

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 17, 2015
SUBJECT: BZA Case 18889, 24 Rhode Island Avenue, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

1. § 401.3, Minimum Lot Dimensions (900 square feet per apartment required, 774.67 square feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	24 Rhode Island Avenue, N.E.
Legal Description	Square 3508, Lot 16
Ward	5E
Lot Characteristics	Polygon-shaped lot with rear alley access
Zoning	R-4 – moderate density residential
Existing Development	Vacant one-family row house, permitted in this zone
Adjacent Properties	Row houses and flats
Surrounding Neighborhood Character	Moderate density residential, including churches and cemeteries

III. APPLICATION IN BRIEF

Proposal	Convert a vacant one-family row house, last used as a community based residential facility (CBRF) for up to six individuals plus one staff member, into three apartments. The conversion would include the addition of stairs and doors interior to the structure. No building expansion is proposed.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-3-A Zone	Regulation	Existing	Proposed	Relief
Height § 400	3-story max.	3 stories	3-stories	None required
Lot Width § 401	None prescribed for conversions	18 feet	18 feet	None required
Lot Area § 401	900 square feet/ apt. or 2,700 square feet for 3 units	2,324 square feet	774.67 square feet/apt. or 2,323 square feet	Required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	51%	51%	None required
Rear Yard § 404	20-foot min.	55 feet	55 feet	None required
Open Court Width § 406	6-foot min.	3.7 feet	3.7 feet	None required

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 401.3, Minimum Lot Dimensions

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is improved as a one-family row dwelling, in conformance and consistent with the zoning on the property. The application does not specify an exceptional situation resulting in a practical difficulty, but does indicate that internal modifications, such as the addition of stairwells and doorways, would be necessary to convert the structure. As observed by the Office of Planning, adjacent properties, developed with similar structures on similarly sized lots with rear access to the same public alley, are all used either as row houses or flats, consistent with the use provisions of the R-4 zone. Therefore, OP concludes there is no exceptional situation that results in a practical difficulty.

ii. No Substantial Detriment to the Public Good

With the exception of the church at the corner of North Capitol and Rhode Island, also a use permitted as a matter-of-right, the entire square is developed with either one-family row houses and flats, or two-unit buildings, all consistent with the zoning. Section 330.3 of the Zoning Regulations, General Provisions for the R-4 District, states that its “*primary purpose shall be the stabilization of the remaining one-family dwellings.*” Establishment of an apartment house use within the middle of a block where no others exist would not contribute to the stabilization of the R-4, but would serve to introduce more intense residential uses in this neighborhood, increase the density in this square beyond that anticipated by the zoning and alter the character of the neighborhood. Therefore, the requested variance to reduce the square footage required per unit would result in a detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Section 199.1 of the Zoning Regulations defines apartment houses as buildings in which there are three or more apartments. Section 330.3 of the Zoning Regulations states that “*The R-4 District shall not be an apartment house district.... since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.*” Nine-hundred square-feet of lot area is the **minimum** required per dwelling unit in order to convert a structure. Reducing that number by 376 square feet, or 42 percent of the minimum lot area required to add a third unit, is significant, and increasing the density otherwise permitted within the R-4 zone while converting the subject structure to an apartment house in violation of the general provisions of the R-4 zone district. Therefore, the granting of the requested variance would result in substantial harm to the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

No written comments were received from ANC 5E.

Attachment: Location Map

