

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: November 7, 2018

SUBJECT: BZA Case 19828 (3423 Holmead Place, N.W.) to permit the conversion of an existing church to a seven-unit apartment house in the RF-1 zone.

I. OFFICE OF PLANNING CONTINUED RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following variance relief:

- **Height**, Subtitle E § 303.1, pursuant to Subtitle X § 1000 (3 stories maximum permitted; 3 stories existing; 4 stories proposed).

OP recommends **approval** of the following variance relief:

- **Front Setback Rules of Measurement**, Subtitle B § 315.1 (c), pursuant to Subtitle X § 1000 (building shall not be further forward or further back than the building façade of one of the immediately adjoining buildings; existing building is further back than both adjoining buildings).

OP recommends **approval** of the following special exception relief:

- **Conversion of a Non-Residential Building**, Subtitle U § 320.3, pursuant to Subtitle X § 900;
- **Court**, Subtitle E § 203.1, pursuant to Subtitle E § 5201 (8.3 feet minimum required for 40-foot-high building; 1.8 feet existing nonconforming at NW corner; 8.16 proposed at SE corner); and
- **Additions to Nonconforming Structures**, Subtitle C § 202.2, pursuant to Subtitle E § 5201.

II. BACKGROUND

The Board of Zoning Adjustment heard this case on October 17, 2018. At the hearing, the Board requested additional information from the applicant regarding the justification of the requested variance for number of stories. The applicant has provided a post-hearing submission that includes a photographic analysis of other purpose-built institutional facilities located in the general area (Exhibit 46A), a pro-forma detailing costs and profit of the proposed development and other scenarios (Exhibit 46B), a report from a real estate agent (Exhibit 46C), and alternative elevations (Exhibit 46D).

III. ANALYSIS

The applicant has provided that a confluence of factors results in a practical difficulty. First, the building was purpose-built to accommodate an institutional use and is significantly shorter than adjacent buildings. The photographs provided at Exhibit 46A document various institutional uses in adjacent neighborhoods and are intended to demonstrate that a raised first floor and adjacency to taller

buildings are unique. This analysis, while interesting, does not demonstrate the uniqueness resulting in a practical difficulty as it relates to the proposed development of the subject property.

Second, the applicant has provided a pro-forma statement at Exhibit 46B demonstrating that the developer would expect a profit of approximately \$292,000, should the proposed seven units be constructed. If the fourth floor is not approved, the reconfigured units would be expected to yield the developer a profit of \$187,844. The applicant further notes that a matter-of-right development consisting of two flats would result in a loss to the developer and would be extremely difficult to market. The Real Estate Report provided at Exhibit 46C indicates that the proposed seven-unit apartment house with a fourth floor would be the most marketable configuration.

While a confluence of factors may provide an exceptional situation resulting in a practical difficulty, the factors provided by the applicant do not relate directly to the structure or site. Rather, the applicant relies on the context of the street to justify the variance, which is not applicable to the first prong of the variance test, and the pro-forma provided by the applicant further demonstrates that a three-story building is feasible.

As such, the applicant has not adequately addressed the relevant variance test and OP continues to recommend denial of the requested variance for the proposed fourth floor.