GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 25, 2002

SUBJECT: BZA Case # 16887 Variance Request

APPLICATION-IN-BRIEF

Applicant: Raksha Sood
1423 5th Street, N.W.
Square 511, Lot 807

Relief Sought: Pursuant to 11 DCMR 3103.2 the applicant is requesting a variance to convert an existing rooming house at premises 1423 5th Street, N.W., Lot 808, in Square 511, into 3 condominium units. The subject structure is in the R-4 zoned district.

Relief Sought Under: Subsection 401.3

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be denied.

Applicant's Justification:

The applicant is seeking to convert a rooming house into three condominiums in the R-4 zone district.

SITE AND AREA DESCRIPTION

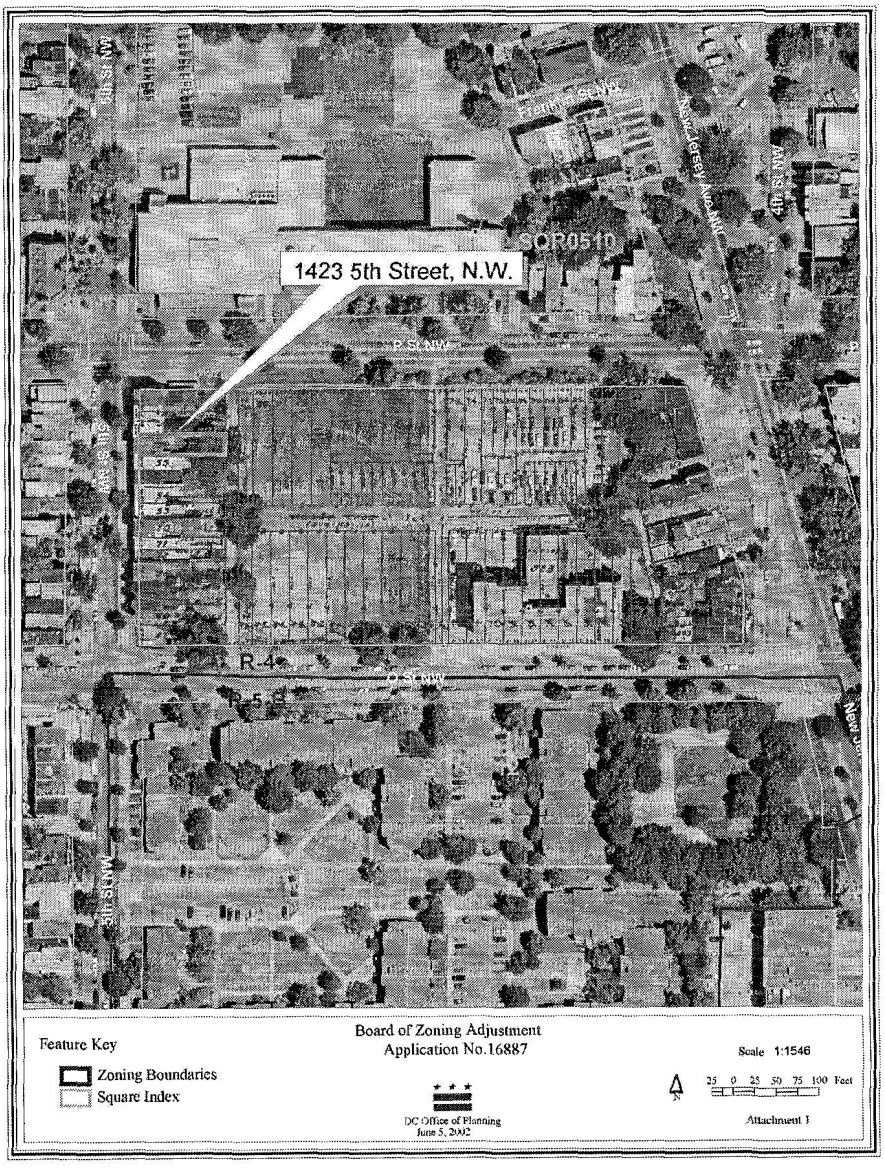
The subject building is in the Logan Circle/Shaw Neighborhood of Ward One. P Street, N.W. generally bounds the site to the north, O Street is to the south, New Jersey Avenue is to the east and 5th Street is to the west. The neighborhood surrounding the subject site contains a mix of row dwellings and apartment buildings. The subject site contains a

BZA
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Exhibit No. 25

Board of Zoning Adjustment
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EXHIBIT NO.25

three-story, 2,000 square foot brick veneer structure with a basement, which was built in 1900 before the adoption of the Zoning Act of 1958. The building has been vacant since the late 1960's. It previously had been an apartment house, which had three four-room apartment units, one on each floor of the building. The building was later converted into a rooming house with approximately 13 rooms on three floors. The applicant purchased the property in 1990, and has since gutted the structure, in preparation for redevelopment of the property.

The applicant proposes to convert the building into three condominiums, one on each of the three floors in the building. The new addition will be added to the rear of the building. Each of the converted units will contain a master bedroom between 220-245 square feet, two bathrooms, and a second smaller bedroom that will be between 120-138 square feet, a 100 square foot kitchen, and with the exception of the third floor unit, a 260 square foot living/dining room. The living/dining room on the third floor will be 380 square feet.



AREA ZONING

The subject premises is in the R-4 Zone District. The R-4 district is designated to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwelling for two or more families. Very little vacant land shall be included within the R-4 district, since the primary purpose shall be the stabilization of remaining one-family dwellings.

APPLICANT'S PROPOSAL

The applicant, Raksha Sood, proposes to add a three-story addition to the rear of the premises at 1423 5th Street, N.W. When completed, the project will yield three four-room condominiums, one on each on the three floors in the building.

REQUESTED ZONING RELIEF

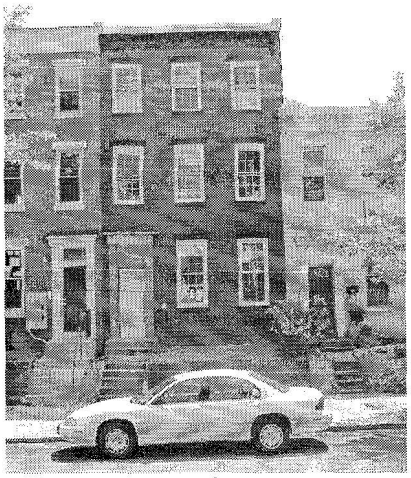
Pursuant to 11 DCMR 3103.2, the applicant is requesting an area variance from the minimum lot dimensions, to permit an addition to the rear of three-story structure.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

No. The subject property is not unique, with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition. The lot exceeds the lot area and lot width requirements for property located in the R-4 district. The minimum lot dimension in the R-4 district is 1,800 square feet for lot area and 18 feet for lot width. The lot area of the subject property is 2,000 square feet and a lot width of 20 feet.

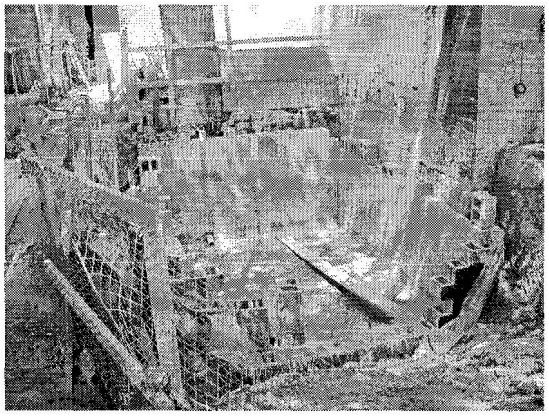
The applicant proposes to convert what is presently a rooming house, into three condominium units, one on each of the three floors in the building. According to § 401.3 of the Zoning Regulations, conversion to an apartment in the R district requires a minimum lot area of 900 square feet per unit. To meet this requirement, the subject lot should be a minimum of 2,700 square feet in lot area. The referenced lot is 2,000 square feet. There exists a difference of 700 square feet or 25.93%, between the actual lot area



Front view of 1423 5th Street, N.W.

and the lot area that would be necessary to accommodate the applicant's proposal.

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



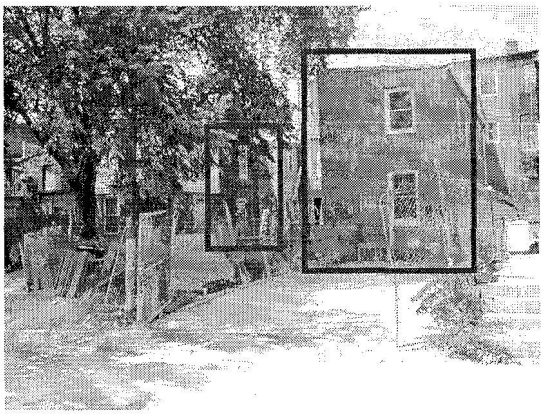
Rear view looking west/basement excavation.

No. The strict application of the Zoning Regulations **will not** result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property. The applicant proposes to convert a vacant three-story rooming house, into condominiums, by adding a three-story addition to the rear of the building. The resulting structure would contain one four-room unit on each of the three floors. The applicant has not provided the Office of Planning with information that suggest that the subject lot could not be developed within the parameters of the zoning regulations for the R-4 district.

Can the to requested relief be granted without substantial detriment to the public good and without substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. The applicant has not provided OP with compelling information to support a contention that the subject property cannot be developed in accordance to the provisions of the R-4 district. The structure that abuts the subject structure on the north side is currently being converted into two-unit condominiums.

The rear addition proposed for the subject structure would extent beyond the rear building line of the adjoining structures on both sides. There are windows on the north side of the abutting structure on the south side of the subject structure. Light would be



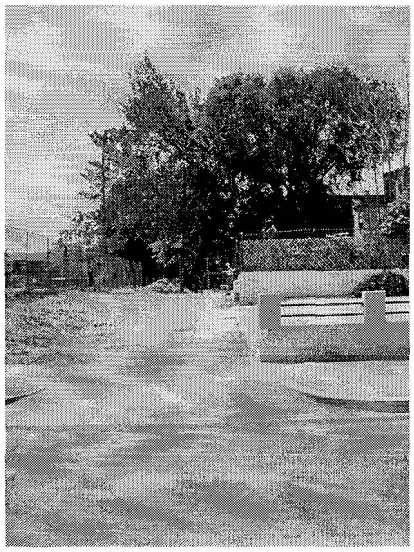
Left: North side windows 1421, Right: Rear of 1425 conversion project.

limited from entering those windows and the privacy could be compromised.

COMMUNITY COMMENTS

The applicant made a presentation to Advisory Neighborhood Commission 2C, on Wednesday, June 5, 2002. The ANC expressed to the applicant that neighbors whose properties are adjacent to the subject property are very angry as a result of the applicant's lack of respect for their properties, during the renovation of the subject structure. ANC 2C took the position that it would not support the application until the community issues are resolved, as a "good faith" gesture. The ANC recommended that the applicant withdraw the application, until the community issues have been resolved. The issues included the following:

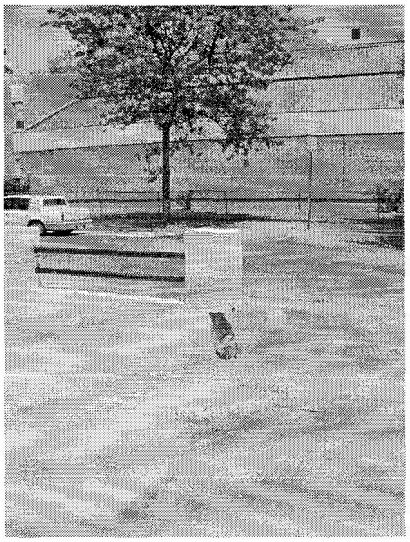
- Dirt excavated from the basement foundation was deposited in the public alley to the rear of houses on the east side of the 1400 block of 5th Street, N.W. The community requests that the applicant remove the dirt from the community.
- It is alleged that, during the excavation of the basement, excavation equipment damaged one neighbor's fence and another neighbor's wall. The ANC requested that the applicant investigate these issues and correct the damage if his contractors were responsible.



Dirt in alley excavated from the basement foundation of the subject property.

OP staff had a telephone conversation with the applicant on Thursday, June 6, 2002. The applicant confirmed the issues raised by the community at the ANC meeting, and his commitment to cure the problems. He further expressed that he would withdraw the application for now, and reapply after the community issues have been resolved.

Rick Nero (6/11/02) informed the applicant that the application could be withdrawn by sending a letter to the Board. The Zoning Office had not received the withdrawal request by Monday, June 17, 2002.



Excavation equipment damaged of neighbor's wall.

OP SUMMARY RECOMMENDATIONS

After having reviewed the application submitted by Raksha Sood, proposing to convert a vacant three-story rooming house into three, four room condominiums, in the R-4 district, the Office of Planning recommends that the **Board deny the application**. The Office of Planning finds

that the applicant has not satisfactorily met the burden of proof in Section 3103.2 and 401.3 of the Zoning Regulations, and concludes that approval of the application would cause substantial detriment to the public good and would substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.