

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: September 5, 2024

SUBJECT: BZA Case 21161: Request to increase the number of units in a nonconforming apartment building

I. BACKGROUND

The subject property was developed in 1950 as an apartment building with ten units. The basement level of the building is at grade at the rear of the building facing the public alley, and was developed with one apartment, a utility room, a laundry room, three automobile garage spaces and what appears to have been a loading space. Subsequently, the parking and loading spaces were converted to storage and two parallel parking spaces were created between the building and the alley. The applicant now proposes to retain the apartment, utility and laundry rooms, but convert the storage spaces to two additional apartment units, increasing the number of units in the building to twelve. In April 2018, the Board previously granted a variance for the same request, however, the applicant's building permit was deemed incomplete and was not issued before the two-year expiration period per the BZA summary order (19720) and no time extension was requested.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance pursuant to Subtitle X § 1000.1 to:

- C § 204.1 Nonconformities (A nonconforming use of a structure shall not be extended in use intensity; two new dwelling units proposed)

III. LOCATION AND SITE DESCRIPTION

Address	465 Mellon Street, S.E.
Applicant	Equilibrium 465 Mellon LLC
Legal Description	Square 5996, Lot 34
Ward, ANC	Ward 8, ANC 8C
Zone	R-3
Lot Characteristics	Irregular-shaped corner lot with rear alley access and a 15-foot building restriction line (BRL) across street frontages. The northeast corner of the property fronts on an unbuilt circle.
Existing Development	Three-story plus basement apartment building with 10 units and two off-street rear alley parallel parking spaces.

Adjacent Properties	One-family detached and semi-detached houses and multi-family dwellings
Surrounding Neighborhood Character	The surrounding neighborhood contains a mix of detached, semi-detached dwellings, and small and medium-sized apartment buildings
Proposed Development	Addition of two dwelling units within the basement level of the multi-family building and the creation of one additional off-street parking space for a total of three parallel spaces.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40-foot min.	54.7 feet	No Change	None Requested
Lot Area D § 202	4,000 sq.ft. min.	6,768 sq. ft.	No Change	None Requested
Height D § 203	40-feet and 3-stories max.	3-stories + basement	No Change	None Requested
Lot Occupancy D § 210	40% max.	33%	No Change	None Requested
Rear Yard D § 207	20-foot min.	N/A	No Change	None Requested
Side Yard D § 208	8-foot min.	N/A	No Change	None Requested
Parking C § 701	3 spaces	2 spaces	3 spaces	None Requested
Use Variance C § 204	No Increase in intensity of N/C use	N/C apartment building	Increase intensity (add 2 apts.)	Relief Requested

V. OP ANALYSIS

Use Variance Relief from C § 204.1, Extension of Gross Floor Area of a Nonconforming Use

i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar or Exceptional Practical Difficulty

a. Extraordinary or Exceptional Situation

Approximately half of the basement level of the building is devoted to storage that is no longer needed. As a result, a portion of the basement level of the building, although existing, is vacant and underutilized, but maintained by the applicant.

b. Exceptional Practical Difficulties

The strict application of the Zoning Regulations would result in practical difficulties in the reasonable use of the underutilized basement space. New units would not be permitted and the space could remain unused and in disrepair. As this is an existing nonconforming use and building, there are no other suitable uses that can occupy the proposed space.

ii. No Substantial Detriment to the Public Good

No physical expansion of the building is proposed, so the neighborhood's existing character would not significantly change. The only visible changes to the exterior of the building would be the replacement of the metal doors to the exterior of the building with brick, similar to the existing brick facing the rest of the building and fenestration, improving the appearance of the property from the alley, Mellon Street and the residential property to the northeast. Existing units would not be altered, and the applicant has stated no intention to displace existing tenants.

iii. No Substantial Harm to the Zoning Regulations

The addition of two apartment units to the interior of the existing building would have no effect on lot occupancy, depths of yards or building height. Three off-street parking spaces would be provided for the tenants' use. Although two new apartments would be added, the addition would not add a different type of nonconforming use or expand the square footage of the building. It would continue the use of the structure as a nonconforming apartment building that predates the adoption of the 1958 Zoning Regulations but allows for more efficient utilization of the existing underutilized building area.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, no comments had been received from other District agencies.

VII. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 8C have been filed for the subject application.

VIII. COMMUNITY COMMENTS

To date, no community comments have been filed to the record.

Attachment – Location Map

LOCATION MAP

