

## **Supplemental Report**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 27, 2019

**SUBJECT:** BZA #20121 – 639 Atlantic ST SE-- variance relief for a medical office use

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### **I. BACKGROUND**

This proposal is for a use variance to allow conversion of a residential building previously used as a Community Based Residential Facility into a medical office building with no residential component in the R-2 (low density residential) zone. In our October 18, 2019 report, OP recommended denial of the requested variance relief.

At the October 30, 2019 Hearing the Board granted the Applicant a postponement of the case until December 11, 2019 to meet with the ANC. The Applicant also used the additional time to provide more information to support their variance argument.

### **II. OFFICE OF PLANNING RECOMMENDATION**

OP reviewed the additional information submitted to the record and continues to recommend **denial** of the requested relief.

### **III. ANALYSIS**

#### **Exceptional Situation Resulting in an Undue Hardship:**

The Applicant argues that a confluence of factors prevents the owner from being able to use this property without variance relief. As discussed in the original OP report, the site is one of the largest properties in the area and may be the only building constructed as a single-family detached house in the surrounding neighborhood, which is characterized by semi-detached buildings and small apartment buildings (mostly in the RA-1 zone). It also contains handicap accessibility-related interior features related to its previous Community-Based Residence Facility use. The Applicant argues that for these reasons, no renters have shown an interest in the property as a single-family house. The Applicant further argues that as a single-family house, in this neighborhood, the property would not generate a high enough rental income to support the \$3,100 a month needed to service the debt on the property. According to the Applicant's rental comparison reports, rents in the area range from just below \$2,000 to \$3,000 (Exhibits 47-49).

OP reviewed the Applicant's additional information and continues to disagree that these factors have resulted in an undue hardship to the owner. The floor plans show that the house still has a residential interior layout (Exhibit 49). Furthermore, the Applicant has the option to consider any matter of right use allowed for the R-2 zone, or potentially a subdivision of the lot into two

conforming lots for semi-detached dwellings, which would be consistent with the zoning and the character of the street (historic maps show that the property previously was three record lots which were, at some point, consolidated into one).

No Substantial Detriment to the Public Good:

As noted in the original report, although the loss of residential in a residential zone is not in the public good or consistent with the intent of the zoning, the proposed medical office use itself should not cause substantial detriment to the public good. The Applicant is planning for 4-10 employees and there is an existing 4-car parking lot on site. The application states that the employees would spend most of the day off-site and in the community to provide services to nearby residents.

No Substantial Harm to the Zoning Regulations:

As noted in the original report, OP is supportive of neighborhood serving medical offices. However, the proposed use is not permitted in this zone, so the proposal would be contrary to the intent of the R-2 zoning, and the zoning regulations in general where uses such as this are intended to be located in commercial or mixed-use zoned areas.