

MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: April 21, 2015

SUBJECT: BZA No. 18985 - 2701 11th Street, NW for the conversion of a flat to a three unit apartment building in an R-4 zone.

I. OFFICE OF PLANNING RECOMMENDATION

David Benson (Applicant) proposes to convert a flat to a three unit apartment building at 2701 11th Street NW (Square 2858, Lot 16) in the R-4 ozone. The Applicant requests, pursuant to §3103, the following area variance relief:

- § 401.3, Lot area: 1,547 square feet existing; 2,700 square feet required for the requested 3 units.
- § 403.3, Lot occupancy: 60% maximum, 76% existing.
- § 404.1, Rear Yard: 20 feet minimum required, 19.8 feet existing.

As shown above, the lot is currently non-conforming for lot occupancy and the rear yard. The proposed conversation would not involve any external additions which would affect the lot occupancy and rear yard. The Office of Planning (OP) recommends **denial** of the conversion of an existing residential flat to a three-unit apartment building as being inconsistent with the intent of the R-4 zone to not be an apartment zone.

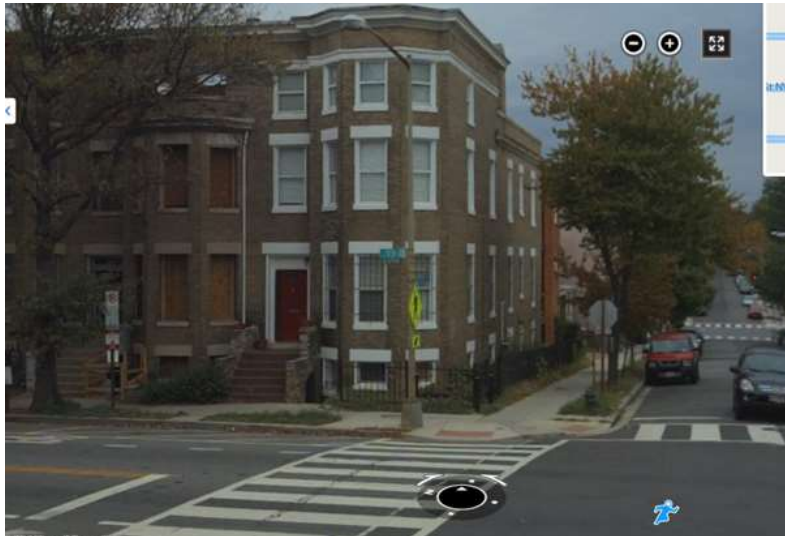
II. AREA AND SITE DESCRIPTION

Address:	2701 11 th Street NW
Legal Description:	Square 2858, Lot 16
Ward/ANC:	1/1B
Lot Characteristics:	The Property is trapezoidal in shape and has an area of 1,547 square feet. The property is a corner lot with frontages on 11 th Street to the west and Fairmont Street to the south. The property also abuts a 15-foot wide public alley to the rear.
Zoning:	R-4: Row dwellings and flats
Existing Development:	The property is improved with a three-story row dwelling which appears to date from 1912.
Historic District:	None
Adjacent Properties:	The Property is adjacent to three story row dwellings to the north and across Fairmont Avenue. To the property's east, across the alley, is a three-story multi-family apartment building.
Surrounding Neighborhood Character:	The subject square is comprised of two to three-story single family and multi-family residential buildings. The surrounding neighborhood consists of residential and institutional uses zoned R-4, with some commercial zoning approximately 2 blocks to the north and ease.

Site Location



Front of Building



Rear of Building



III. PROJECT DESCRIPTION

The Applicant proposes to convert the existing flat into three apartment units. The existing dwelling configuration contains one residential unit in the basement and the second unit on the upper two floors and the partial third floor. The basement space is accessible from a depressed external stairway from 11th Street, rear external entry leading to the public alley, and an internal staircase connecting the basement to the main floor's residential unit. According to the application the building needs renovation.

The Applicant proposes to demolish most of the internal structure and convert the building to have units in the basement and on the first floor and a third unit within the second floor and partial third floor. No additions to the building are proposed. The site would continue to have two surface parking spaces in the rear yard.

IV. RELIEF REQUESTED

Flats are permitted uses in R-4 zones, whereas a conversion of an existing building to an apartment use is permitted only where there is 900 square feet or more of lot area per unit. The application proposes 515 square feet of land area per unit.

R-4	Requirement	Existing	Proposed	Relief
Height (§ 400)	50 ft. max.	48.7 ft.	No change	Conforming
Lot Area (§ 401)	900 sq. ft./unit or 2,700 sq. ft.	2 unit	1,547 sf or 515 sq. ft. per unit	Requested
Lot Width (§ 401)	18 ft.	18 ft.	18 ft. (No Change)	Conforming
Lot Occupancy (§ 403)	60% max.	76%	76% (No Change)	Requested
Rear Yard (§ 404)	20 ft. min.	19.8 ft.	19.8 ft. (No change)	Requested

V. OP ANALYSIS

Area Variance Relief (§ 401.3)

1. Exceptional Situation Resulting in a Practical Difficulty.

The property does not exhibit a specific uniqueness. The lot is a typical shape and size for residential properties in the square, and the existing dwelling already accommodates two units as permitted under R-4 zoning. The Applicant identifies several other features they consider to be an exceptional situation including: its corner lot location and that the proposal would allow for 3 “standard” market sized units (2 and 3-bedrooms). The Applicant further states that the units would be an asset to the community and increase the tax base; the building lends itself to be easily converted; the increased density would be negligible; and there is a potential financial value created by adding a third unit. These features by themselves or taken together do not appear to be unique or present an exceptional situation to the property over other properties in the area.

Since there is no uniqueness or exceptional situation, there can be no resulting practical difficulty to the Applicant. The Applicant states that due to the age of the building extensive renovations are needed and there is a likelihood that the investment could not be recouped through the sale of two units. However, the Applicant provided a cost analysis to demonstrate that the rate of which investment could be recouped. While the three units may allow the Applicant to potentially maximize a return on the investment at a faster rate, this is neither a requirement nor an expectation of this in the zoning, and there is no nexus with an exceptional situation on the Subject Property. However, the applicant did not demonstrate that the building is not able to function as a flat consistent with zoning. The Applicant outlined other areas they consider to be exceptional situations but did not

demonstrate how they impose a practical difficulty.

2. No Substantial Detriment to the Public Good

In this case, the Applicant intends to add a single unit and there would be no external additions to the building. Although the proposal would increase the density in the building by one unit, the Applicant states and highlighted that there are a number of buildings in the area that have been converted to apartments including the adjacent building at 2703 11th Street, NW¹. A third unit in itself would not be a detriment to the public good.

3. No Substantial Harm to the Zoning Regulations

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.” Apartment conversions do not contribute to the stabilization of the R-4, but instead often introduce more intense residential uses in neighborhoods, increase the density in squares beyond that anticipated by the zoning, and alter the character of neighborhoods. The proposed apartment building would increase the prevalence of apartment buildings in the R-4 zone without demonstrating any exceptional situations leading to a practical difficulty and would be contrary to the purpose of the R-4 District.

VI. ANC/COMMUNITY COMMENTS

The property is within ANC-1B. To date, OP has not seen any submission from the ANC. The Applicant submitted several letters of support from neighbors.

¹ BZA 18436