

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: April 5, 2016

SUBJECT: BZA #19239 – 7723 Alaska Avenue, NW
 Special Exception to replace an existing nonconforming dentist's office with a nonconforming apartment use

I. RECOMMENDATION

With regard to this proposal to convert a nonconforming dentist's office to a nonconforming apartment use, the Office of Planning (OP) recommends **approval** of the requested special exception relief:

- § 2003 Changing Uses Within Structures (Existing dentist's office replaced with residential units).

II. LOCATION AND SITE DESCRIPTION

Address	7723 Alaska Avenue, NW
Legal Description	Square 2957, Lot 13
Zoning	R-2
Ward and ANC	4, 4A
Historic District	None
Lot Characteristics and Existing Development	50' wide, 125' deep 6,250 sf rectangular lot; Existing development is a three story plus basement structure with a dentist's office occupying the 1 st floor, apartments on floors 2 and 3, and residential storage and ancillary space in the cellar; Parking exists at the rear of the property along the adjacent alley; The building has front, side and rear yards.
Adjacent Properties and Neighborhood Character	The adjacent properties to the south are detached houses; Directly across Alaska Avenue to the west is a church, and detached houses in the neighborhood beyond; The adjacent Georgia Avenue corridor is zoned C-2-A and is a mix of commercial and apartment development; There is a bus stop directly in front of the subject property, and both the Silver Spring and Takoma metro stations are just under a mile from the property





III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to renovate an existing mixed use building and change it from a dentist's office and five residential units to 11 residential units.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned R-2. In order to develop as proposed, the applicant requests relief from § 2003, which governs the conversion of one non-conforming use to another. The property and building exhibit the characteristics shown in the table below.

Item	Requirement	Existing / Proposed ¹	Relief
§ 400 Height	40', 3 stories	34', 4 stories	Existing Nonconforming
§ 401 Lot Area	4,000 sf	6,250 sf	Conforming
§ 401 Lot Width	40'	50'	Conforming

¹ Information provided by the applicant.

Item	Requirement	Existing / Proposed ¹	Relief
§ 403 Lot Occupancy	40%	30% 1,875 sf	Conforming
§ 404 Rear Yard	20'	28'	Conforming
§ 405 Side Yard	8'	12'	Conforming

V. ANALYSIS

Section 2003 establishes criteria by which the Board can approve a change from one nonconforming use to another.

2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

The existing dentist's office use is first permitted as a matter-of-right in the C-1 zone. The proposed apartment use is also permitted as a matter-of-right in the C-1 zone.

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.

The proposed apartment use within the former dentist's office should not adversely affect the surrounding area. Five apartments already exist in the building and have existed there for many years. The building envelope would not change as a result of the change of use so there would be no additional impacts to light and air on adjacent properties.

The subject property is directly adjacent to the C-2-A zone along Georgia Avenue which has some existing moderate to medium density apartment buildings and the potential for additional development along the corridor. To the north of the subject site, on a property bounded by Kalmia Road, Alaska Avenue, Georgia Avenue and Eastern Avenue, the Zoning Commission is considering a PUD with apartments and ground floor retail (ZC #15-29). Additional apartment units in this building, therefore, in a space currently devoted to a nonconforming use, would not be out of character for the surrounding neighborhood.

2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.

The proposed apartment use would not increase the height or floor area of the building. There would be no additional impact to the light and air available to adjacent properties. The Department of Transportation (DDOT) has no objections to the proposal, and in conversation with OP stated that they have no concerns with the parking or loading at the site. While it would increase the number of residential units on the property, the removal of the dentist's office should reduce daytime traffic to the site. There should be little change in the amount of illumination on the property, and because the building envelope is not changing, no impacts because of the siting of the building. OP expects no deleterious external effects from the creation of new units on the first floor.

2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

According to the applicant, the existing nonconforming use has never switched to a conforming or more restrictive use.

2003.5 In Residence Districts, the proposed use shall be either a dwelling, flat, apartment house, or a neighborhood facility.

The proposed use is an apartment house.

2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

OP recommends no changes, modifications or amendments to the design, pending the applicant's provision of additional information regarding how trash would be handled at the site.

VI. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community. The applicant is scheduled to go before the ANC on April 5.