Based on the submitted information, the requested relief appears to be what is required in this case.

V. OP ANALYSIS:

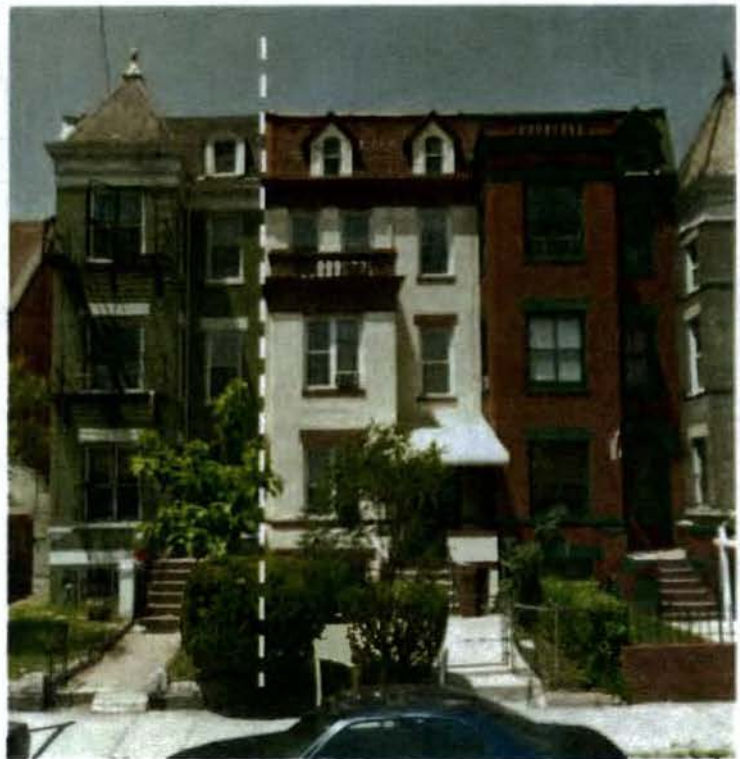
Variance relief from § 401.3

- **Uniqueness Resulting in a Practical Difficulty**

Essentially, the Supplemental Statement indicates that two factors contribute to the uniqueness of this site: the community mental health facility use previously onsite apparently was unique to this square; and substantial interior and exterior renovations are required to create an efficient interior layout for a residential use. Based on the submitted information, a building designed for and occupied by a mental health facility does make this property unique on this square.

Profit-and-loss analysis submitted with the application indicated that the converting the existing building to four apartments (one on each floor and in the basement) is economically feasible. The relief requested could be granted without the proposed additional construction which would maintain approximately the same development density on the subject property.

Figure 2



The green dwelling on the far left is on the subject property

¹ Information provided by applicant.

² Lot area required for a four-unit apartment conversion in the R-4 district.

- **No Substantial Detriment to the Public Good**

It does not appear that permitting one apartment on each existing level of the building, without the proposed addition, would negatively impact the surrounding neighborhood. Two spaces proposed on the rear parking pad would provide more than adequate parking.

Figure 2



- **No Substantial Harm to the Zoning Regulations**

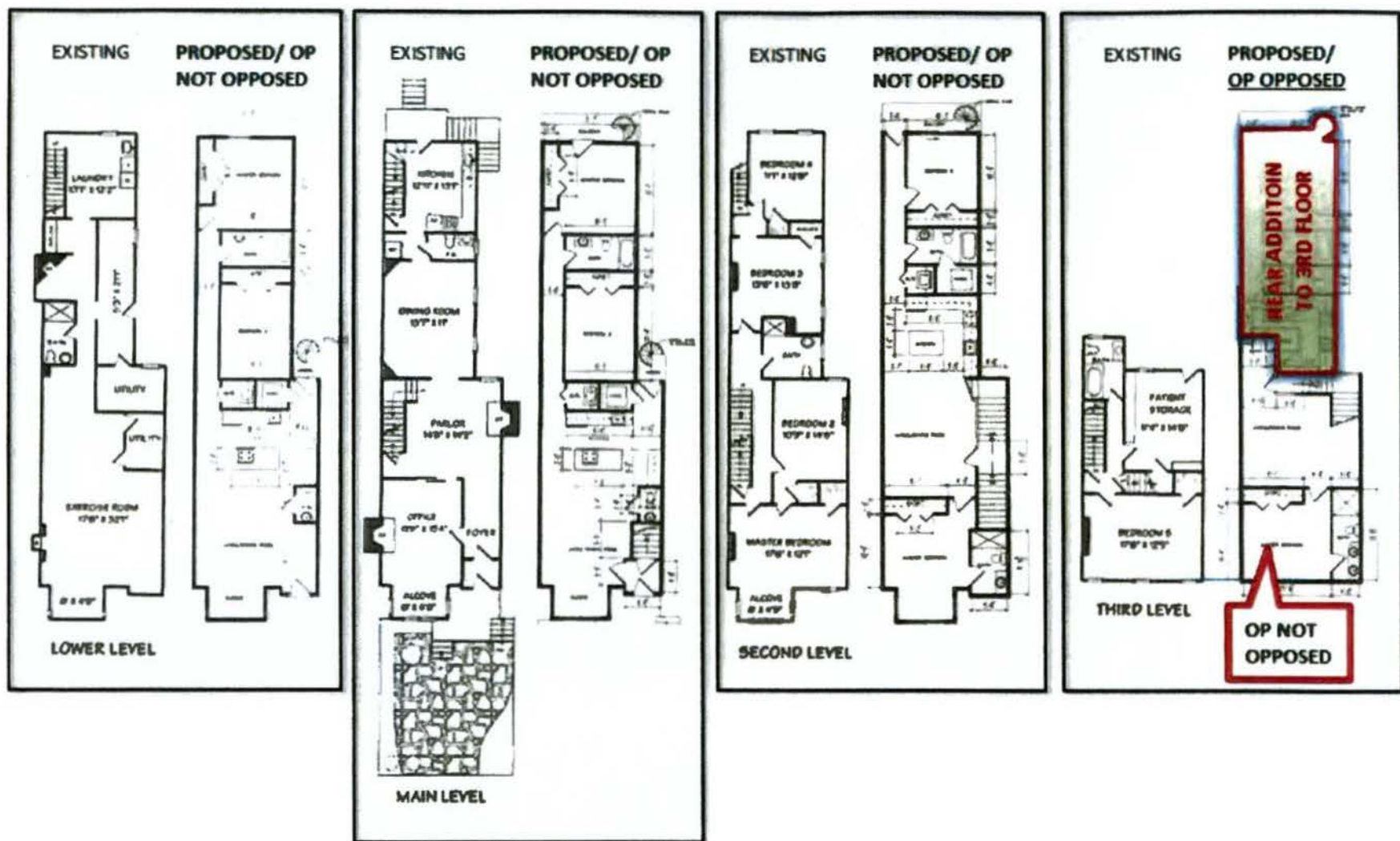
Given the unique circumstances surrounding the existing nature of the building, granting zoning relief to allow a conversion of the existing building to apartments could be considered to be not contrary to the intent and integrity of the Zoning Regulations, although a conversion to three units, rather than the requested four (which would still require minor relief) would be more closely consistent. The proposal would convert the building back to a residential use.

However, constructing a third floor addition that would increase the development density onsite in a manner not anticipated by zoning, which is intended to permit the conversion of an existing rowhouse. As such, this would be contrary to the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map and is not supported by OP.

VI. COMMUNITY COMMENTS

Mr. Andrew Krieger, who resides across the alley at 1309 Irving Street NW, submitted a letter requesting party status in opposition of this proposal. This letter makes reference to a petition signed by 46 area residents also in opposition.

According to the Supplemental Submission, Advisory Neighborhood Commission (ANC) 1A met on February 12, 2014 and voted 7-0-3 to support this application.



BZA Application No. 18711 ~ OP Recommendation