

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** December 31, 2013  
**SUBJECT:** BZA Case 18687, 3007 11<sup>th</sup> Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 401.3 (900 square feet per apartment required, 452.7 feet proposed).

The application is self-certified and also requests relief from § 404, Rear Yard, to reduce the rear yard from 20 to 16 feet, the existing situation. No building additions are proposed and the applicant informed the Office of Planning that the footprint of the building is original to the 1908 construction of the dwelling. Therefore, the existing rear yard is grandfathered, and does not appear to be required.

**II. LOCATION AND SITE DESCRIPTION**

Address	3007 11 <sup>th</sup> Street, N.W.
Legal Description	Square 2851, Lot 99
Ward	1
Lot Characteristics	Rectangular lot with rear alley access
Zoning	R-4 – row houses, flats and conversions
Existing Development	Row dwelling divided into three apartments.
Adjacent Properties	Row dwellings and flats.
Surrounding Neighborhood Character	Primarily residential, including row houses, flats and small apartment buildings.



### III. HISTORY

1908: Row house constructed

March 22, 1979: Applicant purchased property+

1999: Applicant began converting property to 3 units+

September 20, 2007: Application for a construction permit filed to convert from row house to three-units (MS111549).\*

February 25, 2008: Application withdrawn by applicant. Permit not issued.\*

2009: Applicant became part of the DCHA Rent Voucher Program+

October 1, 2012: Date of “Existing Conditions” drawings showing three units.+

March 8, 2013: Building permit issued to convert from row house to two units, conditioned on removal of third PEPCO meter before C of O can be issued.\*

October 18, 2013: Variance application filed to permit three units.

+Information included in application.

\*Information obtained from the Property Information Verification System (PIVS), Department of Consumer and Regulatory Affairs (DCRA)

### IV. APPLICATION IN BRIEF

The applicant requests an area variance from the minimum 900 square feet of lot area required per unit for the apartment conversion of a row house to 452.7 square feet, to permit a three-unit apartment building on the subject property. A variance to this provision is necessary for the applicant to obtain certificates of occupancy for each of the units and obtain a rental license to lease out the basement and second floor units as a part of the DCHA Rent Voucher Program. The application indicates that the owner was not made aware by DCHA of the need for permits.

No building additions are proposed.

### V. ZONING REQUIREMENTS and REQUESTED RELIEF

<b>R-4 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	40-foot max.	32.7 feet	32.7 feet	None required
Lot Width § 401	18-foot min.	18.7 feet	18.7 feet	None required
Lot Area § 401	1,800 SF min.	1,358 SF	1,358 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	73%	73%	None required
Rear Yard § 404	20-foot min.	16 feet	16 feet	None required
Court § 406	6-foot min. width	5.4 feet	5.4 feet	None required

## **VI. OFFICE OF PLANNING ANALYSIS**

### **a. Variance Relief from § 401.3, Minimum Lot Area for Conversion to Apartment House**

#### **i. Exceptional Situation Resulting in a Practical Difficulty**

The subject property is improved with a two-and-a-half story row house on a lot with rear access to a ten-foot wide alley, similar to the abutting properties. All of the lots are zoned R-4, permitting row houses and flats as a matter of right, and apartment conversions subject to a minimum lot area of 900 square feet of lot area per unit. All of the lots on the odd side of the 3000 block of 11<sup>th</sup> Street range in size between approximately 1,200 and 1,461 square feet, making them all nonconforming for lot area, with none large enough to permit a conversion to an apartment house. The subject property measures 1,358 square feet in area, generally consistent with surrounding development. Although the application indicates that the property was converted to three units in 1999, a building permit to convert the dwelling to three units was not applied for until 2007, prior to the applicant's enrollment in the DCHA Rent Voucher program in 2009. The permit to convert the dwelling was never issued and the application was withdrawn by the applicant in 2008.

Development of the subject property is similar to those on either side and the lot is similar in size and shape to others around it. It exhibits no uniqueness or exceptional situation that would result in a practical difficulty to the owner.

#### **ii. No Substantial Detriment to the Public Good**

Conversion of the subject property to three units would increase the density of the subject property beyond that anticipated by the R-4 zone. At twice the density, the increase would not be consistent with the one and two-family structures typically found in row house neighborhoods.

#### **iii. No Substantial Harm to the Zoning Regulations**

Section 330.3 of the Zoning Regulations states that "*the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.*" The subject application requests to reduce the minimum 900 square foot lot area by fifty percent, inconsistent with this provision and effectively doubling the unit density permitted under Section 401.3, Minimum Lot Dimensions.

The subject application does not meet the general standards for the granting of a variance to reduce the minimum lot area required per unit for an apartment conversion as there is no exceptional situation resulting in a practical difficulty and there would be substantial detriment to the public good and substantial harm to the Zoning Regulations.

### VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

### VIII. COMMUNITY COMMENTS

ANC 1A, at its regularly scheduled meeting of November 13, 2013, voted to recommend approval of the application.

Attachment: Location Map

