



**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** March 22, 2011

**SUBJECT:** BZA Case 18187 – Request to expand a nonconforming dentist’s office at 4545 Connecticut Avenue, NW

**I. OP RECOMMENDATION**

The Office of Planning (OP) **recommends denial** of a use variance to expand a nonconforming dentist’s office in the R-5-D zone.

**II. LOCATION AND SITE DESCRIPTION**

Address	4545 Connecticut Avenue, NW
Legal Description	Square 2039, Lot 1
Ward and ANC	3F
Lot Characteristics	Large lot encompassing a large apartment building; Ample green space; Grade slopes up along Brandywine Street so that the dentist’s office, which is on the fourth floor, is actually at grade level.
Zoning	R-5-D (General Residence – high height and medium-high density)
Existing Development	306-unit apartment building, with dentist office facing Brandywine Street
Adjacent Properties	East – Single family detached houses; North – Park; Northwest, west and south – apartment buildings.
Surrounding Neighborhood Character	Mostly apartment buildings along Connecticut Avenue, with the Van Ness commercial area one and a half blocks to the south; Surrounding neighborhoods are mostly single family detached houses.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	Brandywine Apartments of Maryland, LLC
Proposal	Expand an existing nonconforming dentist's office from 1,135 sf to 2,650 sf.
Relief Required	§2002.3 – Use variance to expand an existing nonconforming dentist's office use;

### IV. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in §3103.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The subject property exhibits no unusual shape, topography or dimension. This property is similar to other apartment buildings and lots in the vicinity. There is no extraordinary condition associated with the lot. The floor area proposed for expansion is currently used for a conforming residential apartment use.

- 2. Does the unique or extraordinary conditional impose an exceptional and undue hardship upon the owner of the property?**

Because the first part of the variance test is not met, the second part also has not been met. The property in question is being used for apartment uses – a conforming use – and there are no conditions associated with the property that would make the continuance of that use a hardship. Nor has any evidence been provided that there is cause to require the expansion of the dentist's office, a nonconforming use.

- 3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Relief could likely be granted without detriment to the public good. The dentist's office, while a nonconforming use, is not likely to have significant external effects. The surrounding neighborhood would have little or no awareness of a larger commercial tenant in the building and no external alterations are proposed. An increase in the number of patients could occur as a result of the expansion, though an increase has not been quantified in the application. Currently the office has no dedicated parking, and the expansion would not require additional parking; Section 2100.7 only requires more parking for an expansion when the "intensity of the building or structure [increases] by more than twenty-five percent (25%) of the aggregate." The 1,515 square foot expansion of the dentist's office would not increase the intensity of the overall building by that degree. In addition, OP expects users of this neighborhood-serving practice to arrive by various modes of travel including foot, bicycle, transit or auto.

However, granting relief would impair the intent of the current zoning regulations. While OP is not opposed to limited non-residential uses in residential zones, the current regulations clearly intend to prohibit the expansion of nonconforming uses. While an existing nonconforming use may continue, the expansion of a nonconforming dentist's office, as requested in this application, would violate the purpose of § 2002.

## **V. HISTORIC PRESERVATION**

The subject property is not located in an historic district.

## **VI. OTHER DISTRICT AGENCY REPORTS**

The Office of Planning has not received reports from any other District agency.

## **VII. COMMUNITY COMMENTS**

OP encouraged the applicant to meet with the affected ANC, but to date has received no phone calls or letters from the community in support of or against the proposal.

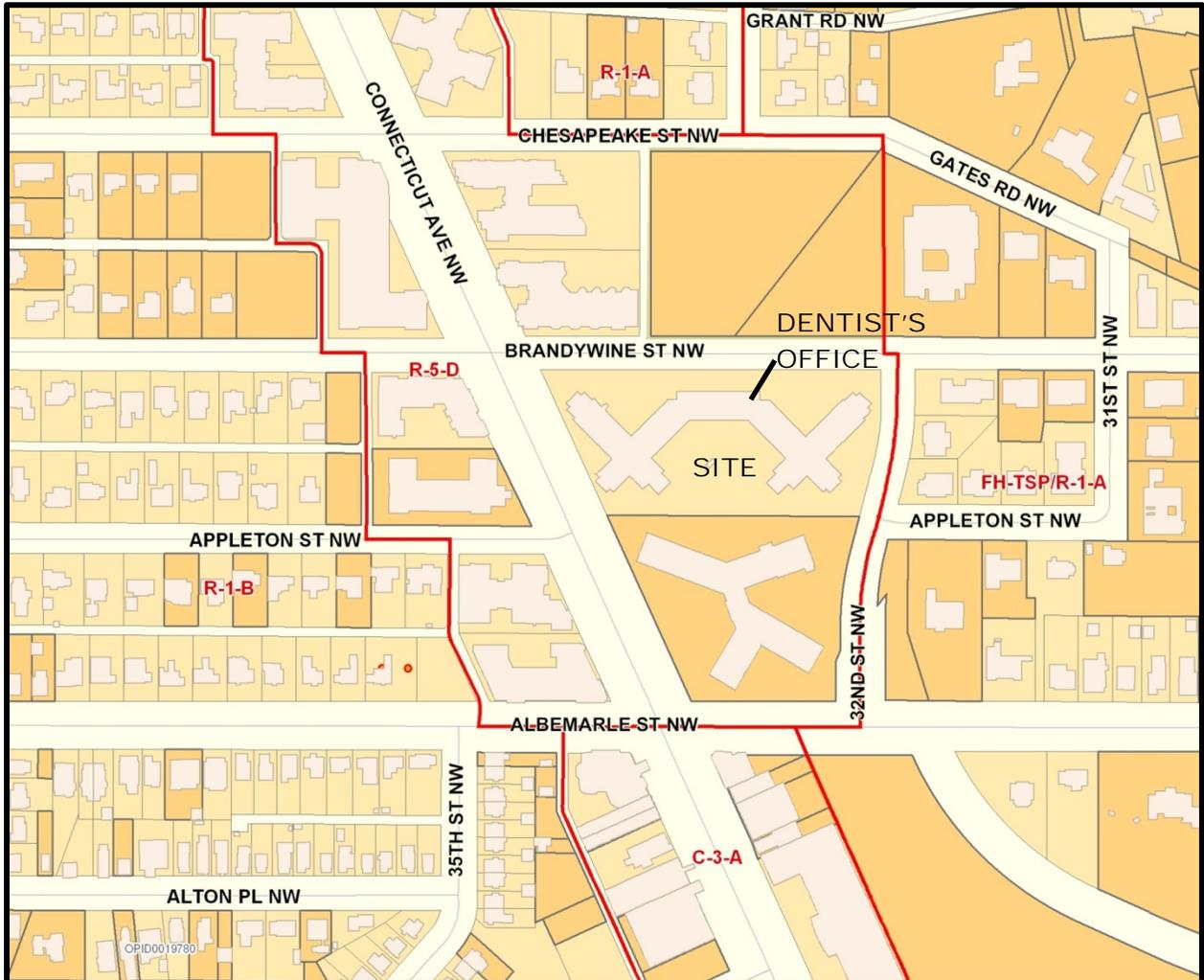
## **VIII. ATTACHMENTS**

1. Vicinity Map
2. Site Photographs

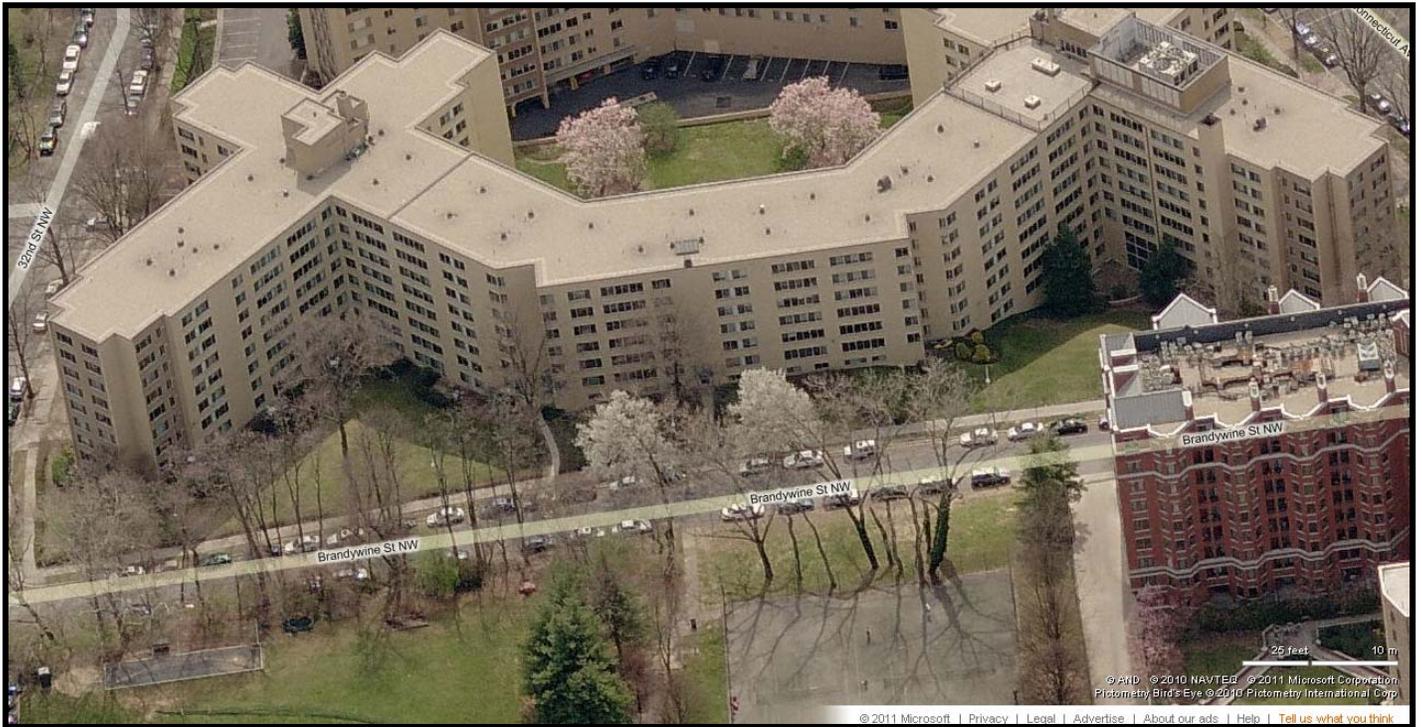
JS/mrj

Matt Jesick, Project Manager

### Attachment 1 Vicinity Map



## Attachment 2 Site Photographs



Aerial view from the north – Brandywine Street in foreground, Connecticut Avenue to the right in the photo.  
Lead walk to the dentist's office from Brandywine Street visible at center-left.



View from Brandywine Street. Entrance to the dentist's office is indicated by the canopy.