

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 27, 2012
SUBJECT: BZA Case 18452, 1741 Kilbourne Place NW, continued use of an existing non-conforming three-unit apartment building (converted from two units without permits)

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 401.3 Lot Area (2,700 sf. required, 1,943 sf. provided).

Based on the information provided, the Office of Planning does not find sufficient evidence that the applicant has satisfied the tests for the requested variance. The application did not sufficiently establish what unique property characteristic(s) create a practical difficulty in this case, or how this would not impact the integrity of the zoning regulations.

II. LOCATION AND SITE DESCRIPTION

Address	1741 Kilbourne Place NW
Legal Description	Square 2602, Lot 103
Ward	1
Lot Characteristics	Rectangular interior rowhouse lot
Zoning	R-4 – single family or flat, rowhouse buildings
Existing Development	Row dwelling, permitted in this zone. The existing property is three stories and was built in 1910.
Historic District	Mount Pleasant Historic District
Adjacent Properties	Rowhouse structures
Surrounding Neighborhood Character	The neighborhood is mostly comprised of rowhouses.

III. APPLICATION IN BRIEF

The subject site is a rectangular, interior rowhouse lot. The structure has been used for multiple dwelling units since at least 1948. At the time of its purchase by the applicant and partners in 2008, the property was configured as two apartment units. The property was converted from two to three apartment units without the required approvals. The applicant requests permission to allow the continued use of the structure in its existing non-conforming configuration as a three-unit apartment building.



IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	3 stories/ 40 ft. max.	3 stories	ft.	None required
Lot Width § 401	18 ft. min.	18.5 ft.	18.5 ft.	None required
Lot Area § 401	2,700 sf. min. (900 sf. per unit)	1,943 sf. (648 sf. per unit)	1,943 sf. (648 sf. per unit)	Relief required
Lot Occupancy § 403	60 % max.	58.9%	58.9%	None required
Rear Yard § 404	20 ft. min.	30 ft.	30 ft.	None required
Side Yard § 405	None required	ft.	ft.	None required

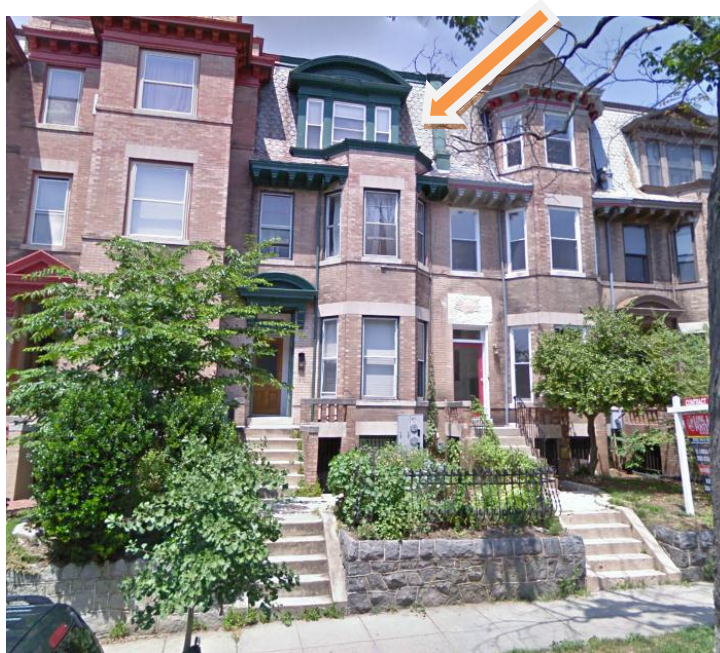


Figure 1: Subject Property

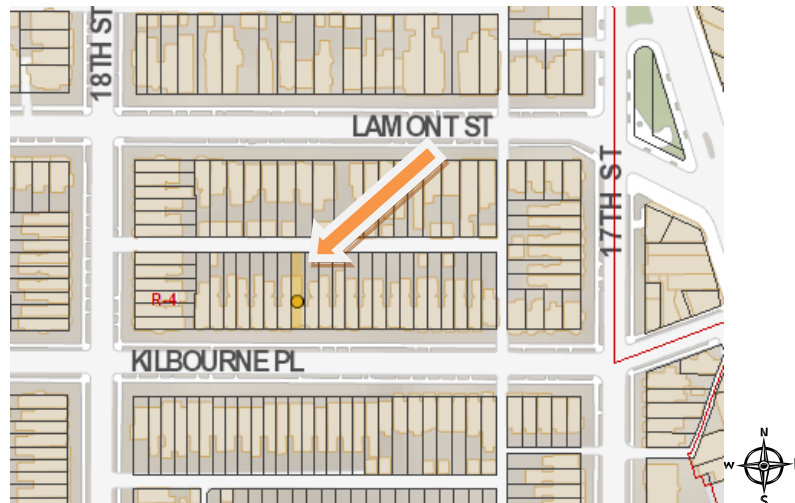


Figure 2: Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401.3

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot is not unique or exceptional. It is rectangular and the same size as adjacent lots and other lots on the square. The applicant has not cited a unique physical characteristic, exceptional situation or any other extraordinary circumstance affecting the property and has not demonstrated a need for an additional residential unit. As such, the subject property does not satisfy this criterion of the variance test.

ii. No Substantial Detriment to the Public Good

While the proposal would not likely result in a substantial detriment to the public good, it would result in an increase in density beyond that anticipated by the R-4 District. Zoning in the area includes both low and moderate density zones, as well as other areas zoned for multi-family development. Reduction in the number of available larger family-sized units in Mount Pleasant could have an adverse impact on the neighborhood's character.

iii. No Substantial Harm to the Zoning Regulations

Relief would impair the intent of the Zoning Regulations. Section 401 of the Zoning Regulations requires a minimum of 900 square feet of lot area per apartment when a building in the R-4 zone is converted to an apartment building. The existing three units result in only 648 square feet of lot area per unit.

The "primary purpose [of the R-4 zone] shall be the stabilization of remaining one-family dwellings" and it "shall not be an apartment house district as contemplated under the General Residence (R-5) Districts..." (Zoning Regulations, §§ 330.2 and 330.3). More specifically, in text amendments approved in 2007, the Zoning Commission sought to limit these types of conversions by strengthening the language on minimum lot area and lot occupancy for apartment conversions.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VII. COMMUNITY COMMENTS

As of this writing the Office of Planning has not received comments from the ANC or the community.