



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** January 10, 2012

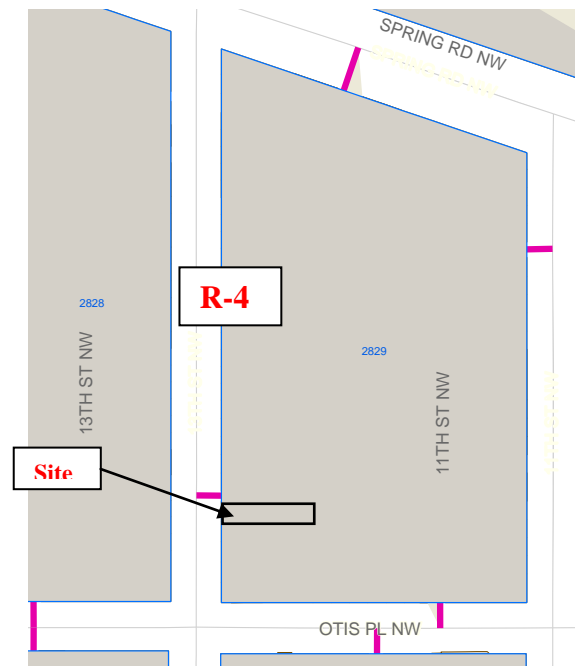
**SUBJECT:** BZA Case No. 18297 - 3609 13th Street NW (Square 2829, Lot 62)

**I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) cannot **recommend approval** of the variance request for relief from § 401.3 – **lot area** (2,700 sq. ft. required; 1,800 sq. ft. existing) in order to convert a former rooming house into a three-unit apartment building.

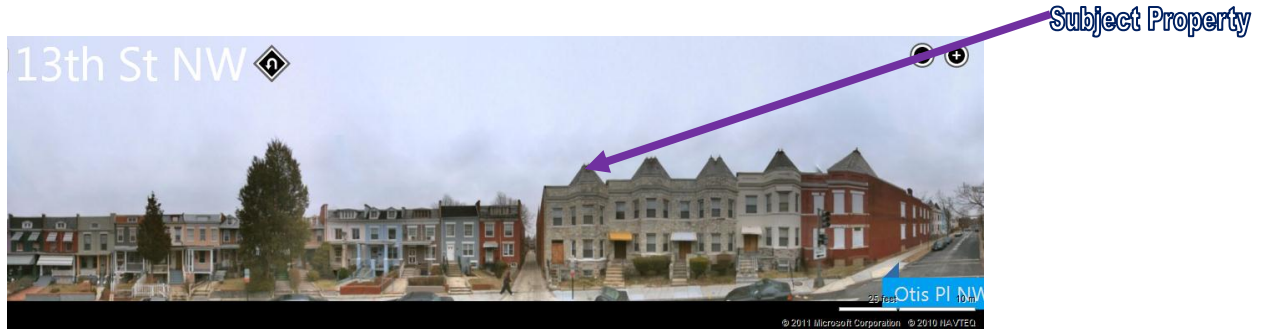
**II. AREA AND SITE DESCRIPTION**

Address	3609 13 <sup>th</sup> Street NW
Legal Description	Square 2829, Lot 62
Ward	1
Lot Characteristics	1,800 square foot rectangular lot with public alley access.
Existing Development	Two-story, brick and masonry building
Zoning	R-4 – Row dwellings and flats permitted
Adjacent Properties	Abuts an alley to the north, a rooming house to the south and the rear yard of another row dwelling which fronts on Otis Place NW.
Surrounding Neighborhood Character	Low to moderate density residential buildings and institutional uses. Largely rowhouses with some multi-family residential buildings. C-2-A zone to the west along 14 <sup>th</sup> Street and southeast of the site along 11 <sup>th</sup> Street.



### III. APPLICATION IN BRIEF

Mr. Mohammed Pishvaenian, property owner, has requested zoning relief to convert the building, formerly used as an 11-unit rooming house, into a three-unit condominium apartment building. The proposal involves interior renovations only, which would transform the existing floors plans into three (3) two-bedroom apartments, one each on the basement, first and second floors. Each floor of the building would have 1,200 square feet of floor area. All units would be owner occupied. The property would have one off-street parking space accessible via the alley to the north of the property. The building's most recent certificate of occupancy authorized a rooming house and a review of prior certificates also indicates that this may have been the primary use of the structure since 1958. According to the applicant, the rooming house use ceased in early 2011.



Street View of 13<sup>th</sup> Street including Subject Property (Bing Photo)



The photo above (dated November 2011) depicts the current and proposed uses of the five residential buildings that comprise the row, which is bounded by the alley to the north of the subject property and Otis Street to the south. Until recently, each structure in the row was used as a rooming house. Only one unit is shown as recently purchased for single-family residential use. Two buildings are shown in a current state of renovation to three-unit apartment homes.

**IV. REQUESTED RELIEF**

The applicant requests variance relief from the lot area requirement to allow a three-unit apartment conversion. No external additions are proposed to the existing structure.

Table 1 –Zoning Analysis of the Project

<b>Standard</b>	<b>R-4 Requirement</b>	<b>Existing Property</b>	<b>Proposed</b>	<b>Relief Required</b>
Lot Area § 401.3	900 s.f./unit or 2,700 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	<b>Yes</b>
Lot Occupancy § 403.2	60% (1,080 sq. ft.)	71% (1,123 sq. ft.)	71% (1,123 sq. ft.)	<b>Existing non-conforming</b>
Building Height §400.1	40’/3 stories	2 stories	2 stories	No
Parking § 2101	1 space per 3 d.u.	1 space	1 space	<b>No</b>

**V. OFFICE OF PLANNING ANALYSIS**

An analysis of the project against the relevant variance criteria is provided below.

**Variance Relief from § 401.3**

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

The 1,800 square-foot property is rectangular in shape and one of several similarly-sized and shaped lots on the subject square. The existing building was originally constructed in 1909 and does not meet the current lot occupancy or court width requirements for the R-4 zone. However, this is not a unique occurrence within the square. The property has no significant grade changes and is the only property along the five-unit row which has alley access. The building, previously used as a rooming house, has 2 floors and a basement with a total of 11 bedrooms and three bathrooms. No kitchens are shown on the existing floor plans.

The applicant has cited to OP the Board’s decision in application #18115, where a similar request for relief was granted for the conversion of a 12-unit rooming house to a three-unit apartment building on the basis that it would be a financial detriment to renovate to a three-unit building versus a flat. The Board discussed that while the relief would run with the land and not the individual owner, the general public would also have difficulty in securing financing for the continued rooming house use or a flat.

From a planning perspective, given the lack of any unique physical characteristics of the subject lot or any other extraordinary circumstance affecting the property, the subject site does not meet this part of the variance test and OP would leave it to the Board to decide.

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

The requested relief could be granted without substantial detriment to the public good. The proposal would result in a change of use from an 11-unit rooming house to a three-unit apartment building which would improve a deteriorated, vacant structure, in support of the neighborhood’s continued revitalization.

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

Granting relief, however, would impair the intent of the Zoning Regulations. Section 330.3 explicitly 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.”* [emphasis added] The purpose of the R-4 zone is to stabilize low-density, single-family

residential areas by allowing new construction of single-family and two-unit buildings. In addition, §401.1 states:

*“...the lot area requirements of § 401.3 must be met when the building is being converted to a use or replaced by a building intended to house a use that would require more lot area or lot width than is on the building’s lot”.*

The text is explicit in clarifying that multi-family residential conversions are subject to minimum lot area requirements regardless of whether or not the change of use is accompanied by a building addition. The purpose of the text is to prevent the conversion of non-conforming row houses to preserve the character of the R-4 zone. While OP understands that the number of units would be decreased, the Regulations allow for a reasonable use of the land given that a flat is a matter-of-right use and could be accommodated within the existing building. Therefore, the continued apartment conversion on the block would conflict with the stated purpose of the R-4 zone.

## **VI. AGENCY COMMENTS**

The District Department of Transportation (DDOT) report of January 6, 2012 stated no objection to the proposal.

## **VII. COMMUNITY COMMENTS**

The applicant intends to meet with ANC 1A at the ANC’s regularly held meeting on January 11, 2012.

## **VIII. RECOMMENDATION**

OP cannot recommend **approval** of the requested variance to allow the establishment of a three-unit apartment building. Should the BZA find that the project meets the first and third criteria of the variance test, OP finds that the relief could be granted without detriment to the public good.