



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: January 26, 2010

SUBJECT: BZA Case 18023 - Request for a Use Variance from the requirements of Section 2101 for an apartment building at 3139 N Street, NW

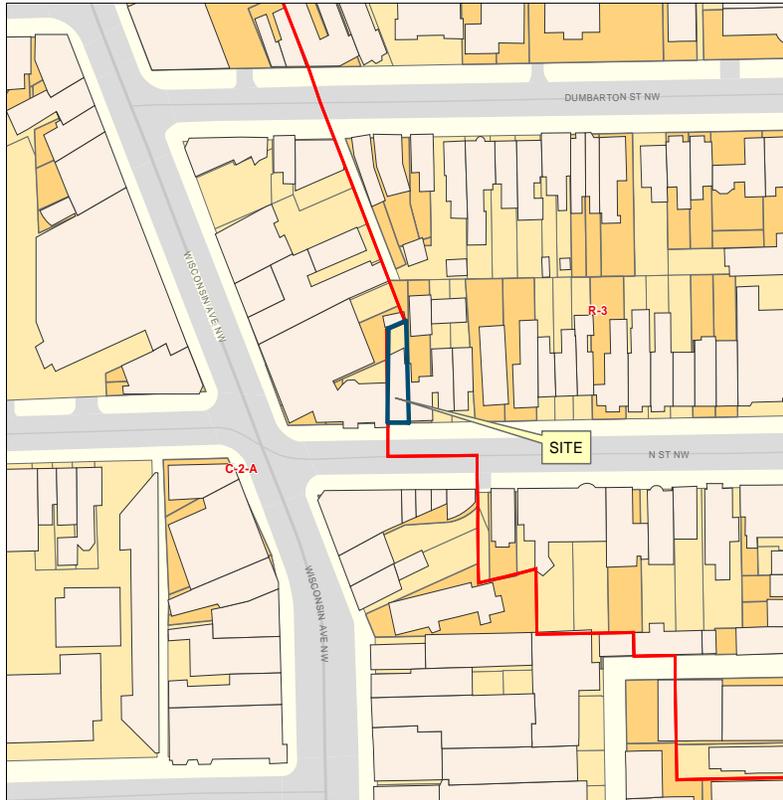
I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested use variance from the requirements of Section 320.3 for a 4 unit apartment building in the R-3 district.

II. AREA AND SITE DESCRIPTION

Address:	3139 N Street, NW
Legal Description:	Square 1232, Lot 59
Ward:	Ward 2, ANC-2E
Historic District	Georgetown Historic District
Lot Characteristics:	The lot is rectangular with an area of 1,625 square feet and is only accessed from N Street, NW.
Existing Development:	The property is currently developed with a 3-story apartment building with 4 units.
Zoning:	R-3 – designed for row dwellings but may have areas with one-family detached dwellings, semi-detached dwellings and groups of 3 or more row dwellings.
Adjacent Properties:	Properties immediately to the north, east and south are developed with 2- and 3-story row dwellings. Properties to the west and northwest are developed with 2- and 3-story buildings used for commercial uses.
Surrounding Neighborhood Character:	Properties to the north, south and east of the subject lot are residences in the R-3 district. Properties for the west, southwest, and northwest are in the C-2-A district and have office, retail and restaurant uses.





Aerial Photograph



Site Location

III. PROPOSAL

The applicant proposed to continue to use the building as a 4-unit apartment.

IV. ZONING

The subject property is located in the R-3 district which is designated for single family row dwellings. The R-3 district requirements and how they are met by the existing building outlined below:

Item	Required/Allowed	Existing	Proposed	Deviation
Lot area	2,000 sq. ft.	1,625sq. ft.	1,625 sq. ft.	375 sq. ft. (existing)
Lot Width	20 ft.	20 ft.	20 ft.	N/A
Lot Occupancy	60%	75%	75%	15% (existing)
Rear yard	20 ft.	21 ft. minimum	21 ft. minimum	N/A
Height	40 ft.	35 ft.	35 ft.	N/A
Parking	3	0	0 spaces	N/A (historic district)

As seen from the table above, the building is non-conforming in the areas of lot area, lot occupancy and parking. The applicant does not propose any additions or deletions which would affect the size of the property or the building.

Area Variance

The building was constructed in 1900 and currently has 4 apartment units including an English basement apartment. It is unknown if the building was constructed as a single family dwelling and when it was subdivided into multiple units. However, in 1954, the building was granted a Certificate of Occupancy to operate a rooming house. The applicant states that she bought the house in 1964 and at that time it was subdivided into four independent units. Each unit is self contained with a kitchen and bathroom and there are no connections between the units. The applicant states that based on the configuration of the building she thought that it would be consistent with the zoning to use the building as for multifamily use. The applicant states that since purchasing the building in 1964 she has occupied the apartment unit on the first floor and rents out the other units. The applicant does not propose any additions to the existing building. The proposal meets the requirements of the area variance as follows:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

The property is unique due to an exceptional circumstance as the building was purchased in 1964 and was already subdivided and physically configured into 4 apartment units, so appear to predate the 1958 Zoning Regulations. The building has not been used as a single family residence since at least 1954 when the building was granted a Certificate of Occupancy to operate as a rooming house. Further, when the applicant purchased the building in 1964 the building was configured with 4 apartment units and has continued to use it as such. Each unit is independent and self-contained

with bathrooms and kitchens and there are no internal connections between the units in order to function as a single family house.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

If the building were to be converted to a single family house, it would be an undue hardship on the applicant as the building would require major reconfiguration which would be very difficult and costly including the removal of existing kitchen and the addition of a new internal stairway connection to all floors.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The existing multifamily use has existed for over 46 years and the building was a rooming house for at least 10 years prior, with no negative impact on the surrounding community. No change to the use or size of the property is proposed. Because this is an existing use that predates current zoning, the proposed would not impair the intent or integrity of the zoning regulations. The large building is located directly adjacent to property zoned C-2-A (which would allow this use) along Wisconsin Avenue, NW.

V. COMMUNITY COMMENTS

The subject property is within ANC-2E. On January 11, 2010 the ANC reviewed the proposal and recommended approval of the use variance to use the property for four apartment units.

VI. CONCLUSION AND RECOMMENDATION

The Office of Planning recommends **approval** of the area variance for the four unit apartment building on the subject property.