



## MEMORANDUM

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

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** November 20, 2012

**SUBJECT:** **BZA Case 18414** - request for variance relief from § 401.3 to convert the existing two-story row dwelling at 1221 Otis Place NW into a three-story, four-apartment building

### I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **does not support** the requested relief to convert and add onto an existing R-4 zoned dwelling for four non-conforming apartments. The applicant may be able to make an acceptable case for variance relief from § 401.3 (900 square feet per apartment unit required, 600 square feet per unit would be allowed) to convert the existing rooming-house use to a three-apartment building (one per existing floor).

### II. LOCATION AND SITE DESCRIPTION:

Address:	1221 Otis Place NW
Legal Description:	Square 2829, Lot 0057
Ward:	1A
Lot Characteristics:	The 18 x 100-foot rectangular interior lot with an area of 1,800 square feet (0.04 acre) abuts a 16-foot wide rear alley (refer to Figure 3).
Zoning:	<i>R-4</i> – rooming houses are allowable uses in this district and apartment conversions are allowed subject to the lot area requirement under § 401.3.
Existing Development:	According to DC land records, the existing two-story building with a cellar was constructed in 1909. It is set back from Otis Place right-of-way in-line with the neighboring row dwellings. According to Certificates of Occupancy were issued in 1990 and 2000, the building was previously used as a 5 bedroom and 11 bedroom rooming house, respectively. Exterior stairs extend from the first and second floors of the existing 2-story rear addition into the rear yard. The concrete slab in the rear yard is wide enough for two vehicles and surrounded by a gated four-foot tall chain link fence (refer to Figures 1, 2 and 3).
Historic District:	None
Adjacent Properties:	Similar two-story row dwellings (refer to Exhibit 2).



**III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	3579 Warder Street LLC, owner of record.
Proposal:	To convert the existing two-story plus cellar building into three apartments, and construct a third floor for an additional unit, for a total of four apartments. Section 401.3 requires a minimum 900 square feet of lot area per apartment for apartment conversion. Under this proposal there would be 450 square feet per apartment on the subject property. No other zoning relief appears to be required based on the submitted plans.
Relief Sought:	§223 – to reduce the required lot area per apartment.

**IV. ZONING REQUIREMENTS**

R-4 District	Regulation	Existing	Proposed <sup>1</sup>	Relief?
Height (ft.) § 400	40 ft. max., 3 floors	20 feet (approximately)	39 feet (approximately)	None required
Lot Width (ft.) § 401 <sup>2</sup>	18 ft. min.	18 ft.	SAME	None required
Lot Area (sq. ft.) § 401 <sup>2</sup>	1,800 sq. ft. min.	1,800 sq. ft.	SAME	None required
<i>Lot Area – Conversion to apartments § 401</i>	<i>900 sq. ft./apartment</i>	<i>N/A</i>	<i>450 sq. ft./apartment</i>	<i>-450 sq. ft. / apartment</i>
Lot Occupancy § 403	60% max.	54%	SAME	None required
Rear Yard (ft.) § 404	20 ft. min.	34 ft.	SAME	None required
Parking § 2101	1 space / 3 units	2 spaces	SAME	None required

The Office of Planning (OP) asked the applicant to confirm the existence of a 3.8-foot wide side yard setback noted along the western property boundary in the original application. The Supplemental Statement of the Applicant dated November 1, 2012, clarified that was an error. The existing structure extends from side property line to side property line making it a row dwelling.

The Statement explained that the land use on site is an “11-bedroom” boarding house. Submitted architectural floor plans do show a total of 11 bedrooms existed on the cellar level and upper two floor of the dwelling. The Statement reiterated that no zoning nonconformity currently exists on the property and that the applicant is seeking variance relief from the apartment lot area requirement under § 401.3.

OP also requested that the applicant provide architectural elevations of the dwelling with the proposed third floor addition. Although an additional floor above grade is allowed as matter of right in

Figure 1



<sup>1</sup> Information provided by applicant.

<sup>2</sup> Required lot width and area for row dwelling lots in the R-4 district.

this zone district, the requested third floor apartment use would only be allowed with the requested variance approval.

To date the applicant has not responded to the request for architectural elevations.

**V. OP ANALYSIS:**

Variance relief from § 401.3

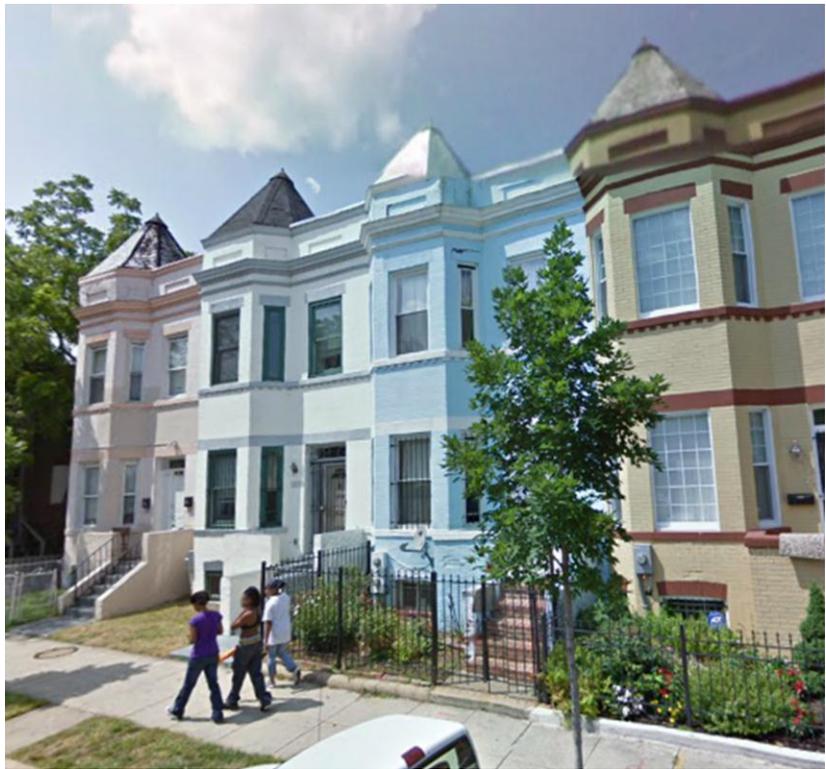
• **Uniqueness Resulting in a Practical Difficulty**

The Statement indicates that there is no existing non-conformity on the subject property. The existing building and property are therefore consistent with the Zoning Regulations. The “exceptional situation and condition” identified in the Statement is related to the deteriorated condition of the existing structure, and the fact the existing structure has been converted into an 11-bedroom boarding house.

A review of land records for properties in the southern half of this square indicate that three properties (including the subject property) or approximately 9% are occupied by rooming house uses.<sup>3</sup>

The Statement also indicates that the deteriorated conditions and inefficient layout of the rooming house configuration require a significant investment to bring the structure up to code and to construct marketable units.

Figure 2



The pink dwelling on the far left is on the subject property

The applicant provided some profit and loss analysis of four conversion options for the existing room house: to a one-family dwelling, two-family flat, three-apartment building and the requested four-apartment building with an addition. Under the current regulations up to two dwelling units are allowed.

<sup>3</sup> The Board previously approved: Application No. 18115 which authorized the conversion 12-unit rooming house at 3603 13<sup>th</sup> Street NW into a three-unit apartment house; and Application No. 18297 for conversion of – room house at 3609 13<sup>th</sup> Street NW to a three-unit apartment house for this same applicant. OP recommended denial in both of these cases.

This profit-and-loss analysis indicates that the converting the existing building to three apartments (one on each floor) is economically feasible. This level of relief would be consistent with that previously approved by the Board. Conversion to three apartments would reduce the degree of the variance relief that would be required: the current standard would be reduced by 30% to 600-square feet per unit instead of by 50% to 450-square feet per unit. It also would prevent new construction to provide an additional apartment on this R-4 district property. As explicitly stated in § 330.3: *“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]

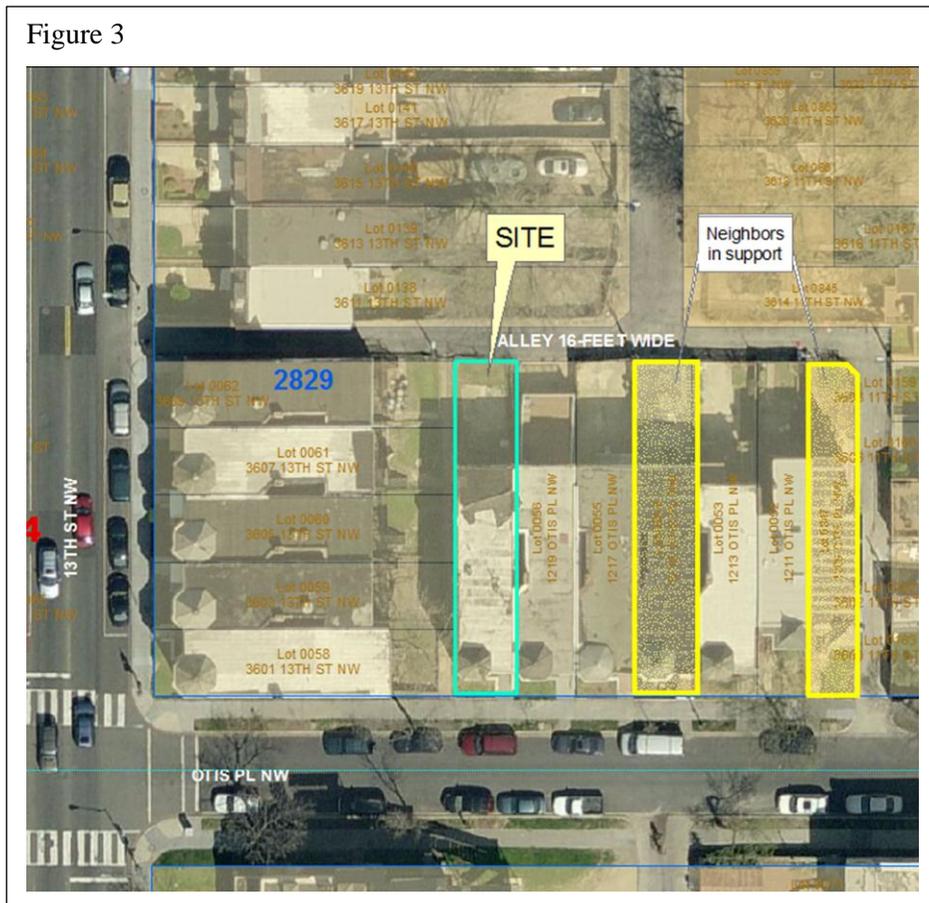
- **No Substantial Detriment to the Public Good**

It does not appear that permitting one apartment on each existing floor of the dwelling would negatively impact the surrounding neighborhood. Onsite parking would be adequate and the overall building envelope would remain the same.

- **No Substantial Harm to the Zoning Regulations**

Granting the zoning relief as requested would be contrary and detrimental to the intent and integrity of the Zoning Regulations. The Zoning Commission recently amended the R-4 district regulation to clarify and reinforce that this zone district is not intended to be an apartment zone.

Figure 3



## VI. COMMUNITY COMMENTS

The Statement included 12 letters of support from area neighbors. Two of these addresses (1209 and 1215 Otis Place) are along the same street frontage (refer to Figure 3).

On November 14, 2012, Advisory Neighborhood Commission (ANC) 1A voted to recommend approval of this request.