

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: April 6, 2016

SUBJECT: BZA No. 19148: OP Supplementary Report on request for variance relief from § 403.2, lot occupancy requirements, to construct an addition to a 12-unit apartment building at 525 Park Road, NW.– Square 3037, Lot 55

I. BACKGROUND

The applicant proposes to construct an addition to a 12-unit apartment building and filed a self-certified application for special exception relief under what was § 330.7(h) and is now § 336.13. The application was amended to request area variance relief from lot occupancy requirements after the Zoning Administrator determined that the existing structure was a post-1958 purpose-built apartment building, which is limited to 40% lot occupancy, rather than a conversion from another type of residence or building, which would be permitted 60% lot occupancy.

The BZA hearing on the case began on December 22, 2015, at which time the Office of Planning was unable to make a recommendation due to a lack of information. The hearing was continued to February 9, 2016 and again to February 23 April 12, 2016. After several telephone calls from OP the applicant submitted an additional letter and an illustrative plan on April 6, 2016 (Exhibit 49 and 50).

II. OFFICE OF PLANNING RECOMMENDATION

On balance, based in particular on the information in Exhibits 49 and 50, **OP recommends the Board:**

- **Approve** the requested variance from §403.2, lot occupancy (40% permitted; 49% proposed).

Because the lot provides less than 900 square feet of lot area per existing dwelling unit for a post-1058 building, the application also appears to require relief from § 2001.3 for the expansion of a non-conforming structure. OP would have no objection to the granting of such relief.

III. SUMMARY OF LOCATION, SITE AND PROJECT

Address:	525 Park Road, NW	Legal Description:	Square 3037, Lot 55	Ward, ANC:	1, 1A
Lot Characteristics:	The irregularly-shaped, sloping, 9006 square foot lot is located on a mid-block parcel on the north side of Park Road, NW between Georgia Avenue NW and Warder Street, NW. The lot has access to Newton Place, NW from an alley system at the rear of the property. It is improved with a 12 unit, freestanding, apartment building. A paved area in the rear is used for parking.				

Zoning:	R-4 – moderate density rowhouses, both single- family and duplexes.
Existing Bldg.:	Grandfathered 3-story, 12-unit brick apartment building constructed in 1968.
Historic District:	None
Adjacent and Nearby Properties	There is a two-story plus attic detached house on either side of the property. Two-story rowhouses and semi-detached comprise the majority of street, although there are other two and three story apartment buildings closer to Georgia Avenue. The southern portion of the Armed Forces Retirement Home is 1½ blocks to the east.
Proposed Project	The applicant proposes construction of an addition to a 12-unit apartment building constructed in 1968 on a 9,006 square foot lot. The size and number of bedrooms of each unit would be increased, but the number of dwelling units would not increase. There would be four zoning-compliant parking spaces at the rear.

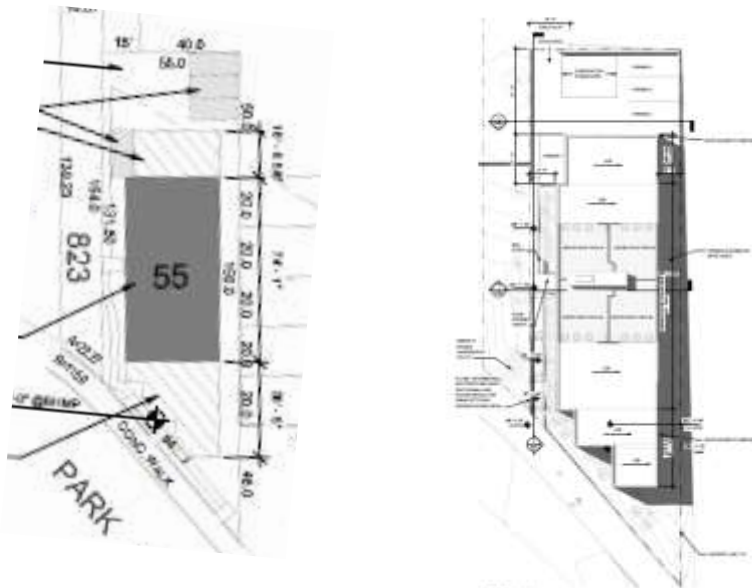


Fig. 1: Existing (L); Proposed expansion (R)

IV. APPLICATION IN BRIEF

The applicant has requested a variance from the lot occupancy requirements.

With the proposed addition the lot occupancy would increase from 33% to 49%, which would be 9% greater than the maximum permitted for a purpose-built apartment building in the R-4 zone constructed under the 1958 zoning regulations.

The Zoning Administrator has granted flexibility under § 407.1 for the proposed addition's extension of a less than 10% non-compliant side yard width.

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	35' max.	32''	34.9'	None required
Lot Width (ft.) § 401	18' min.	55'	same	None required
Lot Area (sq.ft.) § 401	1,800 sf min. 900 sf per apartment	9006 sf (- 1,794 sf)	same	Existing Nonconformity ²
<i>Lot Occupancy § 403.2</i>	<i>40% max. (purpose-built apt.)</i>	<i>33%</i>	<i>49%</i>	<i>Variance Requested</i>
Rear Yard (ft.) § 404	20' min.	50'	31'	None required
Side Yard (ft.) § 405	if provided, 8'9" for 34' 9" height ³	9'6" west 8' east	Same	None required ⁴
Parking §2101	1 per 3 units, i.e. 4	4 spaces	same	None required
<i>Expansion of Non-Conforming Structure § 2101</i>	<i>No new, or extension of existing, non- conformity</i>	<i>non conformity (< 900 sf lot area per du)</i>	<i>Addition to non- conforming building</i>	<i>Variance appears to be needed; has not been requested.</i>

VI. OP ANALYSIS:

A. Area Variance Relief (§ 3103.2) from § 403.2, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The information supplied in Exhibits 49 and 50 demonstrates an exceptional condition that leads to a practical difficulty. The exhibits substantiate the applicant's previous statement that the structural limitations posed by the combination of the central staircase location and the need to retain substantial portions of the rear walls pose practical difficulties for a market-based renovation of the building within a 40% lot occupancy.

The applicant had previously documented that after examination of Baist maps and certificates of occupancy, the applicant had purchased the property with the somewhat reasonable expectation that the vacant apartment building was a post-1958 conversion of a structure not originally constructed as an apartment building in the R-4 zone and, therefore, permitted up to 60% lot occupancy. The determination that the structure was a purpose-built apartment building limited to 40% lot occupancy happened after the applicant's original filing for this case.

The links between other conditions the applicant cites as being exceptional and leading to a practical difficulty have not been demonstrated.

¹ Information provided by the Applicant.

² 12 existing dwelling units on a 9006 SF lot. There is no record of relief having been granted from the R-4 requirement of 900 SF per dwelling unit.

³ Zoning Administrator determination

⁴ In a September 24, 2015 letter to the applicant, the Zoning Administrator granted flexibility under § 407.1 for the proposed addition's extension of a less than 10% non-compliant side yard width.

ii. No Substantial Harm to the Zoning Regulations

With Exhibits 49 and 50 the applicant has demonstrated an exceptional condition leading to a practical difficulty. Given this, the granting of the requested relief would not likely pose substantial harm to the zoning regulations.

iii. No Substantial Detriment to the Public Good

Granting the requested relief would not likely result in a substantial detriment to the public good. The apartment building already exists and has been vacant for several years. The renovation would add no additional units and would likely have a positive impact on the neighborhood.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation determined that the project would have no adverse traffic impacts and filed a memorandum of no objection on December 10, 2015.

The building is not landmarked, or in a historic district.

VIII. COMMUNITY COMMENTS

On March 10, 2016 ANC 1A voted 11-0-0 to support the requested variance relief.