GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF PLANNING
2002 JUL -2 PM 3:06

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: July 9, 2002

SUBJECT: BZA Case 16891 Variance Request

APPLICATION-IN-BRIEF

Applicant: 3221 Eleventh Street LLC
Square 2845, Lot 27

Relief Sought: Pursuant to 11 DCMR 3103, the applicant is requesting a variance from the 900 square foot lot area requirement per apartment unit to allow the renovation of a row house into four units. The building is in the R-4 zone district.

Relief Sought Under: §3103, Subsection 401.3

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

SITE AND AREA DESCRIPTION

The subject premises are in the Pleasant Plains neighborhood of Ward One. The site is generally bounded on the north by Lamont Street, Kenyon Street on the south, Sherman Avenue on the east, and 11th Street on the west. The subject Square 2845 consists mostly of row dwellings, some three-story apartment buildings, multi-family conversions and some limited commercial uses. Row houses and multi-family dwellings are to the east and south of the subject property. The area to the north of the subject building, and on the west side of 11th Street contains buildings with ground floor retail and residential units above. The property is within two and one half blocks of the Columbia Heights Metro Station, which is on 14th Street, between Kenyon and Irving Streets.

BZA
Case No. 16891
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16891
EXHIBIT NO.27

Most of the dwellings on Square 2845 were constructed between 1905 and 1953, and thus predate the adoption of the Zoning Act of 1958. The subject structure was built in 1910 as a residential unit, and continued with that use until it was abandoned approximately twenty years ago. The District condemned the building and demolished a large portion of it, prior to the applicant taking control of the property. In its current condition the building is structurally unsound.

The applicant acquired the subject property through the Tax Sale process in July of 1999. He did not obtain clear title from the District Government until February 2002. In 2001, the Department of Consumer & Regulatory affairs placed the subject property on the condemned property list and starting demolition.

AREA ZONING

The subject premises are in the R-4 zoned district. The R-4 district permits row dwellings, flats and conversions to apartments on buildings that existed prior to 1958 and have lot areas of 900 square feet per unit.

APPLICANT'S PROPOSAL

The applicant, Mr. Adrian Washington is requesting a variance to permit the conversion of a row dwelling in the R-4 district, into a four-unit condominium building. The applicant proposes to accomplish the conversion with an addition to the rear of the three-story structure.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3103.2, the applicant is requesting an area variance to permit construction of a rear addition to a single-family house which will not comply with the requirements of §401.3, for a minimum of 900 square feet of land area for each of the proposed apartments.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area as ***Moderate Density Residential***. The Plan sets major policies and goals for housing in the District. Among the Declaration of Major Policies is the following central theme:

> **Section 300.2**. A central theme of the Housing Element is that the District must stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types. The District will continue to use all available public and private resources to support a variety of programs designed to do the following:
>
> > (a) Extend affordable homeownership opportunities to low-and moderate-income households;

(c) Protect existing housing stock from demolition and conversion to non-housing uses; and

d) Stimulate the construction and rehabilitation of affordable housing by private for-profit and non-profit housing providers.

Section 301.1 It is the goal of the District to have adequate affordable housing for all residents in communities that have access to services and facilities to meet their needs.

Section 302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the type of housing needed at desired locations.

Section 302.2 among the policies established in support of the general objectives for housing are as follows:

(c) Work with owners and community groups to identify vacant housing units suitable for rehabilitation and make restoration of vacant units to the housing stock a major government priority.

ZONING ANALYSIS

The subject premises are in the R-4 district. Row dwellings and flats are the predominant uses in this zone. The conversion of single-family dwellings into apartment houses is also permitted in the R-4 district. Each structure in the R-4 district is required to have a minimum lot area of 1800 square feet and a minimum lot width of 18 feet. If structures are converted to apartments, each converted apartment is required to have a minimum lot area of 900 square feet.

The subject structure has a lot area of 1637 square feet and a lot width of 17.05 feet. The lot size is slightly smaller (less than one square feet) than the minimum lot area requirements in the R-4 district, but typical of other lot on Square 2845. Of 56 lots on the square, 23 are between14 and 15 feet in width. These lots contain between 708 to 1246 square feet of lot area. Another 13 housing structures on the square are between 16 and 17 feet in width and are approximately 1667 square feet in lot area. Fewer than twenty lots on Square 2845 contain at least 1800 square feet of lot area.

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?

Yes. The property **is** unique by reason of its exceptional situation and condition. The subject property was built in 1910 for residential purposes. It has been abandoned for the pass twenty-plus years. The current owner purchased the

property through the Tax Sale process in 1999. The building is in far worse shape than any other building on Square 2845. In 2001, DCRA moved to demolish the building despite the protest from the owner because it was so severely structurally unsound and dangerous to the general public. Further, the abandon building attracted animal inhabitation and break-in damage and is an eye sore to the community. The property had been abandoned for such a length of time that a tree grows within the structure.

After the demolition began, DCRA was informed of the new ownership and the demolition was halted. As a result of the aborted demolition, the structure, which was already showing signs of advance deteriorated, lost the entire roof and third floor with its distinctive historical façade. The interior became extensively exposed to the elements, resulting in the rotting of floor joists, studs and floors destruction of the existing cast-iron drain, waste and vent system, clogging of the sewer system and extensive damage to the basement slab.

The structure suffered further deterioration, particularly in the rear section, where there are broken windows, rotted doorways, partial collapse of the rear one-story wall and vegetation (a tree) growing out through the rear basement window The aborted demolition effort and the subsequent deterioration of the open building are anticipated to greatly increase the difficulty and cost of interior demolition and rehabilitation.

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?

Yes. The strict application of the Zoning Regulations **will** result in peculiar and exceptional practical difficulties and exceptional hardship upon the owner of the property. If the Board were not to approve the proposed conversion, the building would probably remain partially demolished, boarded and vacant. There are only two of the original three stories remaining on the structure due to the aborted demolition.

The applicant can convert the subject dwelling into two (2) apartment units as a by right project, however due to the exceptionally deteriorate state of the property it is the owner's position that the projected revenue from two units will not justify the extreme cost of rehabilitation and reconstruction. Without the requested variance, the project would be economically unfeasible. Through post-development appraisals and comparison to construction costs, the applicant has shown that the risk of loss of a two-unit building is too great to entice a builder to take the investment risk.

The applicant has renovated several similar small multi-family properties in the subject neighborhood. Based on the applicant's reports units of the type proposed

size attract singles, with an average density experienced of 1.1 residents per unit. This suggests that the proposed project would contain between 4 and 5 residents. A two-unit building (e.g. 4 BR single-family house with basement 1BR apartment) would typically attract 1.5 residents per bedroom plus 1 in the basement unit, for a total of 7 residents. A three-unit building (e.g. – 2BR and 1 – 3BR) would probably attract families as opposed to singles and thus have a higher density than either of the other two alternatives.

The proposed density that could result from the four units should not have adverse impact on the transportation in the area. The neighborhood is extremely well served by public transit including the Columbia Heights Metro Station and several bus lines that run on regular schedule.

If the variance were not to be granted the applicant would have difficulty with the addition and reconstruction of the third floor. The lack of the third floor would have a negative impact of the character of the center of the block because the height and roof line would not be consistent with the adjoining buildings.

Missing 3rd floor ▼



Can the 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?

Yes. The requested relief **can** be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The applicant's proposed building plans are consistent with the architectural character of the block and square. The proposal conforms to all metrics of the Zoning Regulations, except for the proposed minimum area per dwelling units.

COMMUNITY COMMENTS

Mr. Eric Heard, Advisory Neighborhood Commission (ANC) 1A, SMD 06, provided a letter in support of the applicant's proposal for a four (4) unit apartment house in the R-4 district. Mr. Heard points out that the building is presently eroding. The improvements would not only bring the property back to life, but would assist in the need for existing housing to be upgraded and leased rather than sold in the Columbia Heights area. Mr. Heard further suggested that the applicant consider the following issues during development: affordable rent, complementary neighborhood design, security lighting and attract landscaping.

OP RECOMMENDATION

After having reviewed BZA application 16891 requesting a use variance from the restrictions of §401.3 in accordance with §3103 of the Zoning Regulations, the Office of Planning recommends that the **Board approve the application**. The Office of Planning finds that the applicant has satisfactorily met the burden of proof in of §401.3 in accordance with §3103 of the Zoning Regulations, and concludes that approval of the application would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.