

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: May 3, 2016

SUBJECT: BZA Case 19219 – 2001 2nd Street, N.E. for a special exception to allow the expansion of an existing apartment house in the R-4 District

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the requested relief:

- § 401.3, Minimum Lot Area (900 sq. ft. per unit required, 887 sq. ft. per unit proposed)
- § 403, Lot Occupancy (40% maximum, 49% proposed)

II. LOCATION AND SITE DESCRIPTION

Address	2001 2 nd Street, N.E.
Applicant:	Adam Carballo
Legal Description	Square 3565, Lot 58
Ward / ANC	Ward 5; ANC 5E
Zone	R-4
Historic District or Resource	Not applicable.
Lot Characteristics	The existing rectangular lot is 5,326 square feet in area, and has 34 feet of frontage along 2 nd Street. The rear of the lot has a width of 34 feet that abuts a 16 foot wide public alley.
Existing Development	The lot is currently developed as an apartment house consisting of four units. Currently, parking is not provided on the lot.
Adjacent Properties	To the north and south and east are existing similar apartment houses. To the west, across 2 nd Street, are existing row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly residential in character. McKinley Technology High School is located approximately two blocks south of the site, and Rhode Island Avenue is about two blocks north.

Proposed Development	The applicant proposes to add two units to an existing four unit apartment house located in the R-4 District, for a total of six units. The expansion would include a 35 foot rear addition and a third story increasing the height of the structure from 26.5 feet to 31 feet. A compliant penthouse is also included in the proposal. Three parking spaces would be added to the rear of the lot, accessed from the public alley.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-4	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max.	26.5 ft.	31 ft.	Not required
Lot Width § 401	40 ft.	34 ft.	34 ft.	Existing nonconforming
Lot Area § 401	4,000 sq. ft. min.	5,326 sq. ft.	5,326 sq. ft.	Not required
Lot Area/Dwelling Unit § 401	900 sq. ft./ dwelling unit	1,331 sq. ft./ dwelling unit	887 sq. ft./ dwelling unit	Required
Floor Area Ratio § 402	None prescribed	--	--	Not required
Lot Occupancy § 403	40% max.	24%	49%	Required
Rear Yard § 404	20 ft. min.	66.25 ft.	31.25 ft.	Not required
Side Yard § 405	6 ft. min., if provided	0 ft.	0 ft.	Not required

IV. OFFICE OF PLANNING ANALYSIS

In order to be granted a variance, the applicant must show that the three part test described in §3103 has been met.

a. Variance Relief from § 401, Minimum Lot Area; and § 403, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

Section 3103 of the Zoning Regulations states that variances may be granted when a property exhibits a uniqueness, such as exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation that would result in peculiar and exceptional practical difficulties to the property owner. The property in question is a rectangular lot that is similar in area to surrounding properties, consisting of an apartment house development that is typical of the neighborhood. The grade along 2nd Street appears to gradually rise towards V Street before levelling out at Rhode Island Avenue, but in this case, does not appear to impact the potential development of the site.

As of the date of this writing, the applicant has not submitted evidence of a practical difficulty that would result in the need for an increased number of units or lot occupancy, nor is OP able to identify the presence of a practical difficulty for either areas of relief. The applicant has verbally

indicated that a financial practical difficulty exists, but has not submitted a financial analysis that might demonstrate this to the Board.

ii. No Substantial Detriment to the Public Good

The proposed additional units would not appear to cause substantial detriment to the public good. The third story addition appears to be well-designed, extending the roof height a total of 4.5 feet, and would still be well under the 35 feet permitted in the R-4 District. The additional units would not substantially alter the character of the neighborhood, which consists of predominantly pre-1958 apartment houses along the east side of 2nd Street, and row dwellings on the west side of 2nd Street. In addition, the property, which currently has no on-site parking, would be improved with three parking spaces, increasing the overall availability of parking for the neighborhood.

The increased lot occupancy could be detrimental to the neighborhood, as it would increase the allowable footprint by 479 feet, which is a 22.5% increase above matter of right allowances. The rear addition would extend 35 feet beyond neighboring properties, potentially resulting in significant shadowing of the property to the north. The applicant should demonstrate that the increased lot occupancy would not impact the public good.

iii. No Substantial Harm to the Zoning Regulations

Granting the requested relief would impair the intent of the Zoning Regulations. The Zoning Regulations stipulate that that “The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.” This intent was reaffirmed and strengthened in the recent amendments to the R-4 regulations approved by the Zoning Commission in ZC Case 14-11. Increasing the number of units beyond the number permitted by the regulations counters the intent of the R-4 District, of which the primary purpose is “the stabilization of remaining one-family dwellings.”

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS

As of the date of this report, OP has not received any comments from the community or ANC. OP contacted the Single Member District Commissioner regarding the ANC’s review of the requested relief, and has not received a response.

Attachment: Location Map

Location Map

