

| Case No.<br>Address<br>Date<br>decided<br>Applicant<br>Info                                      | Nature of the Request<br>(how long it had been vacant,<br>purchase, etc.  | OP<br>Report<br>Link<br>Degree<br>of<br>Relief                                       | Exceptional Condition  | Practical Difficulty  | No substantial detriment to the<br>public good and without<br><b>substantially</b> impairing the<br>intent, purpose, and integrity <i>of</i><br><u>the zone plan as embodied in</u><br><u>the Zoning Regulations and</u><br><u>Map.</u>   |
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| 19517<br><br>943 S<br>Street<br><br>James<br>Wright<br>and Sin<br>Wah Lee<br><br>October<br>2017 | From OP's report: This application is a request for retroactive zoning relief to allow the existing conversion of a rowhouse into a 3-unit apartment house in the RF-1 zone. The building currently has three separate residential dwelling units that are occupied and have been in existence since before the current owners bought the property in 2009; the applicant did not indicate why due diligence at the time of purchase did not bring this nonconformity to light, or indicate when the conversion may have happened (OP assumes it was not constructed as a three unit building). The Applicants propose no changes to the building as part of this application, and there would be no changes to the current conditions of the three units. The Applicants are requesting the zoning relief so that they can get a Certificate of Occupancy; to make the existing situation legal. | <a href="#">OP Report 19517</a><br><br>609 sq. ft. per unit propose d/existing<br>-- | OP Report: The Applicants purchased the subject property in 2009 and at that time, according to the applicant, it already was a three-unit building. The three units have separate entrances and meet egress and code requirements. The Applicants do not propose to make any physical changes to the building. The property does not have the required 900 square feet per unit in land area. | OP Report: If the Applicants were required to convert the building back to a single family dwelling or flat to comply with the RF-1 regulations, they would be faced with substantial renovation and expense, as well as the eviction of at least one of the current residents who may also have lived in the building for some time. | The RF-1 zoning regulations permit a conversion to an apartment house by special exception with a condition that ensures that there would be adequate land area (900 square feet) per residential dwelling unit. However, in this specific case, the three-unit apartment house has been in existence for many years, and no adverse impact on nearby residents has been shown. The relief would allow the property owners to acquire a valid Certificate of Occupancy and be in compliance with those requirements, which is the only reason they have requested the relief. |

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| <p>20116</p> <p>2705 11th Street, NW</p> <p>Elee and Joseph Wakim</p> <p>October 2019</p> | <p>From OP's report: This application is a request for retroactive zoning relief to allow retention of the existing 3-unit apartment house in the RF-1 zone. The building currently has three separate residential dwelling units<sup>1</sup> that were in existence well prior to the current owners purchasing the property in March 2019. Based on the previous building permits and anecdotal evidence from neighbors, the conversion appears to have been done in the 1980's. The Applicants propose no changes to the building's footprint as part of this application, and no changes to the layout of the three units are proposed beyond interior renovations to each unit. The Applicants are requesting zoning relief to acquire a Certificate of Occupancy to legalize the existing situation and allow renovation of the interior of the units, which will be rented. The applicants intend to occupy one of the units.</p> | <p><a href="#"><u>OP Report 20116</u></a></p> <p>488 sq. ft. of land area per unit</p> | <p>OP Report: The Applicants purchased the subject property in 2019 and at that time it already was a three-unit building. The property does not have the required 900 square feet per unit in land area for three units. The Applicants do not propose to make any physical/structural changes to the building. The three units have separate entrances and satisfy the requirements for separate dwelling units as interpreted by DCRA (Exhibit 14).</p> | <p>OP Report: If the Applicants were required to convert the building back to a single-family dwelling or flat to comply with the RF-1 regulations, they would be faced with substantial renovation and expense, as well as the loss of the rent they would collect for the third unit, which is part of their anticipated income, as submitted in their profit and loss analysis (Exhibit 15).</p> | <p>OP Report: The Applicants are not proposing any physical changes to the building and the current conditions, including the number of occupied units, would remain the same. Should the requested relief be granted, there would be no new impact on the neighbors in terms of light, air, density, or privacy. As such, the requested relief would not have a substantial detriment to the public good. Neighbors have written letters of support (Exhibits 32 to 37). The RF-1 zoning regulations permit a conversion to an apartment house by special exception with a condition that there would be adequate land area (900 square feet) per residential dwelling unit. However, in this specific case, the three-unit apartment house has been in existence for many years, and no adverse impact on nearby residents has been shown. The relief would allow the property owners to acquire a valid Certificate of Occupancy for renovations and updating of the units.</p> |
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| <p>21081</p> <p>3721 9th Street, NW</p> <p>Alexandra E. Chevalier</p> <p>April 2024</p> | <p>From Applicant's Statement (Exhibit 8): The Applicant purchased the Property in 2021 and it was already configured as a three-unit Building. The Applicant recently discovered that there is no Certificate of Occupancy for the existing third unit and is now seeking relief to make the third unit legal in order to obtain a Certificate of Occupancy. The Applicant is not proposing any changes to the interior of the units and the only minor change to the Building is the construction of a spiral stair at the rear of the Building that is required for egress.</p> | <p><a href="#"><u>OP Report 21081</u></a></p> <p>476.3 sq. ft. of land area per unit</p> | <p>OP Report: The Applicant states, and has provided evidence to the record, that when they purchased the property in 2021 it was advertised as being "configured" as a three unit building and that they only recently found that there is no Certificate of Occupancy for this configuration. The applicant provides a brief tenant history, Exhibit #20E pg. 2, which details that at the time of purchases the 2nd Story and cellar spaces were rented out to long-term tenants while the 1st floor was utilized as a Short-term rental. Additionally, the record includes a letter of support from the existing 2nd story tenant that states the building was configured as an apartment house when they first occupied the unit in 2010, Exhibit #20C.</p> | <p>OP Report: The applicant contests that if the requested relief is not granted, the building would need to be reconfigured to two units, which would result in the loss of one unit. If the Applicant was required to convert the building back into a single family dwelling or flat, to comply with the RF-1 regulations, they would be faced with substantial renovation and expense, as well as the eviction of at least one current resident.</p> | <p>OP Report: The granting of the variance to the minimum land area requirement for the use conversion would permit a level of use which the Applicant has demonstrated has existed for some time, with no adverse impact on nearby residents shown. Furthermore, the neighborhood context includes moderate density mixed-use properties in the immediate vicinity. Therefore, the granting of an area variance to legitimize the existing three unit configuration, one above that which is allowed by right, should not result in substantial detriment to the public good. The purpose of the RF-1 zone is to provide for areas predominately developed as row buildings on small lots with no more than two dwellings per lot. Conversion to an apartment house is permitted only through special exception when there exists enough land area to meet the 900 square feet per unit condition. In this case, the existing building was converted to three units by a previous owner, and the three-unit apartment house has been in existence for many years with occupants of all of the units. The relief would legitimize this use. While OP would normally not support relief from this</p> |
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|   |  |  |   |   | provision, and does not as a rule support retroactively approving relief for proposals that could not otherwise be supported, in this case, given the unique circumstances with this lot, OP feels the applicant has made a sufficient case to be considered consistent with the intent of the regulations.   |
| 21335<br>2016 1st<br>Street,<br>NW<br><br>Pamela<br>Wilson<br><br>July 2025 | From Applicant Statement: The Applicant inherited the Property following the untimely death of her brother, Michael Wilson, who had owned the property since the 1980s. Mr. Wilson died in 2019 from progressive debilitating MS and the Applicant inherited the building, not realizing that it was not zoned for three units until just recently. It was not until the Applicant engaged a real estate broker to list the building for sale that she discovered that there is no Certificate of Occupancy for the existing third unit, and therefore, the Applicant is now seeking relief to legally validate said unit in order to obtain a Certificate of Occupancy. | <a href="#"><u>OP Report 21335</u></a><br><br>600 sq. ft. of land area per unit (existing /proposed) | OP Report: The subject property is encumbered by exceptional conditions. The present owner was not the owner when the third unit was added. According to the application, the third residential unit appears to have been added to the building in the early 2000s, and has existed in that state for over two decades. When the present owner inherited the property, they assumed that the configuration was allowed. The present owner even invested in renovations to all three units after a fire in 2020 damaged the property, and appropriate permits were obtained for improvements to all three units. The discrepancy was | OP Report: The applicant is impacted by a practical difficulty resulting from the exceptional conditions affecting the property. In order to bring the property into compliance with the Regulations, the existing ground floor unit would need to be combined with the first floor unit, or simply vacated. A significant renovation to combine units would be expensive and practically difficult, including construction of a new interior stair and removal of a kitchen. Vacating two units through the reconstruction process and then losing one unit would significantly impact rental income or potential sales price. See economic information from the applicant at Exhibit 22A, p. 8. The application also states that the property has been offered for sale, but that the lack of a valid Certificate | OP Report: Granting the requested relief should not result in a substantial detriment to the public good. The unit in question has existed at this site since the early 2000s. The applicant states that “The existence of the 3rd dwelling unit has resulted in no impacts on light, air, or privacy with respect to adjacent homes, nor has it increased traffic or congestion” (Exhibit 22A, p. 9). OP also agrees with the idea that any light, noise or privacy impacts should be minimal as there would be no additions or alterations to the existing structure. OP defers to DDOT on transportation issues, but it is not anticipated that the retention of a single unit should impair the local transportation network, especially given the areas rich concentration of transit. In addition, the visual appearance of the front of the building would not change from its current, historic state. There are several other 3- unit buildings in |

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|  |  |  | <p>discovered after the renovations were complete, and an updated Certificate of Occupancy reflecting the change in ownership was sought. Once the two-unit limitation was identified, the owner began the process to legalize the unit, ultimately resulting in the present BZA application.</p> <p>Furthermore, the application also contends that the design of the building makes communication between the different floors difficult to construct. See Exhibit 22A, p. 7.</p> | <p>of Occupancy has meant that offers have been below what would be anticipated for a three-unit building</p> | <p>the neighborhood, so this property would not be out of character with a varied rowhouse community. The applicant contends that not granting relief would detract from the public good, by effectively creating a permanent vacant unit. Or, should the owner attempt to revert the building to two units, that could result in unnecessary construction-related disruption to nearby residents.</p> <p>Granting the requested relief should not impair the intent of the Regulations. The RF-1 zone anticipates and permits, by special exception, apartment buildings, and the subject property has existed as an apartment building since the early 2000s. The Regulations require that, for a conversion to an apartment building in the RF-1 zone, the property must have 900 square feet of land area per dwelling unit. While the property is unable to meet the land area restriction for a three-unit building, no changes to the existing building are proposed. Particularly given that the current owner is not responsible for the addition of a third unit, granting the area variance would not significantly impair the</p> |
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|  |   |   |   |   | integrity of the zoning regulations.   |
| 20289<br><br>400 Seward Square, SE<br><br>400 Seward Square LLC<br><br>November 2020 | From Applicants Statement: The Subject Property is improved with a purpose-built residential apartment Building which was constructed in 1905. The Building currently has fifteen (15) residential units, although the Certificate of Occupancy is only for fourteen (14) residential units. The cellar level currently houses three (3) residential units, an electrical room, and a large storage area measuring approximately 1,050 square feet. The Applicant is proposing to convert the storage space into two (2) new residential units, renovate and relocate the bathroom of one of the existing cellar units, and create a corridor leading to all units with the remaining space. The Applicant is also proposing to make an existing fifteenth (15th) unit legal, as the C of O is only for fourteen (14) units | <a href="#"><u>OP Report 20289</u></a><br><br>246 sq. ft. of land area per unit (existing)<br><br>202 sq. ft. of land area per unit (proposed/approved) | OP Report: The applicant has provided that the subject property is extraordinary because it is improved with a purpose-built apartment building that was constructed in 1905 and became legally nonconforming upon the adoption of the 1958 Zoning Regulations. The interior layout of the building is also exceptional, as the laundry facilities that were originally located in the cellar as an amenity for the residents have been removed, and washers and dryers have been installed in individual units. As a result, the cellar is vacant and currently not occupied by any other use. | OP Report: The applicant has indicated that the internal layout of the apartment house is such that the cellar cannot be practically incorporated into the existing cellar units or ground floor units above. The floor plan of the existing cellar level at Exhibit 6 shows that existing unit B2 is separated from the subject space by a load bearing wall, and units B1 and B3 are separated from the subject space by the building's stairwell. The relocation of load bearing walls and stairwells in the cellar would cause practical difficulties to the owner of the property, as it would be difficult, costly and disruptive to existing tenants. The resulting floor plan would create units that would be inconsistent with the size of existing units in the building. In addition, incorporating the space into the units on the first floor | OP Report: The proposed additional units should not pose substantial detriment to the public good. Exterior modifications to the building are not proposed, as the units would be fully contained in the existing cellar area. Neighbors abutting the building should be minimally impacted, since the cellar would not require additional excavation for the conversion. In addition, the neighborhood is a mix of uses along Pennsylvania Avenue, including residential and commercial, where additional residential density is appropriate.<br><br>The addition of three units in an existing 14-unit, purpose-built apartment house should not cause substantial harm to the Zoning Regulations. The apartment house predates the 1958 Zoning Regulations and is an existing nonconforming building. The requested relief would allow the applicant to |

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|   |  |  |  | would result in the necessary addition of circulation that would create inefficiencies and potentially reduce the functionality of each unit. If relief is not granted for the existing unit that is not permitted by the Certificate of Occupancy, it would result in the removal of a unit that is currently occupied. Removal of the unit would result in vacant space within the building that would be practically difficult to convert for another purpose, such as a building amenity. Leaving the cellar unoccupied could result in maintenance and security issues that would pose safety risks to tenants, as it is the lowest level of a corner lot that has high visibility. | make use of otherwise unusable space in the cellar to create two additional dwellings in a mixed-use, transit-accessible neighborhood. An existing unit that is not permitted by the Certificate of Occupancy has been in existence for several years and has been occupied, so the impact to the neighborhood would be negligible. There are no exterior modifications proposed for the building, so the height and massing of the structure would continue to be appropriate for the neighborhood in which it is located. |
| 20002<br>21 Seaton<br>Pl NE<br><br>Mattie and<br>Sallie<br>Johnson<br><br>June 2019 | From OP's Report: This application is a request for retroactive zoning relief to allow the existing conversion of a rowhouse into a 3-unit apartment house in the RF-1 zone. The building currently has three separate residential dwelling units that have been in existence since before the current owners bought the property in 2002. Based on the previous building permits and anecdotal evidence from neighbors, the Applicant speculates that the conversion was done between 1992 and 1994. The Applicants propose | <a href="#"><u>OP Report 20002</u></a><br><br>575 sq. ft. of land area per unit (existing /proposed) | OP Report: The Applicants purchased the subject property in 2002 and at that time it already was a three-unit building. The three units have separate entrances and according to the Applicant they have been inspected and meet egress and code requirements. The Applicants do not propose to make any physical changes to the | OP Report: If the Applicants were required to convert the building back to a single family dwelling or flat to comply with the RF-1 regulations, they would be faced with substantial renovation and expense, as well as the loss of the rent they would collect for the third unit which is part of their anticipated income.   | OP Report: The Applicants are not proposing any physical changes to the building and all of the current conditions including the number of occupied units would remain exactly the same. Should the requested relief be granted, there would be no new impact on the neighbors in terms of light, air, density, or privacy. As such, the requested relief would not have a substantial detriment to the public good. Multiple neighbors have written  |



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|  | no changes to the building as part of this application, and there would be no changes to the current conditions of the three units. The Applicants are requesting the zoning relief so that they can get a Certificate of Occupancy to make the existing situation legal.   |  | building. The property does not have the required 900 square feet per unit in land area  |  | <p>letters of support (Exhibits 4 and 29).</p> <p>The RF-1 zoning regulations permit a conversion to an apartment house by special exception with a condition that ensures that there would be adequate land area (900 square feet) per residential dwelling unit. However, in this specific case, the three-unit apartment house has been in existence for many years, and no adverse impact on nearby residents has been shown. The relief would allow the property owners to acquire a valid Certificate of Occupancy and be in compliance with those requirements, which is the only reason they have requested the relief.</p> |
| <p>19574</p> <p>10 3rd Street NE</p> <p>Shirley Taylor</p> <p>October 2017</p> | <p>From OP's Report: This application is a request for retroactive zoning relief to allow the retention of the long time existing three residential units in the RF-3 zone. The building currently has three separate residential dwelling units – two in the primary building and one in the accessory building - that have been in existence since before the family bought the property 80 years ago. The accessory building was constructed in approximately 1881 as a stable with one story above and the 3rd story was most likely added in the 1920s. The accessory building</p> | <p><a href="#"><u>OP Report - 19574</u></a></p> <p>662 sq. ft. of land area per unit (existing/proposed)</p> | <p>OP Report: The Applicant's family has owned the subject property for many decades and during that time it has had three residential units in the two separate buildings. The accessory building is exceptionally large and currently has one residential unit on the 2nd and 3rd floors (with parking below). The accessory building was originally constructed</p> | <p>OP Report: If the Applicant was required to comply with the RF-3 regulations and eliminate one residential unit in either the principal or accessory building, the Applicant states they would be faced with substantial renovation and expense, as well as the loss of the income from the third unit. The two upper floors of the accessory building are exceptionally large to be used for storage for the primary building and are better suited (and</p> | <p>OP Report: The Applicant is not proposing any exterior changes to either building and the number of residential units would remain exactly the same as it has been for many decades. The Applicant has withdrawn the proposal for a new roof deck on the accessory building and should the requested relief be granted to allow three units, there would be no new impact on the neighbors in terms of light, air, density, or privacy. As such, the requested relief should not have a substantial detriment to</p>   |



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|  | <p>has parking on the ground floor and the residential unit on the 2nd and 3rd stories. In the primary building, there is a basement unit and a second unit on the 1st, 2nd and 3rd floors. These two units have long-term tenants and the accessory building is currently vacant after a tenant recently moved out so the Applicant could make some needed renovations. The Applicant proposes no exterior changes to the two buildings as part of this application, and there would be no changes to the current conditions of the three units. The Applicant has withdrawn their initial request to install a roof deck on the accessory building. The accessory building currently has one garage parking space and that would remain. The Applicant is requesting the zoning relief so that they can get a Certificate of Occupancy and make the existing three unit configuration legal.</p> |  | <p>in 1881 with a ground level stable and 2nd floor and the 3rd floor dates to the 1920s. The Applicant does not propose to make any exterior changes to either of the two buildings. The property does not have the required 900 square feet per unit in land area for three units.</p> | <p>possibly purpose built) for the existing residential use. Additionally, the ground floor unit in the primary building is currently occupied by a family member who has degenerative health issues with accessibility limitations to climbing stairs and the Applicant needs to retain this as a separate unit.</p> | <p>the public good. Numerous neighbors have written letters of support (Exhibits 30, 32-40, 42-43, 49-50, and 52).</p> <p>The RF-3 zoning regulations permit a conversion to an apartment house by special exception and the Applicant's proposal meets all of the special exception conditions except one – it does not meet the condition that ensures that there would be adequate land area (900 square feet) per residential dwelling unit. However, in this specific case, the three units have been in existence for multiple decades, well before the zoning regulations were enacted, and no adverse impact on nearby residents has been shown. Because the building has been used for a residence for decades, OP finds the relief to allow the third residential unit would not harm the zoning regulations. The relief would allow the property owner to acquire a valid Certificate of Occupancy and be in compliance with those requirements for three units.</p> |
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| <p>19959</p> <p>2801 R Street, SE</p> <p>Capitol Enterprise LLC</p> <p>April 2019</p> | <p>From Applicant Statement: The Subject Property is improved with a purpose-built five-unit apartment Building which was constructed in 1941. The ground floor currently houses one (1) apartment unit, storage space, utility space, and a boiler room. The Applicant is proposing to modernize the Building by renovating the units, enlarging the overall building footprint, and relocating the utilities. The new HVAC units will be moved to the roof, the water heaters will be tankless and located in the kitchen cabinets, and the electrical meters will be located outside on the front façade. The relocation of the utilities will help to modernize the Building and provide an efficient use of space but will leave vacant space on the ground level (in addition to the existing vacant space which was originally set aside for storage). The current storage space has not been used by the residents for some time and that space will continue to be vacant without the requested relief. As the modernization will increase vacant, idle cellar space, the Applicant is proposing to convert the Subject Space in the cellar into one (1) residential unit for a total of six (6) units.</p> | <p><a href="#"><u>OP Report 19959</u></a></p> <p>516.5 sq. ft. of land area per unit (existing)</p> <p>430.5 sq. ft. of land area per unit (proposed/approved)</p> | <p>OP Report: The existing structure was constructed as a 5-unit apartment house in 1941 and became a nonconforming structure after adoption of the Zoning Regulations in 1958. The first and second floors contain a total of four one-bedroom units. A fifth one-bedroom unit occupies one-half of the basement level. The other half of the basement is a utility and storage area with a floorplan identical to the apartment unit above it. The applicant proposes to update systems and layouts in the existing apartment building. The hot water heater, common washing facilities, and other mechanical systems now located in half of the basement would be moved to the individual units and HVAC compressors would be located on the roof. A more efficient layout would enable each current one-bedroom unit to accommodate two</p> | <p>OP Report: Absent the requested relief, the applicant states it would be confronted by a practical difficulty that would impinge on the feasibility of the building's proposed modernization. The utility room has an exterior stair leading to a separate entry for that half of the basement. Leaving that area vacant could pose a security risk for the remainder of the building. The applicant has indicated that expansion of the ground floor unit above to incorporate this basement space would require extensive alterations, including an additional stairway, which would significantly reduce useable area on the first floor for little gain in basement useable square foot area. The applicant has also stated that the internal layout is such that the storage/utility area cannot be practically incorporated into an expansion of the existing basement unit. A vacant basement space also presents potential maintenance difficulties in that space, even while the remainder of the building is occupied.</p> | <p>OP Report: The proposed additional units should not pose substantial detriment to the public good. Exterior modifications to the building are not proposed. Neighbors abutting the building should be minimally impacted, since additional excavation would not be necessary. The applicant would continue to screen the trash with a code-complaint enclosure in the building's rear yard. The income generated from the additional unit would also help to ensure that the quality of the building's future maintenance would reflect the standards of the surrounding area.</p> <p>The addition of one unit in an existing 5-unit, purpose-built apartment house should not cause substantial harm to the Zoning Regulations. The requested relief would allow the applicant to make use of otherwise unusable space to create an additional dwelling in a mixed-density neighborhood with significant transit access on nearby Pennsylvania Avenue, S.E.</p> |
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|  |  |   | bedrooms and would free-up all space in the existing utility/storage area that occupies half of the basement.  |   |   |
| 19718<br><br>1800 5 <sup>th</sup> Street, NW<br><br>Revie Dow, LLC<br><br>May 2018 | From Applicant Statement: The Applicant is attempting to utilize the flexibility inherent in the Zoning Regulation to achieve the most efficient, attractive, and economical building design that creative approaches may yield. These optional approaches are intended to provide additional opportunities for creative design. | <a href="#"><u>OP Report 19718</u></a><br><br>356 sq. ft. of land area per unit (existing)<br><br>237 sq. ft. of land area per unit (proposed/approved) | OP Report: The existing structure was converted into a four-unit apartment house in 1941, and remained in that condition until it was vacated in 2015 to allow for intensive modernization of the building. Construction has been completed on the ground and second floors within the existing footprint and layout, including the incorporation of modern appliances, electric and plumbing upgrades, and structural floor improvements. The applicant has indicated to OP that the units are 800-900 square feet in area. | OP Report: In modernizing the building, the mechanical systems that used to be located in the basement have been moved to the individual units, leaving the basement vacant. The applicant is unable to combine the basement with the first floor because code compliant circulation would disrupt the first-floor layout, creating an inefficient footprint. A modification this significant would also require the plumbing and electrical systems be redone, resulting in significant increases in cost. The applicant has further indicated that the generous size of the units does not necessitate that the basement be used as a storage area, as sufficient storage has been included in each unit. A vacant basement presents potential maintenance difficulties in that space, even while the | OP Report: The proposed additional units should not pose substantial detriment to the public good. Exterior modifications to the building are not proposed, as the units would be fully contained in the existing basement area. Neighbors abutting the building should be minimally impacted, since additional excavation would not be necessary. In addition, the apartment house is located in a transit-rich neighborhood where additional residential density is appropriate. In working with the ANC, the applicant has agreed to screen the trash with a code-complaint enclosure, which is an improvement from its current condition.<br><br>The addition of two units in an existing four-unit, purpose-built apartment house should not cause substantial harm to the Zoning Regulations. The requested relief would allow the applicant to make use of otherwise unusable space to |

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|   |  |   |  | remainder of the building is occupied.  | create two additional dwellings in a transit-accessible neighborhood. There are no exterior modifications proposed for the building, so the height and massing of the structure would continue to be appropriate for the neighborhood in which it is located. Because this is an existing apartment house, the proposed increase in units does not require compliance with Inclusionary Zoning (IZ) regulations; however, the applicant has agreed to consider the voluntary provision of an affordable unit through this program, but has not yet provided a commitment to do so.                                       |
| 19625<br>61 Rhode Island Avenue NE<br>61 Rhode Island Avenue NE, LLC<br>December 2017 | From OP's Report: The building was constructed around 1954 as a 21-unit apartment building and non-residential use on the northwestern portion of the ground floor. The applicant has provided Certificates of Occupancy dating back to 1954 showing that portion of the ground floor bring uses for delicatessen and or grocery and restaurant uses up to 1968. After those uses were vacated the space was then partially used to store mechanical equipment which served Sprint and Nextel antennas located on the roof. The applicant states that the space has been vacant since mid-2014, over three years, and the nonconforming status has expired under Subtitle C § 204.4 which states: Discontinuance for | <a href="#"><u>OP Report - 19625</u></a><br><br>268 sq. ft. of land area per unit (existing/proposed) | OP Report: The applicant is faced with an exceptional situation leading to a practical difficulty in meeting the requirement of 900 square feet per unit in the building which was constructed prior to the adoption of the 1958 and current Zoning Regulations to accommodate 21 residential units and a small area on the ground floor for non-residential use. This purpose-built building cannot meet the requirement except | OP Report: Expansion of the existing ground floor units into the space would be disruptive to the occupants as they would have to be relocated, possibly off-site, during the expansion. Due to the topography and shape of the property, expanding into the space would create odd shaped, inefficient units. Leaving the space vacant would not be an optimal situation as it could create nuisances that could pose safety and security risks to residents. In addition, having a vacant space near the of Rhode Island Avenue/U Street/Lincoln Avenue | OP Report: The proposed units should not pose substantial detriment to the public good, and therefore residential uses would be appropriate. No exterior modifications to the building are proposed, as the units would be fully contained within the ground floor space. The church, adjacent residential neighbors and users of the alley and Rhode Island Avenue would be minimally impacted by the new units. As recommended by the Department of Transportation (DDOT), the applicant has agreed to replace paving in front of the western portion of the building along Rhode Island Avenue which would reduce the |

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|   | any reason of a nonconforming use of a structure or of land, except where governmental action impedes access to the premises, for any period of more than three (3) years, shall be construed as prima facie evidence of no intention to resume active operation as a nonconforming use. Any subsequent use shall conform to the regulations of the zone in which the use is located. Since the nonconforming status has expired, the approval of a use variance to resume commercial occupancy of the space would be required. The applicant has opted to convert the space to residential use as permitted in the RF-1 zone. |  | through a major configuration of the building, and a loss of many residential units. The applicant has indicated that using the space for other uses complementary to the residential use such as laundry or storage is not appropriate. The units run an average of 816 square feet, making the need for additional storage space not necessary. Similarly, laundry facilities are already provided on-site and additional facilities are not necessary. | intersection which is heavily used by pedestrian could detract from the building and neighborhood. Based on all these situations, it is a practical difficulty for the applicant to use the space for any other use than residential and meet the 900-square foot per unit requirement.  | pervious area and help to give the area a more residential feel.<br><br>The addition of the two units in the existing 21-unit, purpose-built apartment building should not cause substantial harm to the Zoning Regulations. Many of the residents of the building currently receive rent assistance through vouchers. The requested relief would allow the applicant to make use of the space to create additional dwelling potentially for low income earners who depend on vouchers in a transit-accessible neighborhood. No exterior modifications are proposed for the building, so the height and massing of the structure would continue to be appropriate for the neighborhood in which it is located. |
| 19570<br>220 2nd<br>Street SE<br><br>GWC 220<br>Residential<br>LLC<br><br>September<br>2017 | From Applicant Statement: In response to market demands, the Applicant is renovating the entire building under a separate building permit application, which will eliminate the communal laundry facility in the basement and provide individual washers and dryers in each of the existing 12 apartments. Under this BZA application, the Applicant seeks to add a one-bedroom unit in the former laundry area of the basement, bringing the total count to 13 units. There would not be any change to the existing   | <a href="#">OP Report 19570</a><br><br>512 sq. ft. of land area per unit | OP Report: The existing apartment house was constructed in 1955, prior to the adoption of the 1958 and current Zoning Regulations. Laundry facilities were originally located in the basement as an amenity for the residents; however, the applicant has applied for building permits to renovate the apartment house, under which the scope of work   | OP Report: The applicant has indicated that the internal layout is such that the basement cannot be practically incorporated into the existing ground floor units. Expansion of the ground floor units into the basement would require extensive alterations, including additional stairways, which would significantly reduce useable area on the ground floor for very little gain in basement | OP Report: The proposed additional unit should not pose substantial detriment to the public good. Exterior modifications to the building are not proposed, as the unit would be fully contained in the existing basement area. Neighbors abutting the building should be minimally impacted, since areas around the basement remain unexcavated. In addition, the neighborhood is a mix of uses, including residential, commercial, and institutional-   |

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|  | <p>configuration or footprint of the building; all changes would be to the interior of the building. The basement unit would be approximately 615 square feet in size. The conversion will allow the Applicant to make use of a space that would otherwise not be functional.</p> |  | <p>includes the installation of washers and dryers in each unit. As a result, the basement is vacant and currently not occupied by any other use.</p> | <p>square foot area. It is further noted that leaving the space vacant could create nuisances that would pose safety and security risks to tenants. The applicant has indicated that, given that the apartment house consists of larger, 800 square foot, two bedroom units, there is not a need to use the basement as a storage area for residents. Each unit includes adequate storage. In addition, seven double bicycle racks would be located in the court located between the apartment house and north property line, so there is not a need to provide long term bicycle parking in the basement. Although it is not required for this expansion, the applicant should consider securing the bike racks for the benefit of the residents</p> | <p>related uses near the Capitol Building and along the Pennsylvania Avenue corridor, where additional residential density is appropriate. The applicant has had discussions with adjacent property owners, and has committed to entering into a construction agreement with the property owner to the north of the site. Also, at the request of the same neighbor, the applicant will continue to remove trash through the front of the building in order to minimize rodent control issues, and is prepared to include that as a condition of this request</p> <p>The addition of one unit in an existing 12-unit, purpose-built apartment house should not cause substantial harm to the Zoning Regulations. The requested relief would allow the applicant to make use of otherwise unusable space to create an additional dwelling in a mixed-use, transit-accessible neighborhood. There are no exterior modifications proposed for the building, so the height and massing of the structure would continue to be appropriate for the neighborhood in which it is located.</p> |
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