

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 13, 2018

SUBJECT: BZA Case 19732 (400 Newcomb Street, S.E.), to construct a rear addition to an existing nonconforming six-unit apartment house and converting the units from one-bedroom to two-bedrooms.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance:

- Subtitle C § 204.1, Expansion of a Nonconforming Use (apartment house in R-3 zone).

II. LOCATION AND SITE DESCRIPTION

Address	400 Newcomb Street, S.E.
Applicant	FocusWorks, LLC
Legal Description	Square 5996, Lot 805
Ward, ANC	Ward 8, ANC 8C
Zone	<u>R-3</u> is intended to permit attached rowhouses on small lots.
Historic District	None
Lot Characteristics	The subject proposal consists of two separate properties that are in the process of being combined into a single lot. Once combined, the rectangular corner lot would be 7,500 square feet in area, with 75 feet of frontage along Newcomb Street. The rear of the lot, also 75 feet wide, abuts a 16-foot-wide public alley.
Existing Development	The applicant is currently in the process of combining the properties located at 400 and 402 Newcomb Street, S.E. Collectively, these lots consist of two apartment houses providing a total of six one-bedroom dwelling units.
Adjacent Properties	To the north, is Shepherd Parkway open space. To the south, east, and west are existing two-story semi-detached apartment houses.
Surrounding Neighborhood Character	The surrounding neighboring character is moderate density residential, consisting of detached one-family dwellings, row dwellings, and apartment houses.

Proposed Development	The applicant proposes to construct a 21-foot long addition to the rear of an existing nonconforming apartment house in order to convert the units from one bedroom to two bedrooms, and to generally modernize the pre-1958 structures. The number of units would not be increased.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-3	Regulation	Existing	Proposed	Relief
Lot Width (ft.) D § 302	40 ft.	75 ft.	75 ft.	No change
Lot Area (sq. ft.) D § 302	4,000 sq.ft.	7,500 sq.ft.	7,500 sq.ft.	No change
Height (ft.) D § 303	40 ft.	24.5 ft.	25.5ft.	None required
Lot Occupancy D § 304	40%	25%	39.9%	None required
Rear Yard (ft.) D § 306	20 ft.	43.58 ft.	20.17 ft.	None required
Side Yard (ft.) D § 307	5 ft.	15.33 ft./9.33 ft.	15.33 ft./9.33 ft.	None required
Pervious Surface D § 308	20%	Not provided	Not provided	None requested
Parking C § 701	2 spaces	Not provided	4 spaces	None required

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitle C § 204.1, Expansion of a Nonconforming Use

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property was constructed in 1941, prior to the 1958 Zoning Regulations, and is a nonconforming apartment house in the R-3 zone. The applicant is in the process of combining the properties located at 400 and 402 Newcomb Street, S.E. into one lot, although there are currently six units between the two structures, and there would continue to be six units should the requested variance be approved.

The applicant proposes to expand the apartment house to allow the conversion of each one-bedroom, one-bathroom unit into a two-bedroom, two-bathroom unit, as part of a modernization and rehabilitation of the structure. The proposed rear addition provides the space necessary to modernize the units, including code compliant circulation corridors, electrical upgrades, and the inclusion of modern amenities that require additional space, such as washers and dryers and upgraded kitchens. It would be practically difficult to bring the units up to modern living standards and comply with current codes without the granting of a variance.

ii. No Substantial Detriment to the Public Good

The proposed expansion of the apartment house would allow the applicant to modernize units without increasing the intensity of the use of the property. The development would maintain the required setbacks from property lines, ensuring sufficient separation for adjacent structures. The applicant has presented the proposal to the ANC, which voted to recommend approval of the variance.

iii. No Substantial Harm to the Zoning Regulations

The proposed expansion would not increase the intensity of the existing apartment house use and would provide four off-street parking spaces to serve its residents. The apartment house would conform to all the development regulations for the R-3 zone, including lot occupancy, height, and yards. As a result, the proposal meets the intent of the Zoning Regulations and would not cause them substantial harm.

V. COMMENTS OF OTHER DISTRICT AGENCIES

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

VI. COMMUNITY COMMENTS

As of the date of this writing, community comments, including those from the ANC, had not been received. The applicant should provide an update to the Board regarding outreach efforts.

Location Map

