

Burden of Proof Statement

Project Address: 1631 A Street SE

Zoning District: RF-1

Proposed Use: Conversion of a 4-unit apartment building to a 6-unit apartment building

Introduction

The applicant seeks relief from the Board of Zoning Adjustment (BZA) to increase the number of dwelling units from four to six in an existing apartment building located at 1631 A Street SE. The project involves a request for a use variance under Sections U-301.1 (b), U-301.5(b), and X-1000.1 of the DC Zoning Regulations. This relief is sought due to the unique conditions of the property and the project's alignment with the intent of the RF-1 zoning district and DC's housing objectives.

This burden of proof will address the three-pronged test for the requested use variance and demonstrate that the proposed project meets the criteria for approval under the DC Zoning Regulations and broader District housing goals outlined in the DC Comprehensive Plan and Mayor's Housing Equity goals.

Nature of Relief Sought

The relief requested is an use variance from the minimum lot area requirement of 900 square feet per dwelling unit. Under Subtitle U-301.5(b), a minimum lot area of 5,400 square feet is required for six dwelling units. The subject property's lot area is 2,000 square feet, resulting in a deficiency of 3,400 square feet.

The applicant seeks relief to convert the existing non-conforming 4-unit structure into a 6-unit structure while maintaining the building's current footprint and height. No exterior expansion is proposed. Additionally, the project aligns with the intent of Subtitle X-1000.1 by making efficient use of existing residential spaces and contributing to the District's housing goals.

Burden of Proof

To grant an use variance, the BZA must find that:

1. The property exhibits exceptional conditions or uniqueness that result in practical difficulties for the owner in complying with the Zoning Regulations.
2. The relief can be granted without substantial detriment to the public good.
3. The relief will not impair the intent, purpose, and integrity of the Zoning Regulations.

1. Exceptional Conditions and Practical Difficulties

The subject property is unique in the following ways:

- **Existing Non-Conforming Status:** The property, constructed in 1941, predates the 1958 Zoning Code and is an existing non-conforming structure containing four dwelling units in a zone currently allowing only two. This unique status creates a practical difficulty in bringing the property into full compliance without significant structural or financial burdens.
- **Small Lot Area:** The property's lot area of 2,000 square feet is substantially smaller than the minimum required lot area of 5,400 square feet for six units under Subtitle U-301.5(b). This inherent physical limitation necessitates zoning relief.
- **Pre-Existing in the Zone:** This property, built in
- **Efficient Use of Space Without Expansion:** The conversion does not alter the size of the existing units; rather, two additional units will be created in the cellar without modifying the building's footprint. Given the pre-existing configuration and infrastructure, reducing the number of units to comply with current zoning would require substantial alterations that are both costly and inefficient.
- **Alignment with Housing Needs:** The DC Comprehensive Plan and Mayor's Housing Equity goals emphasize the need for moderate-density residential development. Converting an existing multi-unit structure into six units efficiently utilizes existing housing stock and contributes to housing supply without disrupting neighborhood character.

2. No Substantial Detriment to the Public Good

The proposed increase in dwelling units will not adversely impact the public good for the following reasons:

- **Neighborhood Context:** The surrounding neighborhood contains several multi-unit buildings within a three-block radius. The project's scale is consistent with the area's residential fabric and does not introduce an incompatible use.
- **No Physical Expansion:** The proposed conversion does not involve any expansion of the building's footprint or height, preserving the existing streetscape and ensuring that the project blends seamlessly with its surroundings.
- **Building Code and Life Safety Compliance:** The conversion process will upgrade the building's safety systems, including electrical, plumbing, and fire safety, ensuring compliance with modern building codes and enhancing resident safety.
- **Increased Housing Stock:** The addition of two dwelling units aligns with the District's goal of increasing the availability of housing, particularly in areas well-served by public amenities and infrastructure.

- **Community Engagement:** The applicant will engage with the local Advisory Neighborhood Commission (ANC) to address community concerns and provide project transparency.
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3. Consistency with Zoning Intent

The RF-1 zoning district is intended to provide for moderate-density residential development. The proposed project aligns with this intent by:

- **Efficient Use of Existing Housing Stock:** The project makes optimal use of an existing multi-unit structure without altering its physical footprint, thereby promoting moderate-density housing in the RF-1 district.
 - **Supporting District Housing Goals:** The addition of two units contributes to the District's broader goals of increasing housing availability and promoting sustainable urban growth.
 - **Maintaining Neighborhood Character:** The project respects the scale and character of the neighborhood by retaining the existing building's size, height, and design.
 - **Economic Feasibility:** Reducing the number of units to comply with zoning regulations would require extensive structural modifications, including eliminating existing infrastructure. The cost of conversion to fewer units would be financially burdensome and contrary to the city's housing goals.
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Conclusion

The applicant respectfully requests the Board of Zoning Adjustment to grant the use variance for 1631 A Street SE. The property's unique conditions, combined with the public benefits of the project, justify the requested relief. The proposed conversion will enhance the property's utility, contribute to the District's housing stock, and align with the zoning regulations' intent and purpose.

By approving this application, the BZA will enable the development of additional housing units in a manner consistent with the District's planning objectives and the RF-1 zoning district.