

EMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: April 2, 2021

SUBJECT: BZA Case 20275: Request for an area variance to increase the number of dwellings in an existing building from 4 to 5 units.

I. RECOMMENDATION

1. The Office of Planning (OP) recommends **approval** of the following special exception relief:
 - Subtitle § Subtitle U § 320.2 to permit the expansion of an existing apartment house; and
2. OP recommends **approval** of the following area variance pursuant to Subtitle X § 1000.1:
 - U § 320.2(c), Minimum Land Area per Dwelling Unit (900 square feet of lot area per dwelling unit required, 909 square feet per unit for the four existing units; 727 square feet per unit for the five proposed units).

II. LOCATION AND SITE DESCRIPTION

Address	1350 Queen Street, N.E.
Applicant	Dara and Charles Mooney
Legal Description	Square 4076W, Lots 57 and 58
Ward, ANC	Ward 5, ANC 5D07
Zone	RF-1
Lot Characteristics	Two adjoining rectangular record lots with rear alley access
Existing Development	Two-story plus basement apartment building with four one-bedroom units and four off-street parking spaces in the rear yard, accessible from the alley.
Adjacent Properties	North, South and East: Similar four-unit apartment buildings South: Across Queen Street, row houses and a low-rise apartment building
Surrounding Neighborhood Character	Row houses and small apartment buildings
Proposed Development	Addition of a fifth apartment in the basement of an existing four-unit apartment building.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	< 35 feet	< 35 feet	None Required
Lot Width E § 201	ft. min.	36.36 feet	36.36 feet	None Required
Lot Area E § 201.7	4,500 sq. ft. min. for 5 units	3,636 sq.ft. (1 / 909 sq.ft.)	3,636 sq.ft. (1 / 727 sq.ft.)	REQUIRED
Lot Occupancy E § 304	60% max.	49%	49%	None Required
Rear Yard E § 306	20-foot min.	50 feet, 8 inches	50 feet, 8 inches	None Required
Parking C § 701	1 per 2 dwelling units, or 3-space min.	4 spaces	4 spaces	None Required

IV. ANALYSIS**1. Special Exception from Subtitle U § 320.2, Expansion of an Existing Apartment House**

The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use under Subtitle U § 301.4 that increases the number of units, shall be permitted as a special exception in an RF zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;**

The existing building on the property was constructed as a four-unit apartment house in 1940, prior to the current zoning regulations. Therefore, it was in existence as an apartment building prior to the filing of the subject application.

- (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;**

Not applicable. The application proposes the addition of only one new dwelling unit, which would be the fifth unit in the building.

- (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.**

The addition of one unit to the building would reduce the land area per unit to 727 square feet, less than the minimum required 900 square feet per unit. Therefore, area variance relief, which the applicant has requested, is required. (see Section 2 below)

2. Area Variance Relief from Subtitle U § 320.2(c), Expansion of Existing Apartment House**i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties/ Exceptional or Undue Hardship to the Property Owner****a. Extraordinary or Exceptional Situation**

The subject property is improved with an existing four-unit apartment building constructed in 1940, prior to the adoption of the Zoning Regulations in 1958. Each unit consists of one-bedroom and the basement was originally designed to accommodate tenant storage space and the utilities for each unit. Following the renovation of the building and the updating of the four units, the applicant now provides for tenant storage as part of each unit, allowing for easier access to storage for each of the tenants. This has eliminated the need for tenant storage space in the basement.

b. Exceptional Practical Difficulties/ Exceptional or Undue Hardship

The applicant acknowledges the two one-bedroom units on the first floor could be expanded to include the basement area below. However, that would require the existing tenants of those two units to move out and, after the addition of two sets of internal staircases, an increase in the size of each of those units by only 275 square feet after deducting interior space occupied by the two new stairwells and interior walls. It would also result in an increase in rent as the units would be larger, potentially outpricing the existing tenants. The applicant also now plans to relocate the utilities to one corner of the basement for efficiency, leaving much of the basement vacant and unoccupied, serving no purpose and creating a security concern for the tenants on the floors above, as the space would remain unoccupied.

iii. No Substantial Detriment to the Public Good

The main floor of the existing building is slightly above grade, allowing for windows into the basement, with the new unit to be accessed from the existing front door of the building. The additional unit would be a two-bedroom apartment, better able to serve the needs of a family than any of the one-bedroom units existing today. It would eliminate a vacant unused space from the basement level of the building, where no occupied space currently exists, a potential safety concern.

The subject property is one of a series of small attached apartment buildings on this side of the street. Converting the unoccupied basement space to an occupied unit could potentially improve safety.

iv. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The addition of one apartment unit within the existing basement space of a purpose-built apartment building would maintain the residential nature of the subject property. The physical structure would not be increased in size, including lot occupancy and building height, but would maintain the existing multi-family building nature of this existing legally non-conforming use. If granted by the Board, the conversion and use of this unoccupied and unused interior space within the basement of an existing

building would be consistent with the existing use of this and the adjoining nonconforming multi-family buildings.

3. OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated May 4, 2020, indicated that it had no objection. (Exhibit 12)

No comments from other District agencies were submitted to the record as of the date of the filing of this report.

4. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 5D were submitted to the record as of the date of the filing of this report.

5. COMMUNITY COMMENTS TO DATE

No community comments were submitted to the record as of the date of the filing of this report.

Attachment: Location Map

