

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: March 10, 2015

SUBJECT: BZA Case **18952** - Request for Variance from § 201.3 to Permit An Apartment House in An Existing Dwelling Zone R-1-B, at 7100 Blair Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following variance relief for a former single-family house that has been converted to a 4-unit apartment building at 7100 Blair Road, N.W.:

- § 201.3 (1 dwelling unit permitted; 4 dwelling units proposed).

No enlargement or addition is proposed to the existing structure, which is non-conforming with respect to lot size and rear yard dimensions, and relief from § 2001.3 has not been requested.

II. LOCATION AND SITE DESCRIPTION

Applicant	Daniel Fields				
Address:	7100 Blair Rd. N.W.	Legal Description:	Square 3189 Lot 800	Ward/ANC	4B
Lot Characteristics:	The irregularly-shaped, primarily triangular corner lot comprises 4639 square feet and has frontage of approximately 100 feet on Blair Road, N.W. and 87 feet on Dahlia Street. The existing house and detached accessory garage, are located approximately two feet from the western property line.				
Zoning:	R-1-B, permitting one-family detached dwellings.				
Existing Development:	Former single family house converted to four unoccupied dwelling units, and lacking an apartment building certificate of occupancy.				
Historic District:	Takoma				
Adjacent Properties:	Single family detached houses.				
Neighborhood Character:	Predominantly single family detached dwellings in the R-1-B zone, with commercial structures and apartment buildings in the C-2-A and R-5-A zones to south and east, closer to the Takoma Metro station.				
Project	Following DCRA denial of an occupancy permit for an apartment building, the applicant is seeking to secure BZA approval of relief to legitimize the recently completed conversion/rehabilitation of the structure into a four-unit apartment building within envelope of what was originally a single family detached house.				



Fig. 1, Above: Site Location and Zoning

Fig. 2, Below: Aerial View of Applicant's Structures and Nearby Buildings



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B District	Regulation	Existing	Proposed	Relief
Lot Width (ft.) § 401.3	50 feet	Varies, but not less than 80 feet	SAME	None required
Lot Area (sq. ft.) § 401.3	5000 SF	4639 sq. ft.	SAME	Existing deficiency of 361 SF
Height (ft.) § 400.1	40 feet max., 3 story limit	Not provided, but < 40 feet. 3 stories	SAME	None required
Lot Occupancy § 403.2	60 % max by-right. 70% by S.E.	Not provided, but Approx. 33%	SAME	None required
Rear Yard (ft.) § 404.1	25 foot min.	Not provided, but Approx. 2 ft.	SAME	Existing deficiency of approx. 18 ft.
Side Yard (ft.) § 405.1	8 feet	Not provided, but appears to be at least 8 feet	SAME	None required
Parking § 2101	1 for single-family dwelling. Not addressed for 4 units in an R-1-B zone.	1	Not provided	Cannot be determined

Zoning Compliance Table (information approximated by OP)

IV. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 203.1, for an Apartment Building in a Single Family Detached House Zone.

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has already completed the work to either convert or upgrade the structure into four dwelling units, stating that the Department of Consumer and Regulatory Affairs said that such work was permitted. The applicant seems to be positing that the exceptional condition is that work on the four units has been completed in compliance with the applicant's understanding of what was permitted by the building permits that were issued, that significant expenses have been incurred and that the applicant will be financially ruined if he is unable to rent the four units.

However, the record of the applicant's work permits seems to indicate that building permits were issued for exterior work only. The applicant has provided no documentation of permission for interior work, nor has the applicant documented that four units legally existed prior to the applicant's ownership of the property and that the applicant was simply upgrading units, rather than constructing them anew. As such, even though the applicant also

seems to be saying that the costs of construction and financing have resulted in a practical difficulty for the applicant, this would be an entirely self-imposed hardship. not resulting in a practical difficulty for which a justification for relief has been demonstrated.

ii. No Substantial Detriment to the Public Good

The applicant has not addressed this aspect of the variance test. The Takoma neighborhood, and the historic district in particular, contain many single family houses that are large by contemporary standards. The granting of *ex post facto* permission for what seems to be an unpermitted conversion of a single family dwelling into an apartment building in the R-1-B zone has a significant possibility of creating a substantial detriment to the public good. The predictability and protection that zoning is intended to provide for the single-family home neighborhood could be undercut by legitimating work that is, absent documentation to the contrary, of uncertain legality and contrary to the intent of the zoning regulations.

iii. No Substantial Harm to the Zoning Regulations

The applicant has not addressed this. The requested relief could cause substantial harm to the integrity of the R-1-B zone in this neighborhood. The neighborhood has worked with the Office of Planning and the Zoning Commission to create a zoning overlay that intended to channel growth into locations in commercial or higher density residential zones closer to the Metro station. The applicant's request is contrary to the intent of those regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies as of March 6, 2015.

VI. COMMUNITY COMMENTS

ANC 4B voted 4 to 2 to oppose the application and to urge its rejection by the Board.

As of March 6, 2015 the property owners at 7106 Blair Road, N.W. had filed a letter opposing the request, and had requested party status in opposition. The owners of 7124 Piney Branch Road had also requested party status