GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: November 16, 2000

SUBJECT: BZA Application #16633
3715 Woodley Road, N.W.

BZA
Case No. 16633
Exhibit No. 23

APPLICATION

By letter dated June 28, 2000, the Zoning Administrator referred the application for expansion of a non-conforming use to the BZA, requesting variances from the provisions of Section 2001.3 (a), (b), and (c) and from Section 2101.1. that relates to the provision of on-site parking. On further review, it was realized that these sections did not address the request to expand a non-conforming use and that the appropriate section of the Zoning Regulations under which the application should seek relief is Section 2002.3 (memo from Zoning Administrator dated November 7, 2000). This section addresses expansion of an existing non-conforming use to a portion of the structure not currently devoted to that non-conforming use.

Since the general understanding of the proposed use remains the same, the application was not readvertised. This report therefore addresses the request for a variance from Section 2002.3.

SITE AND AREA DESCRIPTION

The subject property is located at 3715 Woodley Road, N.W. between Wisconsin Avenue to the east and 38th Street to the west (Square1920, Lot 25). The property is developed with a two-story apartment building that is approximately 80 years old and is named "The Alban". The building has four occupied apartment units on each of the first and second floors. The basement has a small, vacant apartment that was formerly used by the building maintenance person. The remainder of the basement is a large, open, vacant space.

The area surrounding the subject site is a mixture of apartments, single-family duplexes, and single-family detached residences (See Attachment 1). Immediately east of the property is a single-family detached residence, followed by apartment buildings that front on Wisconsin

Board of Zoning Adjustment
District of Columbia
CASE NO.16633
EXHIBIT NO.23

Avenue and Woodley Road. To the west are single-family duplexes with row houses and single-family detached units across 38th Street. To the south of the site are predominantly single-family residences and a triplex unit. To the north is a mixture of duplexes, single-family detached, and apartment housing.

PROPOSAL

The application proposes to increase the size of the existing basement apartment and convert the remainder of the basement space into three units for a total of four basement apartments. Each unit will have approximately 4,016 square feet of space with its own entrance/exit, two at the front of the building and two to the rear. No extensions or enlargement of the exterior building envelope is proposed.

ZONING REQUIREMENTS

The subject site is in the R-1-B district that is designed for one-family detached dwellings. This apartment building was constructed prior to the implementation of the Zoning Regulations and the apartments are therefore a non-conforming use within this zone. In addition, the apartment building does not conform to all the regulations of the R-1-B district and is a non-conforming structure. The R-1-B zone requires a lot occupancy of 40% or 3,600 square feet in this case. The existing lot occupancy is 44% or 4,014.4 square feet. The side yard of 8 feet is required and the existing side yard is 5 feet. (See summary on Table 1)

Table 1

	REQUIRED	PROVIDED
Lot Area	5,000 sq. ft.	9,000 sq. ft.
Lot Width	50 feet	50 feet
Lot Occupancy	40% or 3,600 sq. ft.	44% or 4,016.4 sq. ft
Rear Yard	25 ft. minimum	49.59 ft.
Side Yards	8 ft.	5 ft.
Front Yard	N/A	5 ft.

ANALYSIS

Section 2002.3 of the Zoning Regulations addresses expansion of non-conforming use from which the applicant is seeking a variance:

> **"A nonconforming use shall not be extended to portions of a structure not devoted to that nonconforming use at the time of enactment or amendment of this title, or to another structure."**

The existing apartment is a non-conforming use in the R-1-B district. The existing basement apartment will be expanded and three units added for a total of four units. The proposed expansion of the apartment use will be confined to the basement and does not entail an expansion of the existing building. The basement of this building was never a rental unit but was generally used for storage and part time residence for the person maintaining the building. Over the years, the need for storage and an on-site maintenance person has diminished and the basement has remained vacant. The basement has an area of approximately 16,000 square feet of vacant space. The exterior of the building will be changed only to add an areaway to/from each of the units. These areaways will provide some privacy to each unit as well as give additional exit routes from the building. Locating uses in the basement that are permitted by-right in the R-1-B would be impossible or inappropriate for this site.

The Zoning Regulations does not provide specific guidance relating to parking for apartments in the R-1-B district. Therefore, taking the most restrictive requirement of one parking space per unit, the proposed apartments would generate a need for four spaces. Currently, there is space for two vehicles to the rear of the building that is accessed through an alley, off of 38th Street. This area could be expanded to accommodate an additional four spaces for a total of six spaces. Additional on-street parking is available along Woodley Road and 38th Street.

Compliance with Section 3103.3

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property is unique due to the fact that the building is approximately 80-years old and is non-conforming structure with a non-conforming use in the R-1-B zone.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property.**

The uniqueness of the property caused by its non-conformity has led to practical difficulty in conforming to the Zoning Requirements of the R-1-B zone. It is impossible for any of the uses permitted by-right in the R-1-B zone to be located within this building and without the variance the applicant will lose the ability to use this 16,000-square foot space. Although apartments are

not permitted in the R-I-B zone, it is a residential use that is permitted, and the request is basically to extend this use into a larger area.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The addition of four apartment units will not introduce excessive traffic or noise into the neighborhood. This apartment building is similar in age to many of the residential units in the neighborhood and has not been detrimental to the community. The proposal upholds the general provisions of the R-1 zone as outlined in Section 200 that states:

"200.1 The R-1 district is designed to protect quiet residential areas now developed with one-family detached and adjoining vacant areas likely to be developed for those purposes.

200.2 The provisions of this chapter are intended to stabilize the residential areas and promote a suitable environment for family life . . ."

It is the aim of the Zoning Regulations and Map to develop this area with single-family detached units and this endeavor will not be jeopardized, as the minor addition of the four apartment units will not entail a major expansion of the building. Therefore, the intent, purpose, and integrity of the Zoning Regulations and Map will be maintained.

COMMUNITY COMMENTS

The project was reviewed by ANC-3C at their October 30, 2000 meeting. The ANC recommended approval of the variance to expand the number of apartment units in this building. The ANC also recommended that the open space area to the rear of the building be reduced to allow for additional on-site parking, as parking on the street is difficult to find at this time and could be further exacerbated by the addition of the four units.

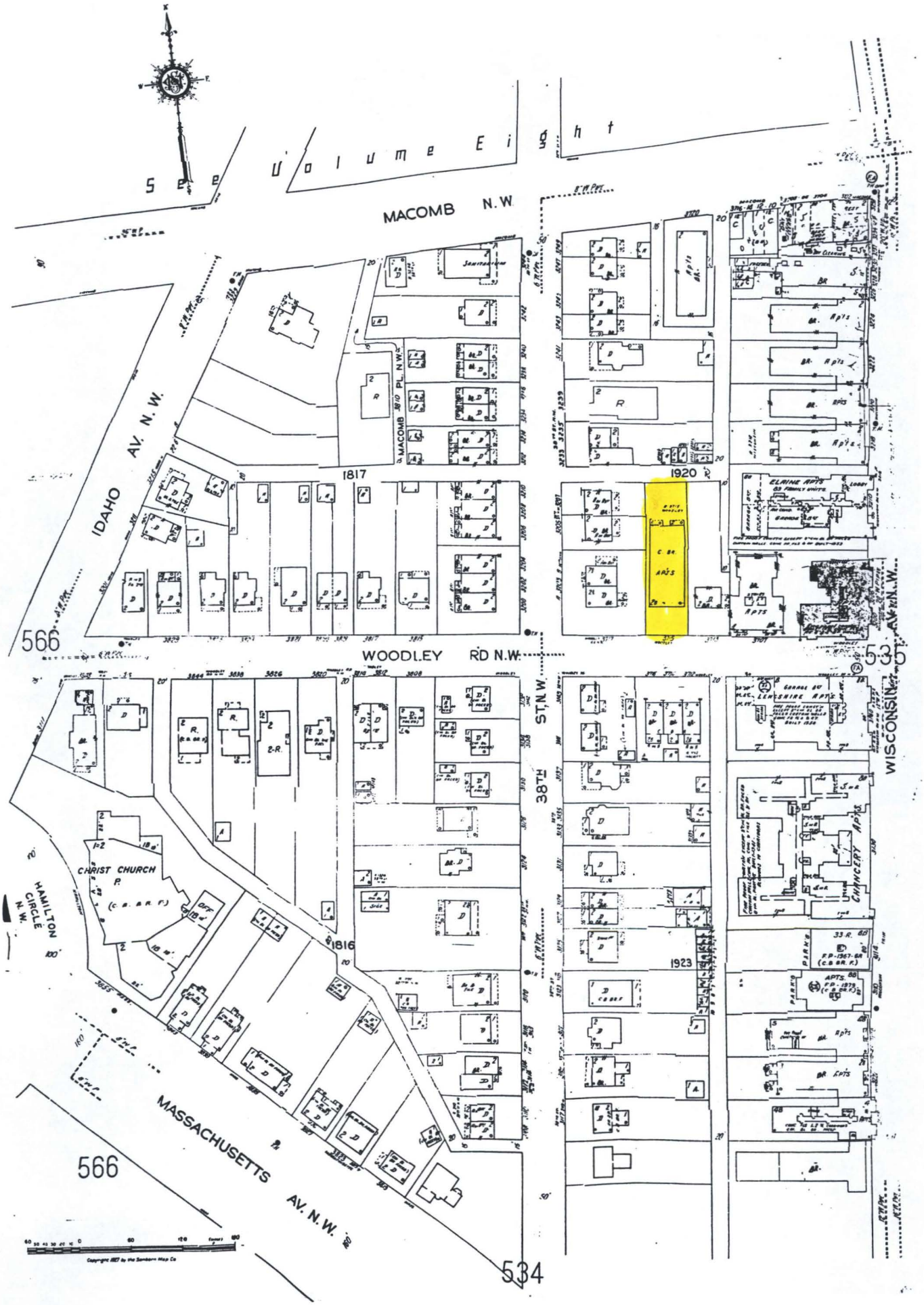
SUMMARY AND RECOMMENDATION

The age, size, configuration, and non-conformity of the building make it impractical to have uses that are permitted in the R-1-B zone in the basement space. The only reasonable use is to expand the existing apartment use to this space and retain the residential character of the community. The proposed increase in apartment units has met the provisions of Section 3103.2 of the Zoning Regulations for granting a variance. The "uniqueness" of the building that has led to the practical difficulty of complying with the Zoning Regulations has been demonstrated. Approval of this variance will not cause any "substantial detriment to the public good" and maintains the "intent, purpose, and integrity" of the zone plan as embodied in the Zoning Regulations or Map". The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE**

the requested variances with the condition that the applicant provides six parking spaces to the rear of the building.

ATT: a/s

AA/mbr



ATTACHMENT 1