GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

SUBJECT: BZA Case # 16647

DATE: January 8, 2001

BZA
Case No. 16647
Exhibit No. 24

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APPLICATION

Pursuant to §3107.2 of the Zoning Regulations of the District of Columbia, the applicant, James Curtis, Jr., is seeking a variance from the use provision of Subsection 300.3 to use the subject premises as a two-unit family flat located in R-2 and R-4 Districts at premises 4638, 4650 and 4654 Hillside Road, S.E. (Square 5362, Lots 65, 66 and 70.

SITE AND AREA DESCRIPTION

The subject premises are at 4638, 4650 and 4654 Hillside Road, S.E. (Square 5362, Lots 65, 66 and 70. The properties are on the north side of Hillside Road, among ten other two-story walk-up apartment buildings. Most of the buildings on the north side of the 4600 block of Hillside Road are in poor to fair condition and are in need of extensive renovation. The south side of the block contains twelve well-maintained semi-detached single-family homes and approximately seven four-unit apartment buildings in good condition. There is a "marked difference" in the appearance of the housing units on the south side of the block, when those units are compared to the units on the north side of the block. The residents who reside on the south side of the block are impacted by the lack of maintenance and up-keep of the units on the opposite side of the block.

APPLICANT'S PROPOSAL

According to the applicant Mr. James Curtis, his intention is to rectify a situation, which occurred over ten years ago. At that time, the applicant converted the three buildings which contained four one bedroom units each, into two three bedroom, two bathroom units. The conversions were done in response to the request from the D.C. Government

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housing agency, which expressed a need for private housing providers to produce more multiple bedroom residences to meet the need for decent affordable housing, for low-to-moderate income families. At that time, when the applicant went to DCRA to apply for a new Certificate of Occupancy which would reflect the conversions, he was told by DCRA that since the number of units in each building was not being increased, a new Certify of Occupancy wasn't required. The applicant inserted the changes to the licenses, to reflect that the unit reductions, (from four to two units per building) when it was time to renew the housing license. Subsequent annual license renewal forms received from DCRA reflected the changes. Recently, when the applicant attempted to renew the license, DCRA disapproved the application, sighting a need for BZA approval.

ZONING REQUIREMENTS AND ANALYSIS

The subject sites are zoned R-2. § 300.3 of the Zoning Regulations permit one-family, semi-detached dwellings as a matter of right.

Based on OP's reading of § 300.3 of the Zoning regulations, the conversion of the four unit flats, into two unit duplexes, should qualify the converted units as one-family semi-detached dwellings. Therefore, it appears that this use should be permitted as a matter of right, and the requested zoning relief is unnecessary.

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject premises are designated in the Comprehensive Plan as being in the moderate density residential land use category. The predominant uses in this category usually includes row houses and garden apartments buildings and may include, as appropriate uses, low density housing

COMMUNITY COMMENTS

Ms Naomi Robinson, ANC 7EO7, informed OP that the ANC had provided a letter to the BZA, strongly opposing the subject application, on the grounds that the applicant was a "slum landlord", that his properties were not maintained and that the neglected condition of the properties created opportunities heavens for criminal activities, which cause many neighborhood residents to live in fear. The ANC representative shared that changes in the structural component of the buildings will not alter either the landlords' inattentiveness, or the externalities (crime and drug activity) his inattentiveness generates.

OP made the case to the ANC Commissioner that just a conversion to more family-style living units would attract more families and would contribute toward neighborhood stability. The ANC Commissioner stated that if the same management were allowed to continue that exist serious social problems would continue hurting neighborhood integrity.

AGENCY COMMENTS

Department of Housing and Community Development

The applicant provided two letters from the Department of Housing and Community Development (DHCD), in response to his letter to DHCD, requesting that the subject properties that he owned, be considered for inclusion in the Tenant Assistance Program and the Private Unit Leasing Program. DHCD responded to Mr. Curtis, that the agency appreciated his interest and that his units were qualified for the two referenced programs.

Metropolitan Police Department

According to the Six District Police Headquarters, many of the units on the north side of the 4600 block of Hillside Road have long been associated with serious crimes, including two homicides last year and drug activities which resulted in the arrest of three major figures.

RECOMMENDATION

It is the applicant's belief that he converted the subject properties to help the housing agency in its efforts to meet the housing demands, for multiple bedroom housing units for low-income families. This position was confirmed by DHCD in letters of appreciation to the applicant. However, issues identified by the ANC and the Police Department, regarding a lack of maintenance, criminal activities on the properties and the resulting negative impact on the community, would still be unresolved.

The Office of Planning, based on the analysis provided earlier in this report, believes that the proposed use is a matter of right and does not require zoning relief. Should the Board wish to consider this project anyway, OP recommends approval, with the cautionary note provide below. While OP recommends that the application be approved, the on-going enforcement issues linked to this site should be addressed. It is OP's understanding (from a meeting with Building & Land Regulation Administration, DCRA) that DCRA can require annual reviews/inspection of properties having histories of non-compliance. If the BZA approves this application, OP will contact DCRA to request such an action.