Request for Area Variance
1811 8th Street, NW
Square 417, Lot 804
Zoned: R-4, Residential
Washington, DC 20001

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Response to Form 120-
Required Information
Item 4D

Detailed Statement How the Application Meets the Specific Test Identified in the Zoning Regulations for Variance (Area)

The Applicant/Owner proposes to convert, via new construction, a row dwelling to a three-unit condominium located at 1811 8th Street, NW. The façade of the proposed premises will be protected and restored. An area variance of 800 feet is necessary to justify the investment and complete the conversion. The application meets the specific test for variance in the following manner:

ZONING CONSISTENCY

The property, 1811 8th Street, NW, is located in an R-4 zoning district. The R-4 district, according to Section 330.1 of the DC Zoning Regulations, is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families. The conversion of a building or other structure existing before May 12, 1958 in an R-4 district is permitted as a matter of right. The subject building at 1811 8th Street, NW was in existence prior to May 12, 1958.

The Zoning Review Branch of the DCRA has reviewed plans for the proposed conversion of 1811 8th Street, NW, and has concluded that the proposal is consistent with the R-4 zoning regulations, except that a variance to the lot area is required. The existing lot is 1,900 square feet and the required lot area for three units is 2,700 square feet.

The BZA has the authority to grant the requested area variance relief, subject to criteria under Section 3103.2 of the zoning regulations. It states that " [w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code [Section] 5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an

BZA
Case No. 17018
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO. 17018
EXHIBIT NO. 9

appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the 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 Regulation and Map."

EXCEPTIONAL SITUATION OR CONDITION OF A SPECIFIC PIECE OF PROPERTY

The Applicant/Owner proposes to reconstruct the premises at 1811 8th Street, NW, save the façade. The façade will be restored to its original appearance. The building will be "gutted" in construction terms, and rebuilt to modern-day building code standards. It has been designed to include three residential units without increasing the size or height of the building. Two on-site parking spaces will be provided.

Currently, the subject building is in a state of disrepair caused by aging and neglect over time. It has been vacant for over two years. The proposed improvements will contribute substantially to the rejuvenation of the block and the neighborhood as a whole. It will eliminate a blighted building, and provide new ownership housing opportunities to families seeking such in the neighborhood and the District as a whole. The proposed renovation will contribute substantially to stabilizing the area.

The R-4 zoning district does not discourage the conversion of a row dwelling into dwellings for two or more families, and therefore, has created an exceptional situation that is inherent in the conversion. The investment in conversions of the magnitude planned for 1811 8th Street, NW must be offset by the ability gain maximum density without detriment to the public good and without substantially impairing the intent and purpose of the R-4 zoning district. Otherwise, the intent and purpose of the district, which is to stabilize row dwellings, as encouraged in Section 330.2, will not be met at the desired pace, especially given the high cost of material and labor required to complete the conversion.

The remedy for the exceptional situation caused by the disconnect between the intent of the R-4 district, which is to encourage the stabilization of row dwellings via conversions, and the commitment and cost associated with such conversions, is flexibility. The Board has the flexibility and authority to grant relief to those unique circumstances, like the one requested for 1811 8th Street, NW, in order to advance the spirit and intent of the zone plan and to rejuvenate the neighborhood.

Another extraordinary condition that is unique to the subject property is the basement and its relationship to the main structure. The original design of the dwelling has the basement at grade level with both front and rear entrances. Its entrance is via under the front steps to the main entrance to the dwelling. The proposed design would incorporate the basement into the remainder of the row dwelling as a living unit, self-contained with all of the amenities of a separate home. The fear is that if the basement is left as a basement in both appearance and use, then it would be subjected to undue loitering and the eventual crime related activity. There is no other situation on the block

with this design-related problem caused by the original design of the building prior to May 12, 1958.

Finally, the residential market in the area is geared towards smaller units. The current gross floor area of the first and second floors is approximately 1,400 square feet. In order to market the units, the size must be reduced to approximately 1,000-1,100 square feet per unit. The larger 1,400 square-foot floor plate is outdated in this local market area, considering the demographics of the current-day buyer, and therefore, must be substantially altered to be competitive. By the same argument, restoring the dwelling to a 3,000 square-foot single family home is not financial or market feasible for the area in which the property is located.

PRACTICAL DIFFICULTY

Consequently, the practical difficulty is that the property is located in an area that is in transition towards smaller and more efficient units. The zoning plan recognized this and in 1958 adopted the R4 zoning regulations for the area in which the property is located. This zoning district allows the conversion of row dwellings into dwellings for two or more families. The applicant/owner has committed to bringing the subject property to modern-day code standards and to contribute to the overall stabilization of the neighborhood. An area variance is needed to complete the process and to prevent this property from sitting on the market for an inordinate amount of time.

Furthermore, there is no vacant land adjacent to the property at 1811 8 Street, NW that would advance the applicant an opportunity to purchase land to comply fully with the lot area requirement necessary to complete the conversion to three units. The property is surrounded by improvements that were in place prior to 1958.

CAN THE RELIEF BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPARING THE INTENT, PURPOSE, AND INTEGRITY OF THE ZONE PLAN AS EMBOIDED IN THE ZONING REGULATIONS AND MAP?

The R-4 zoning district does not discourage the conversion of row dwellings into two or more as a way to stabilize the unique character of the housing stock. The proposal to convert 1811 8th Street will protect and enhance the existing character of the building, while at the same time bring it into modern-day code compliance. The renovation of the building, without increasing its bulk and mass, will add value to block, the neighborhood and the community at large. Therefore, yes, the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. It is estimated that granting the area variance will have little or no impact on the use and enjoyment of surrounding properties. In fact, the infusion of new residents in the area, with required on-site parking will be an asset to the neighborhood and community. The renovation and restoration of the physical structure

with new electrical, plumbing, lighting, etc. should be welcomed as a sign of stabilization, which is the intent and purpose of the R-4 zone plan and district.