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District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 22, 2014
SUBJECT: BZA Case 18742, 4920 Illinois Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following.

- § 320 3, conversion of a single family dwelling into a two family flat

The R-3 District is not a "flat" zone, and the applicant has provided little justification for this use variance request. However, OP is sympathetic to the applicant's request, and has suggested that a more appropriate and supportable route would be to use the provision of § 202 10 for an accessory apartment. This option would require special exception and area variance relief, including relief from the provision that the owner occupy a unit on the site. While OP would typically strongly oppose relief from this provision, the ownership of the dwelling presents a practical difficulty. In this case, the owner is a church and the row dwelling is not used as the place of worship, but rather as housing to support the mission of the church.

II. LOCATION AND SITE DESCRIPTION

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Address	4920 Illinois Avenue, N W	CASE NO. <u>18742</u>
Legal Description	Square 3009, Lot 84	EXHIBIT NO. <u>29</u>
Ward	4, 4D	
Lot Characteristics	The rectangular lot is 2,629 square feet in area and has 20 feet of frontage along Illinois Avenue. There is a ten foot wide public alley located along the northern property line, and a 15 foot wide alley located along the rear of the lot. The single family dwelling is located midblock among other single family row dwellings.	
Zoning	R-3 – detached and semi detached single family dwellings.	
Existing Development	Row dwelling, permitted in this zone	
Historic District	N/A	
Adjacent Properties	Adjacent properties are row dwellings. While the lot widths generally remain consistent at approximately 20 feet, the lot depth fluctuates from between approximately 130 feet to 90 feet.	

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Surrounding Neighborhood Character	The surrounding neighborhood character is generally single family row dwellings. The subject property is approximately one and one-half block from Georgia Avenue, where there are more commercial establishments.
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III. APPLICATION IN BRIEF

The applicant proposes to convert an existing single family row dwelling into a two family flat. The dwelling is currently two stories in height and has a partially finished basement. The existing two story dwelling is 1,320 square feet in area, and the basement would increase the area by an additional 660 square feet. The applicant would finish the basement, providing a partly below grade exterior entrance that faces Indiana Avenue, and an additional entrance facing the rear yard. While it has not been illustrated on the site plan, the applicant has confirmed that two parking spaces would be provided in the rear yard.

Based on conversations with the applicant, the basement unit is intended to remain separate from the existing dwelling and would provide housing for seniors affiliated with the Northeast Holy Trinity Church, which is the owner of the dwelling. There would be up to five occupants between the two units.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

The R-3 District is designed for row dwellings within which row dwellings are mingled with one family detached dwellings, one family semi-detached dwellings, and groups of three or more row dwellings. In an R-3 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for any use permitted in an R-2 District under § 300.3 and row dwellings. (§ 320)

The Zoning Administrator, by letter dated January 15, 2014, indicated that Board approval is required to allow the conversion of a single family dwelling into a two family flat in the R-3 District, pursuant to § 320.3.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 320.3, conversion of existing single family row dwelling into a two-family flat in the R-3 District

ii. Exceptional Situation Resulting in a Practical Hardship

As of the writing of this report, the applicant has not provided a statement that demonstrates there is an exceptional situation resulting in a hardship. The existing single family dwelling was constructed in 1925 and has been used as a single family residence since that time. The row dwelling conforms to the requirements of the R-3 District and is located along a row of similarly-constructed single family dwellings.

Because the dwelling has been used as permitted in the R-3 District since its construction, there is not a unique circumstance related to the dwelling that would justify the need for the requested conversion. The applicant has suggested that the alley located along the north property line

contributes to the uniqueness of the lot; however, there are a multitude of lots in the R-3 District that are located at the intersection of two alleys, and this physical feature does not necessarily justify a request to create a flat. It has been indicated that the row dwelling is in disrepair, but details concerning the extent of the repairs needed have not been provided, and OP would typically not accept this as a unique situation resulting in a hardship to the owner necessitating this relief. Further, the applicant has indicated that the row dwelling located immediately south of the subject dwelling has been converted into a two family flat. While OP has been unable to locate a Certificate of Occupancy or building permits that suggest this is the case, the applicant would still be responsible for demonstrating the uniqueness of the subject property based on its own merits.

iii. No Substantial Detriment to the Public Good

The proposed conversion of the single family row dwelling into a two family flat would likely not pose a substantial detriment to the public good. The applicant would intend to make the units available to low-income seniors that attend Northeast Holy Trinity Church. Two parking spaces would be provided on the site, minimizing the tenants' need to use on-street parking. In addition, there would be no more than five occupants in the flat at one time.

iv. No Substantial Harm to the Zoning Regulations

The proposed conversion of the single family row dwelling to a two family flat would cause harm to the Zoning Regulations. While this dwelling was constructed prior to the adoption of the 1958 Zoning Regulations, it complies with all the regulations as they relate to use, lot size, lot width, lot occupancy, rear yard, and other applicable sections. In fact, with few exceptions, the character of this neighborhood is that of a single family row house neighborhood. There are very few English basement entrances to be found along the frontage of the row dwellings within the vicinity of the subject dwelling. Further, there are no records of flats within this square or adjacent squares.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District agencies have not been received.

VII. COMMUNITY COMMENTS

Comments from the community and ANC had not been received as of the date of this writing. As of April 14, 2014, the applicant indicated that he would be contacting ANC 4D to place this request on the next available agenda.

Attachment: Location Map

Location Map

