

**BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE
DISTRICT OF COLUMBIA**

Application of DAZ LLC

APPLICANT'S PRE-HEARING STATEMENT

February 24, 2015

This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property of application and the manner in which the application ("Application") complies with the specific tests and burden of proof for the variance sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

We are respectfully requesting a variance for a minimum lot area requirements under 401.3 to allow us to convert the existing single family dwelling with a Group Home Certificate of Occupancy to a three unit apartment house in R-4 District at Premises 24 Rhode Island Ave NE Washington DC.

The Zoning Administrator has reviewed the application request and has concluded that the only item that does not comply with the section 401.3 is the minimum lot area requirements in the R-4 residential district (3103.2)

SUMMARY OF APPLICATION

The applicant seeks the above area variance Pursuant to § 3103.2, under § 401.3 to allow the conversion of a single family dwelling to a 3-Unit Apartment Building.

Lot Area: Sub-section 401.3 of the Zoning Regulations provides that a structure existing on May 12, 1958 in the R-4 District may be converted into an apartment house provided that the site contains 900 square feet of lot area per dwelling unit. The site contains 2,324 square feet of lot area. The conversion of the premises into a three-unit apartment building would require a minimum lot area of 2,700 square feet. A variance from the lot area of 2,324 square feet or 14% is therefore required.

All other requirements as listed below are in compliance with R-4 zoning for 3 unit apartment building
Per Zoning Administrator memorandum of June 24, 2014:

Lot Occupancy: Existing building lot occupancy is 1,184 square feet which is only 51% of the lot area

and is below the requirements for R-4 Zoning of 60% area occupancy.

Open Court; Side Yard; Front Yard, Floor Area Ratio; Loading Berths : Not applicable

Rear Yard: R-4 Zoning Requires the rear lot distance to be 20 feet; the existing building set back in the rear yard is 55 feet.

Parking Spaces: Required is one and provided is one.

Nonconforming Lot Area: The existing building has three stories plus basement. The existing basement can be used as a one bedroom apartment as shown in the attached plan and marked as Apartment “A”. If we use the 1st, 2nd and 3rd floors as Apartment “B” as shown on the attached plan; we will have a 5 bedroom apartment. It is very difficult to market a 5 bedroom apartment at market rate. The demand for such a large unit is scarce to none. Those seldom few who do desire such a home are most often people with a large family, and they tend shy away from living by a major road, in this case Rhode Island Ave, and would prefer to live in a single family dwelling with more outdoor recreational space and less adjacent vehicular traffic.

The proposed conversion of the building to a three unit apartment house does not require any exterior work. Unit “A” shall remain the same. Existing Apartment “B” can be converted into Apartment “B” and “C” by simply adding interior stairs as shown in the attached proposed plan.

The proposed zoning change will not increase the occupancy of the building, since the existing building has a certificate of occupancy of at least 8 people; 4 on the 2nd floor, 2 on the third floor and supervisors for the basement unit. On the contrary, it is more likely to decrease the occupancy to 5-6 residents.

The proposed zoning change will add to the neighborhood, since tenants living in the apartments will be part of the fabric of the community, whereas residents of the group home would be at the home on a temporary basis and would not be able to establish the longer lasting bonds that make our communities intimate.

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested variance

under DCMR § 3103.2

PROPERTY LOCATION AND PROJECT DESCRIPTION

The property is on Rhode Island Avenue North East. It is contiguous on the east and west with a series of attached three story row houses. To the North is an alley way that connects to additional row houses on V Street. The subject property is zoned R-4 and has been in use, as a group home. The subject property is of a rectangular shape with an 18' width in front and 19.7' width in the back of the property. The subject property is legally described as being located within Square 3508, Lot 16 and consists of Two Thousand Three Hundred Twenty Four square feet (2,324 ft²) in lot area.

The applicant seeks to convert the existing single family dwelling with a Group Home Certificate of Occupancy to a three unit apartment house in R-4 to allow a more practical renovation and use of the building. The conversion will comply with all other applicable restrictions and provisions of the Zoning Regulations, as project plans depict.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant, by preponderance of the materials submitted with this Application, facts to be presented in the course of the public hearing and further evidence to be submitted fourteen days prior to the hearing date, will prove compliance with the three prong test necessary for the granting of the area variance sought, as outlined below.

The Board is authorized to grant an area variance where a property demonstrates three characteristic elements:

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exists exceptional topographical conditions or other extraordinary or exceptional situation or condition of property;
2. That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property makes the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties to the owner of the property;

3. That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

UNIQUE PHYSICAL CHARACTERISTIC OF SHAPE OR SIZE

The Subject Property has a basement area of 997 Square feet which include one bedroom, a living room, dining room, kitchenette and a full bathroom. The rest of the building is made up of the first floor area of 997 square feet and 2nd floor area of 997 square feet and third floor area of 490 square feet. The total area for first, second and third floor is 2,848.00 square feet with a total of 5 bedrooms and three bathrooms, living, dinning and kitchen area. The building was renovated in 1996 and was used as a group home. The layout of this property, as originally designed and zoned, was conducive for just that, a group home. This presents numerous challenges for adaptation to a current day use by any future residents. There are small bedrooms throughout the 1st, 2nd and 3rd floors with little to no living space, and a small kitchen on the first floor. This is ideal for “dorm” life, but difficult for any working adults/families to utilize realistically.

PECULIAR AND PRACTICAL DIFFCULTIES TO OWNER OF PROPERTY

It is very difficult to find a tenant for such a large space at market price. This space *might* be utilized by a large family, but due to its layout, and perhaps more importantly, its close proximity to a major thoroughfare, families with small children would be resistant to living in such a property. It can easily be converted into three units by just adding interior stairs, making the building attractive to all types of potential tenants, including and especially, working adults.

NO SUBSTANTIAL DETRIMENT TO PUBLIC GOOD OR SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN IN ZONING AND REGULATIONS MAP

The applicant seeks a waiver of 376 square feet or 14% of lot area. There would be no exterior changes that would affect the adjacent residences or community. By adding interior stairs, we can provide three single units which can be used by long term potential tenants.

The proposed conversion will not increase the number of occupants. It will not create any additional traffic to the neighborhood and it will enhance the neighborhood by facilitating the attraction of permanent tenants to the building that could become fabric of the neighborhood vs temporary tenants

for the group home facility.

CONCLUSION

The Applicant submits that the instant application complies with all conditions for the granting of the requested area variance as outlined above and as shall be further documented. We are aware that a very similar case (BZA application No.17991) was brought before the BZA and approved, and are respectfully hoping for the same outcome.



5868 HUBBARD DR.
ROCKVILLE, MD 20852
PHONE: 301.984.4221
FAX: 301.984.4335

5627 ALLENTOWN RD
SUITE 105
SUITLAND, MD 20746
PHONE: 899.0028
FAX: 301.984.4335

PROFESSIONAL CERTIFICATION. I
HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE
DISTRICT OF COLUMBIA,
LICENSE NO. 8652,
EXPIRATION DATE: AUGUST 31, 2016.

SEAL:

PROJECT NAME:

**24 RHODE ISLAND AVENUE N.E.
WASHINGTON, DC 20002**

[illegible]

DATE: 12.31.14

PROJECT: 000-00

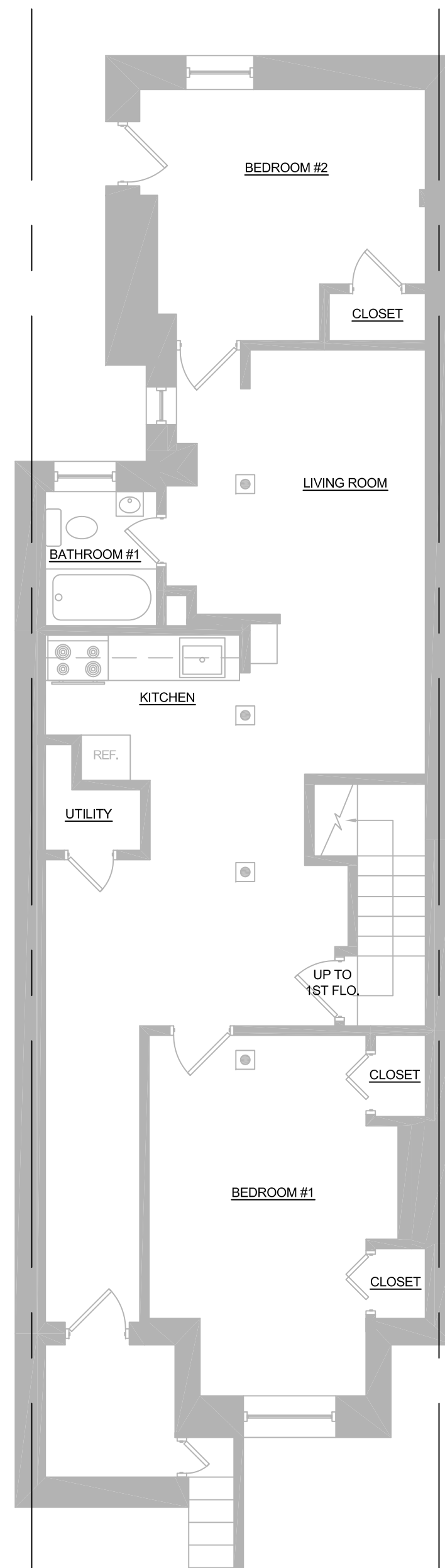
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SHEET TITLE:

EXISTING BASEMENT, FIRST, SECOND AND THIRD FLOOR PLANS

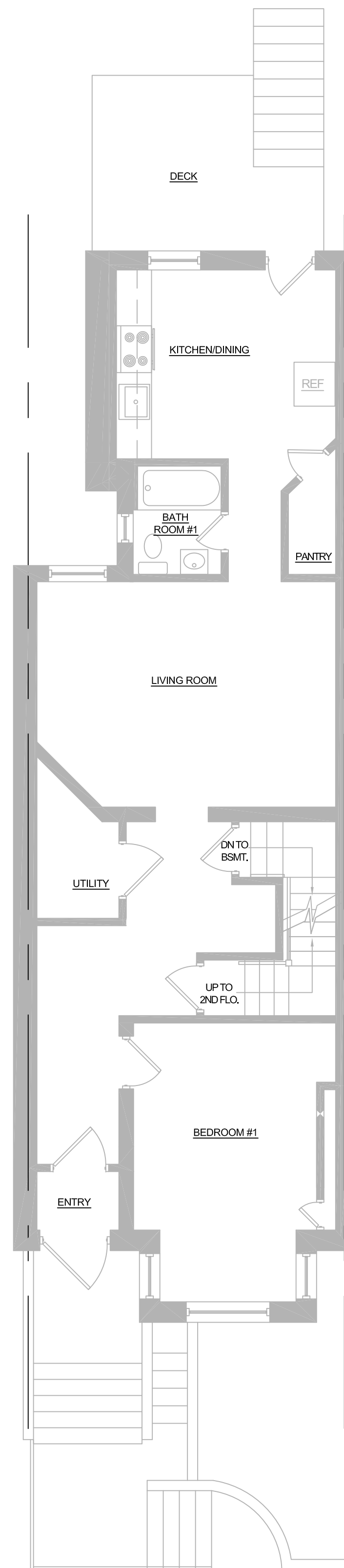
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A-101



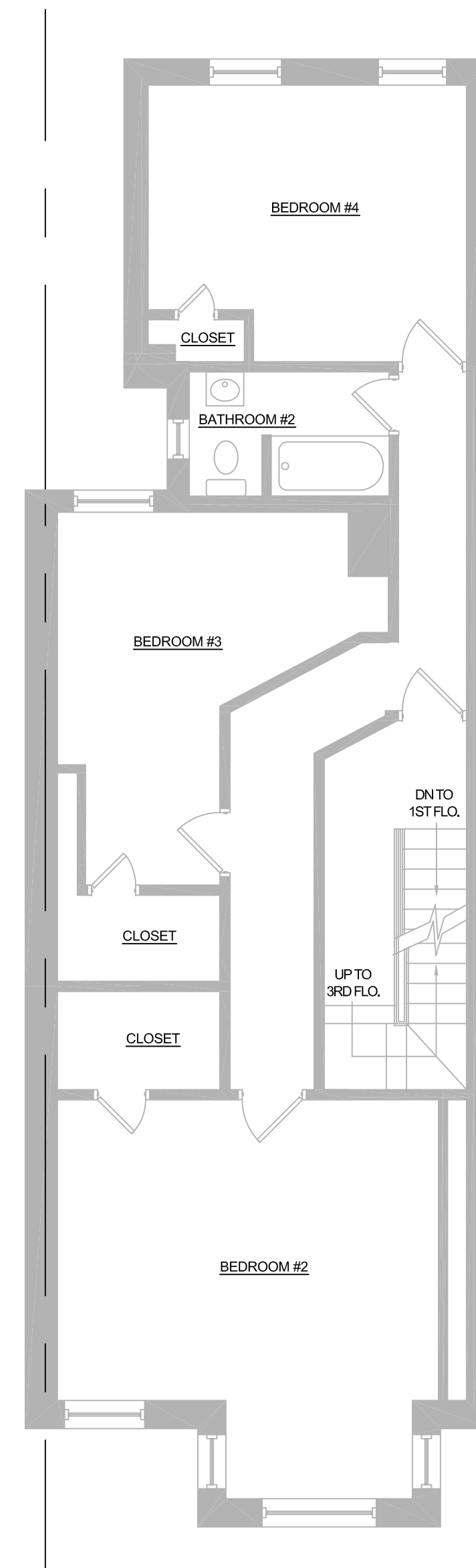
EXISTING BASEMENT PLAN
SCALE: 3/16" = 1'-0"

UNIT A



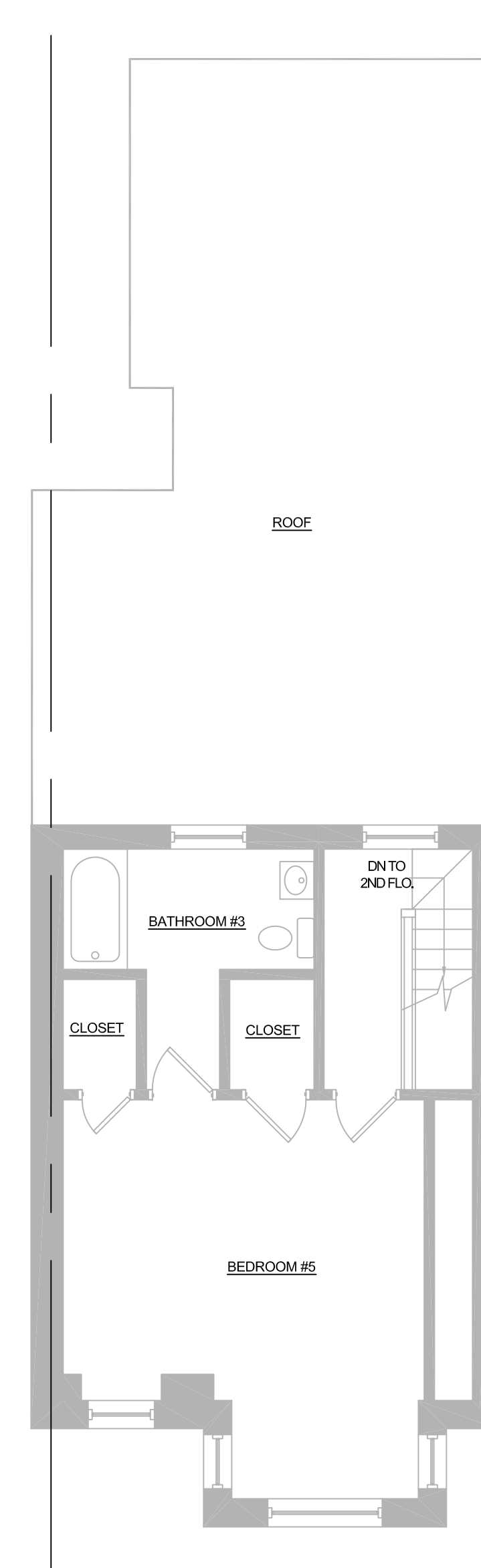
EXISTING FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"



EXISTING SECOND FLOOR PLAN

UNIT B



EXISTING THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"



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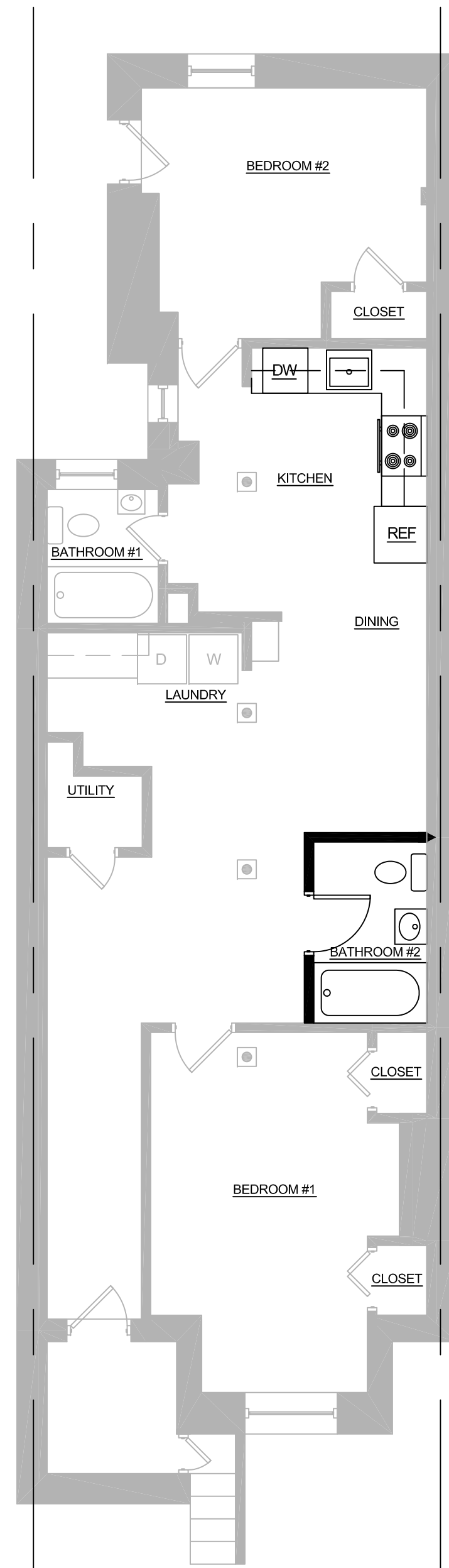
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PROPOSED
BASEMENT, FIRST,
SECOND AND
THIRD FLOOR PLANS

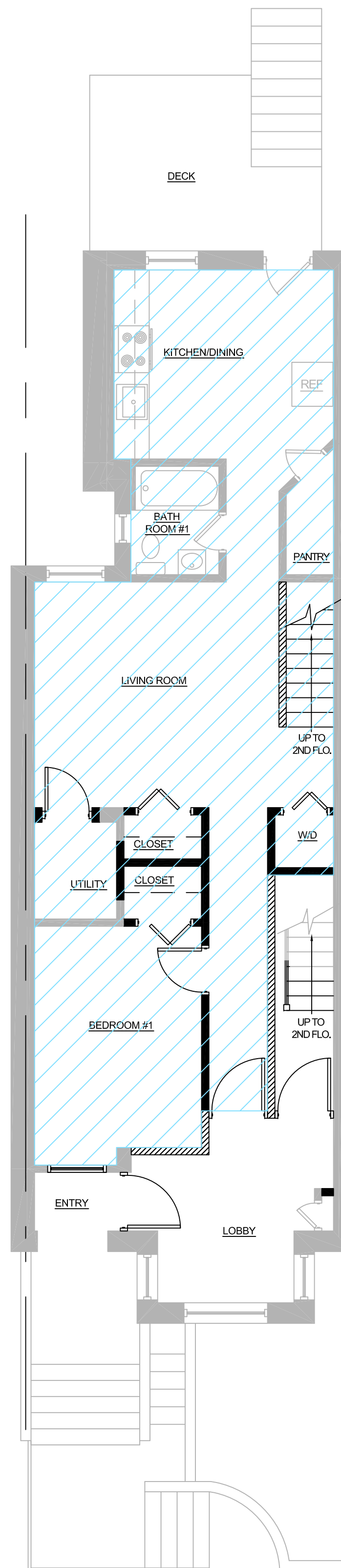
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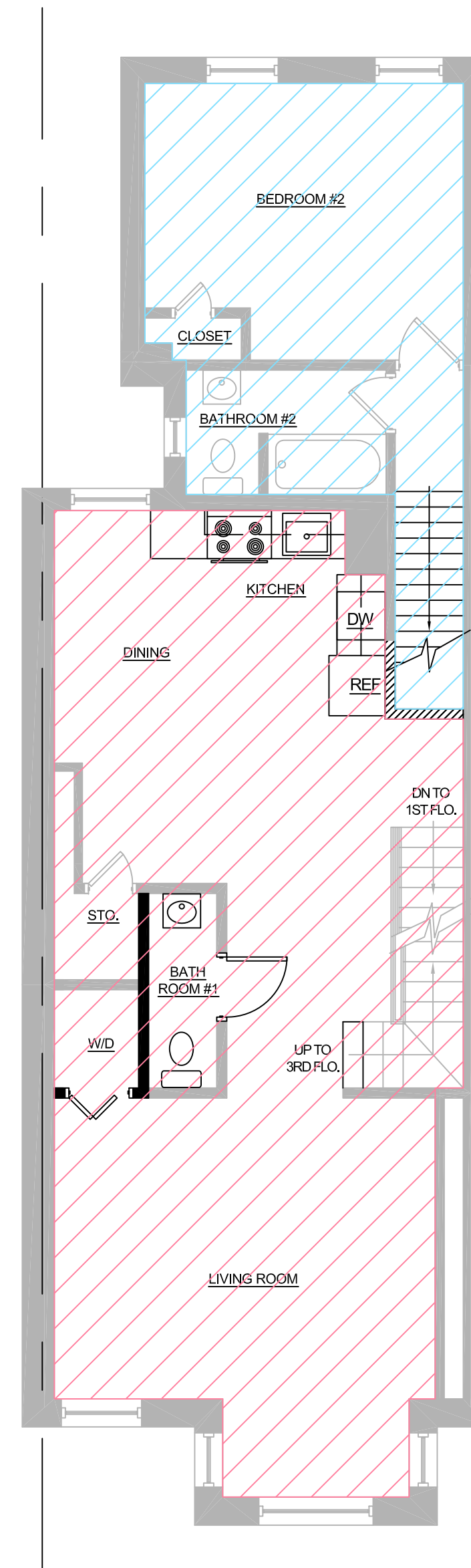


PROPOSED BASEMENT PLAN
SCALE: 3/16" = 1'-0"

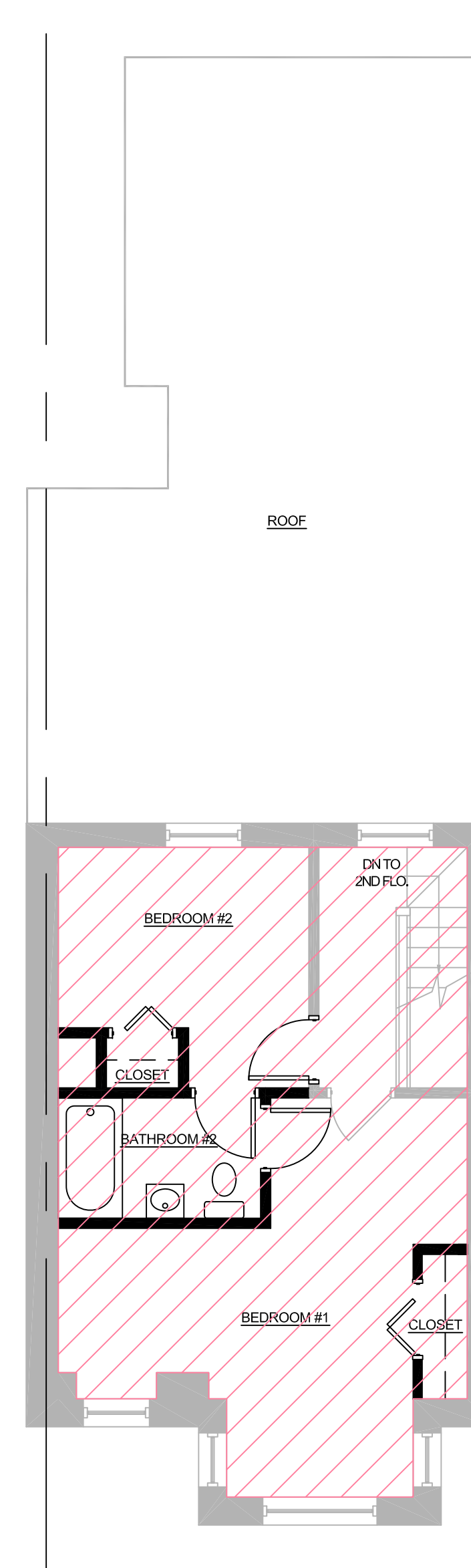
UNIT A



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



PROPOSED THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"

 UNIT B

 UNIT C