

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Shepard Beamon, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: February 21, 2025

SUBJECT: BZA Case 21230: Request for special exception and area variance relief to convert a detached principal dwelling to an office at 1110 Hamlin Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle X § 901:

- Zone Boundary Crossing, A § 207.2 (to extend the use, height, and bulk development standards of the MU-3A zone into the portion of the site zoned R-2)

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle D § 5201 and Subtitle X § 1002:

- Density (FAR), G § 201.1 (Required: 1.00, Existing as calculated by the applicant as 1.045) OP would also support additional FAR relief for retention of the existing building if determined by the ZA's Office as the time of permitting, as discussed below.

The applicant calculates that the FAR for the existing building is 1.045, which they calculate as 0.045 FAR over the permitted amount. However, this is based on a past ZA interpretation which may not be applicable to this site. It is possible that the amount of FAR relief that would be required for this existing building will be greater than this amount – neither the building nor the lot size would change, but the *permitted* FAR may be lower than the 1.00 FAR calculated by the applicant. However, in this case, it is an existing building to be converted with no new external additions, and the justification provided for the FAR relief request would apply equally to a larger amount of relief, if this is needed.

While it is not the role of OP to interpret the regulations or to determine the type or extent of relief needed, OP raises this and makes this recommendation to ensure that the applicant does not have to return to the BZA at the building permitting process for additional FAR relief.

II. LOCATION AND SITE DESCRIPTION

Address	1110 Hamlin Street NE
Applicants	Goulston and Storrs for Washington Area Bicyclist Association (WABA)
Legal Description	Lot 3876, Square 47
Ward, ANC	Ward 5; ANC 5B
Zone	R-2 and MU-3A

Historic Districts	N/A
Lot Characteristics	Rectangular lot measuring 2,300 sq.ft.
Existing Development	Detached, two-story principal dwelling of 2, 406.2 sq.ft.
Adjacent Properties	Two -story commercial building with a restaurant to the east; Two-story rowhomes to the west separated by a 15-foot alley;
Surrounding Neighborhood Character	The surrounding area consists of a mix of residential and non-residential uses along 12 th Street NE and a mix of detached, semi-detached, and rowhomes in the surrounding residential areas.
Proposed Development	The applicant proposes no significant alterations to the exterior of the building. The applicant intends to use the building for office use for the WABA headquarters.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

MU-3A Zone	Regulation	Existing	Proposed	Relief
Density (FAR) G § 201 (MU-3A) D § 201 (R-2)	MU-3A - 1.0 max. ; 1.2 (IZ); <i>1.0 max. Non-residential</i> R-2 - 0.4 per A § 207.1(d) for a Zone Boundary Crossing	1.045 per applicant filings,	No change	Area Variance Relief Requested (.045 Deviation)
Lot Width G § 202	N/A	50 ft.	No change	None requested
Lot Area G § 202	N/A	2,300 sq.ft.	No change	None requested
Height G § 203	40 ft. max.	28 ft.	No change	None requested
Front Setback G § 206	N/A	15 ft.	No change	None requested
Rear Yard G § 207	20 ft. min.	3.1 ft.	No change	None requested
Side Yard G § 207	8 ft. min.	6 ft. (East) 0 ft. (West)	No change	None requested
Lot Occupancy G § 210	100% max. by right	49%.	No change	None requested
Zone Boundary Crossing A § 207.2	For a lot subject to Subtitle A § 207.1- the regulations applicable to that portion of a lot located in a lesser restrictive use zone (MU-3A) may be extended to that portion of the lot in a more restrictive use zone (R-2).	690 sq.ft. in the MU-3A zone and 1,610 sq.ft. in the R-2 zone	Full use of property for office use in the MU-3A zone.	Special Exception Relief Requested

IV. OP ANALYSIS

i. Special Exception Relief from Subtitle A § 207.2, Zone Boundary Line Crossing a Lot.

If approved by the Board of Zoning Adjustment as a special exception under Subtitle X, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

- a. *The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);*

The applicant requests to extend the use, height, and bulk development standards of the less restrictive MU-3A zone by 35 feet into the more restrictive R-2 zone.

- b. *In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);*

The above-referenced section reads as follows:

For computation purposes, any portion of the lot located in an R-1 or R-2 zone shall be deemed to be limited to a floor area ratio (FAR) of 0.4.

The applicant states that the maximum permitted FAR of the entire lot would be 1.0, based on the permitted FAR for the MU-3A zone, since the additional bulk would not exceed 35 feet (A § 207.1 (b)), including both the MU-3A and the R-2 zoned portions of the lot.

This method of calculation may not be consistent with how the regulation would be applied in this instance, as FAR may be based on a blended figure for an amount permitted for the MU-3A zone (1.0 FAR) and an amount permitted for the R-2 portion (0.4 FAR). This would lower the permitted FAR, meaning that the relief technically needed for the existing building could be greater than the 0.045 FAR requested. However, the applicant has requested FAR relief, and the proposal meets the variance test for FAR relief for retention and use of the existing building, as provided in the analysis below.

- c. *The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The property is situated between residential and non-residential uses and is split-zoned for residential and mixed-use. The neighborhood is primarily characterized by row, semi-detached and detached houses to the west and a mix of lower-scale commercial, residential, educational and institutional uses along 12th Street NE to the east. The applicant proposes to convert the existing two-story dwelling to an office, which should be an appropriate transition from the moderate-intensity uses on 12th Street NE to lower-intensity residential uses to the west. The applicant does not propose significant changes to the exterior of the building, which would retain the residential appearance of the building despite the use change. Also, the proposed office use should not generate a high volume of traffic as WABA is a bicycle advocacy group. Therefore, the extension should not have a significantly adverse effect upon the character and future development of the neighborhood.

- d. The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP does not have any recommendations pursuant to this subsection.

Special Exception Relief from Subtitle A § 207.2 pursuant to Subtitle X § 901

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations. The site is partially within an MU-3A zone which permits office use as a matter of right and is designed to provide facilities for housing, shopping, and business needs including office, service and employment centers.

- b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As discussed above, the use of neighboring properties should not be adversely impacted.

ii. Area Variance Relief from Subtitle A § 207.1 (FAR)

A § 207.1 *“When a zone boundary line divides a lot that was in single ownership on May 12, 1958, the permitted use and bulk of a structure located on that lot may be determined as follows:*

- (d) For computation purposes, any portion of the lot located in an R-1 or R-2 zone shall be deemed to be limited to a floor area ratio (FAR) of 0.4.”*

The applicant calculates that the FAR for the existing building is 1.045, which they calculate as 0.045 FAR over the permitted amount. While OP has raised that the applicant may technically require additional relief if calculations determine that the permitted FAR is lower than what they determined, the additional relief would not be for an expansion of the existing building or for additional occupiable space on the property, but rather for retention and use of the existing building on the split-zoned site. As such, the justification for the FAR relief request would generally apply equally to a possibly larger amount of relief, with the possible exception of the *de minimis* argument raised by the applicant.

a. Exceptional Situation Resulting in a Practical Difficulty

Exceptional Condition

While OP does not accept all of the applicant’s “confluence of factors” conditions raised for this case¹, the parcel is developed with an existing building which is to be retained and repurposed. The site is split-zoned as a result of a generally consistent 100-foot wide MU-

¹ OP failed to see how, in this case, the size of the lot, the presence of the alley, or that this is a detached building would be unique conditions that would result in a practical difficulty to the owner.

3A zone along 12th Street NE, which creates a condition of the existing house and property being partially within the R-2 zone. Split-zoned parcels and buildings are not particularly common for other properties along the corridor, although there are other split-zoned properties on this block. In places, the zone boundary line “jogs” to correspond to property lines, but this is not the case for this site.

Resulting in a Practical Difficulty

The property is developed with an existing building that exceeds the maximum FAR for both the R-2 and MU-3A zones on the property, which limits the property in terms of uses. The existing building is to be retained and converted to non-profit office use with no external additions, so there is no increase in the existing building area on the site. Without relief, the full extent of the building, which addresses the needs of this particular non-profit use, could not be utilized and the removal of a portion of the building to comply with FAR would be a practically difficult to the owner.

b. No Substantial Detriment to the Public Good

The proposal would not result in substantial detriment to the public good. The applicant, WABA, is a nonprofit that advocates for sustainable transportation that is not auto-dependent, including biking, walking and transit. If granted, the use of the property for this relatively non-intensive nonprofit use should not generate the need for additional parking nor create issues related to noise or other nuisances for surrounding properties. Numerous letters in support have been provided to the record.

c. No Substantial Harm to the Zoning Regulations

Substantial harm to the zoning regulations is not anticipated as the applicant is not proposing to add FAR or develop a new structure, which the regulation is intended to limit, but rather to allow the use of an existing building. The proposal would not result in modifications to the existing building that would conflict with the character, pattern or appearance of the surrounding area; or would be inconsistent with the intended height or building form of either the R-2 or MU-3A zone.

V. OTHER DISTRICT AGENCIES

To date, there have been no comments from other District agencies filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 5B had not filed a report to the record as of the date of this report.

VII. COMMUNITY COMMENTS

At the filing of this report, multiple letters of support have been submitted to the record, including from Ward 5 Councilmember Parker at [Exhibit 36](#), and the Brookland Neighborhood Civic Association at [Exhibit 38](#).

Location Map

