

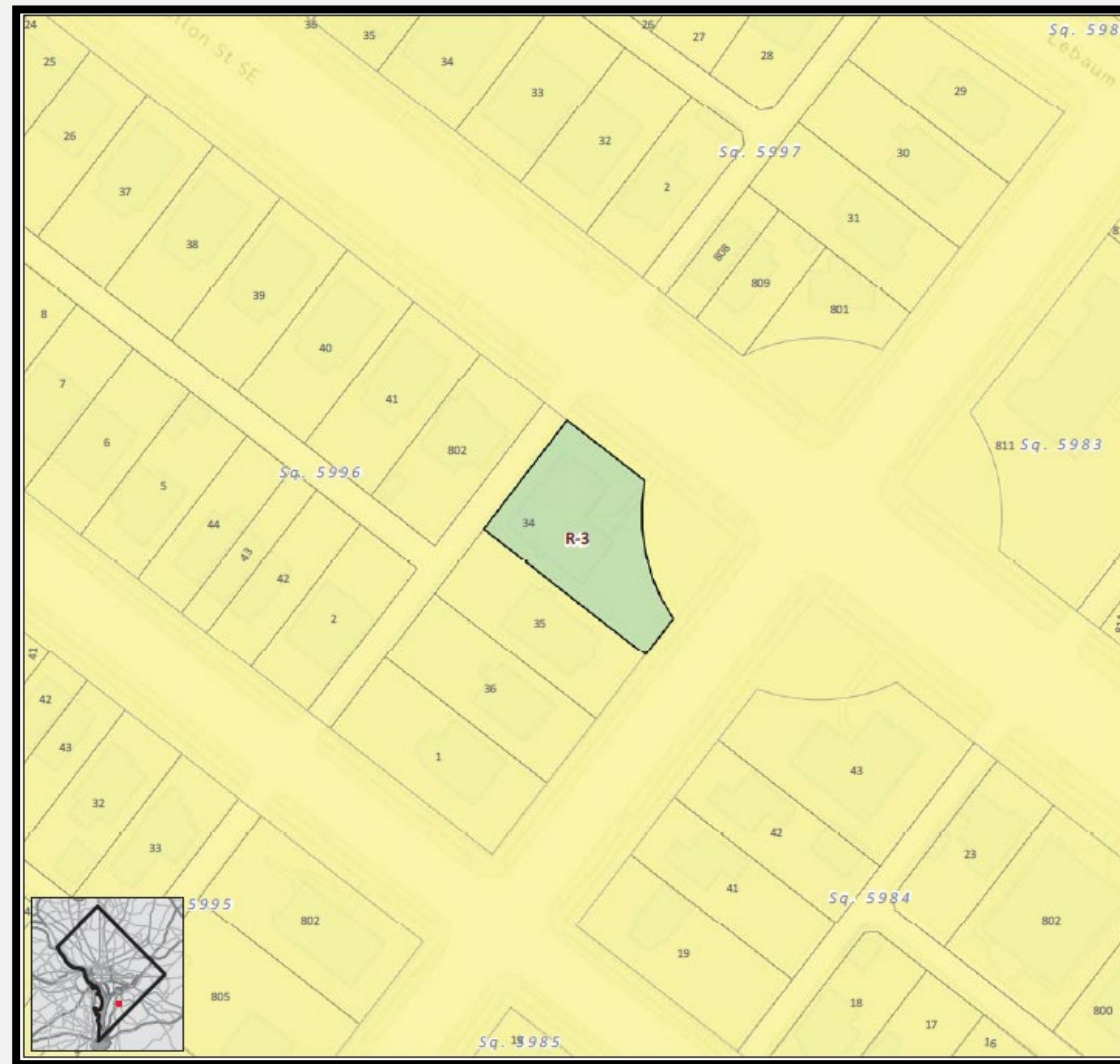
BZA Case 21161

465 Mellon Street SE (Square 5996, Lot 34)

Applicant: Equilibrium 465 Mellon, LLC



Zoning Map – R-3 Zone



Existing Apartment Building



Prior BZA Approval

- January 2018 – Applicant files identical application under BZA Case 19720
 - Requesting use variance to add 2 units to existing 10-unit apartment building
- April 2018 – Board approves BZA Case 19720
 - Board found Applicant met standard for use variance with exceptional conditions that creates an undue hardship
- April 2020 – Applicant files for building permit within 2-year vesting period
 - But permit application later deemed incomplete and Order not vested

Proposal

- Convert unused storage space on cellar level to two additional units
 - New window penetrations
 - Existing, load-bearing walls between units and utility/laundry room will remain
- Provide three surface parking spaces along the alley
- No structural expansion

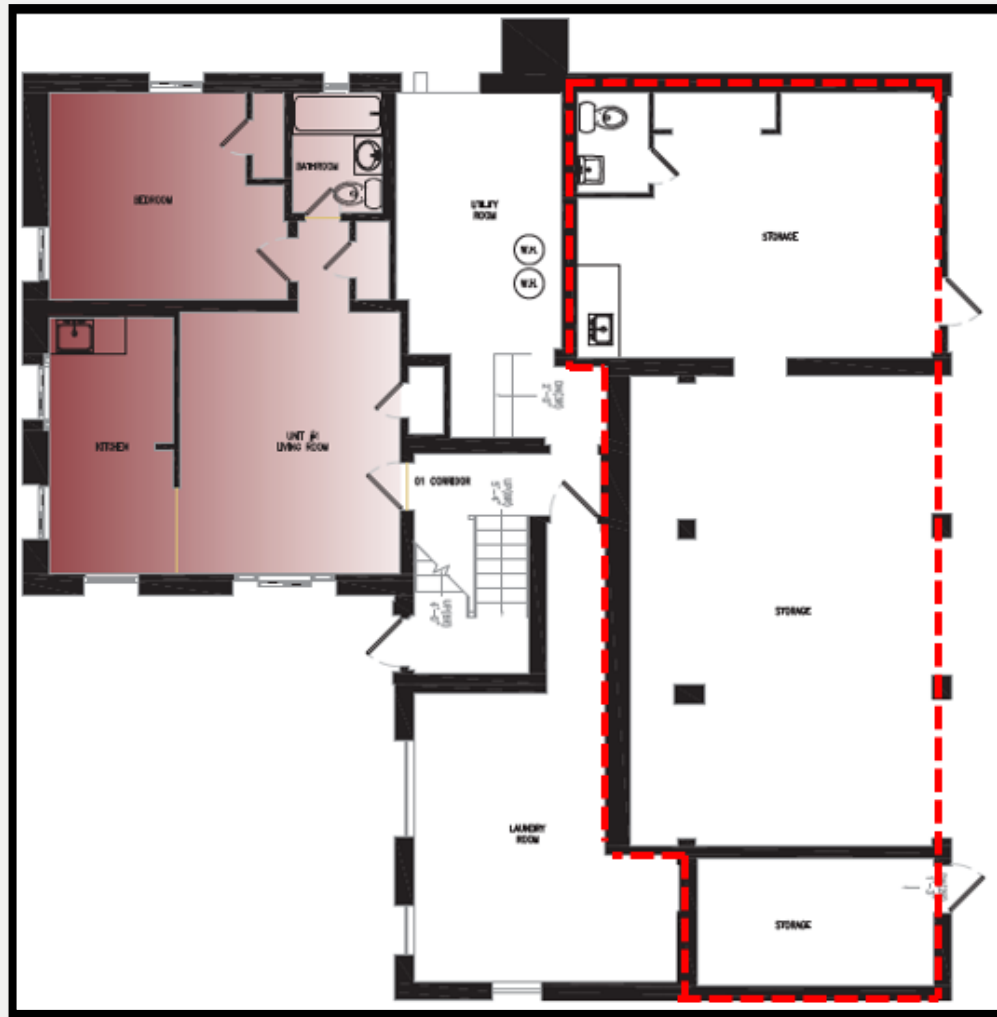
Community Outreach

- Office of Planning recommends approval (Ex. 16)
- Department of Transportation – no objection (Ex. 18)
- Letter in Support from SMD Commissioner Doyle (Ex. 19)
 - Several meetings with Commissioner Doyle to discuss project
 - Applicant was scheduled to present to ANC 8C in June 2024, but ANC 8C did not hold a meeting
 - Acknowledges Applicant's good faith effort to present to ANC 8C
 - Support for relief

► **What's the deal?** The U.S. has a long history of using military force to protect its interests abroad. But in the past few decades, the U.S. has become more involved in the world, and its military has been used in a variety of ways, from humanitarian aid to counterterrorism. The U.S. has also been involved in a number of wars, including the Vietnam War, the Gulf War, and the War in Afghanistan. The U.S. has also been involved in a number of peacekeeping operations, including the UN Truce Supervision Organization (UNTSO) in the Middle East and the UN Mission in Sierra Leone (UNAMSIL).



Existing Cellar Level



Proposed Cellar Level



Use Variance

- Subtitle C § 204.1 - An existing non-conforming use cannot be “extended in land area, gross floor area, or use intensity.”
- Extension of existing non-conforming 10-unit apartment house use in R-3 zone

Burden of Proof

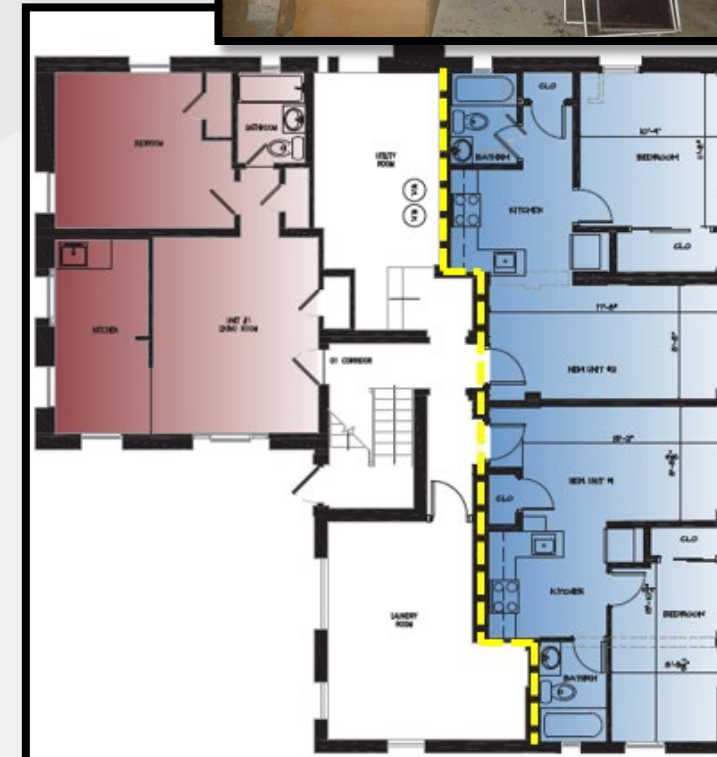
- In 2018, Board found the property faces unique conditions that results in undue hardship and granted same use variance relief
- Existing building and subject property remain the same, including cellar level being unused
 - Therefore, unique conditions and undue hardship have not changed
- Board is bound by prior findings and should only review new facts and circumstances that would impact relief
 - i.e. third prong of variance test

Property is Exceptional & Unique

- Existing Floor Layout with Unused Cellar Space
 - Existing Building has 10 units, with 9 units located on floors 2-4
 - Dilapidated, unused cellar space will remain underutilized
- Topography
 - Rear portion of cellar level is fully above grade = uniquely compatible for dwellings
- Existing Load-Bearing Wall
 - Bisects cellar level between unused space and utility/laundry rooms and core
- Large Corner Lot
 - Majority of the nearby lots are significantly smaller
- Existing Tenants
 - Presence of existing tenants in upper levels makes it challenging to alter or combine units
- Permitting History
 - Prior BZA approval expired at beginning of COVID-19 pandemic, contributing to challenges in submitting permit application to vest order

Undue Hardship

- Unused storage space cannot reasonably be converted to ancillary residential uses
 - Uninhabitable space that will require substantial renovations for ancillary residential use
 - Building already contains a utility room, laundry room, parking and ample exterior space
- Existing cellar level unit cannot be enlarged
 - Separated from unused space by load bearing walls and access core/utility/laundry rooms
 - Would be unreasonably large unit
- Existing tenants must remain in place
 - Ability to alter floor plans of the second, third and fourth floors is limited in order to minimize any disturbance to existing tenants
- No alternative reasonably compatible uses
 - Potential by-right uses range from emergency shelter to government uses to institutional, religious-based uses
 - Non-residential uses are incompatible with apartment building use and character of surrounding neighborhood



No Substantial Detriment to the Public Good or Zone Plan

- The area surrounding the Property is residential in nature and the proposal maintains building's residential use
- Increases housing stock by converting unused space
- Modest increase of two units will have minimal impact on noise and traffic relative to existing use
- No structural expansion
- Building will meet parking requirement

Questions?