

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** March 16, 2018  
**SUBJECT:** BZA Case 19690 (2916 P Street, S.E.) to allow the enlargement of an apartment building

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following use variance:

- C § 204.1, Expansion of a Nonconforming Use (expansion not permitted, area expansion proposed).

**II. BACKGROUND**

The subject application was originally filed as an area variance application to expand an existing nonconforming use, pursuant to a letter from the Office of Zoning Administrator (ZA) dated July 14, 2017. On January 31, 2018, the ZA revised its letter, informing the applicant that the expansion would instead require use variance relief from the BZA.

**III. LOCATION AND SITE DESCRIPTION**

Address	2916 P Street, S.E.
Applicant	2916 P Street, LLC
Legal Description	Square 5547, Lots 808 and 809 <sup>1</sup>
Ward, ANC	Ward 7, ANC 7B
Zone	R-3
Lot Characteristics	Two side-by-side rectangular lots with rear alley access
Existing Development	Four-unit two-story apartment building constructed in 1935
Adjacent Properties	North: Across the public alley, one-family detached dwellings South: Across P Street, institutional use East: Apartment building West: Semi-detached dwelling

<sup>1</sup> The applicant informed OP that an application was filed to consolidated the property into a single record lot at the request of DCRA

Surrounding Neighborhood Character	Mixture of residential and institutional uses
Proposed Development	Rear addition to expand the size of each of the four apartment units

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone: R-3</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height D § 303.1	40 feet	20 feet	34 feet	None Required
Lot Width D § 302	40-foot min.	50 feet	No Change	None Required
Lot Area D § 302	4,000 sq.ft. min.	5,680 sq.ft.	No Change	None Required
Lot Occupancy D § 304	40% max.	24.7%	40%	None Required
Rear Yard D § 306.2	20 feet	51 feet	28.8 feet	None Required
Side Yard D § 307.2	7 feet <sup>2</sup>	7 feet	No change	None Required
Parking C § 701.5	None	None	2 spaces	None Required
Use Variance C § 204.1	No increase in GFA	2,504 sq. ft.	6,830 sq. ft.	<b>REQUIRED</b>

**V. OFFICE OF PLANNING ANALYSIS**

**Use Variance Relief from C § 204.1, Extension of Gross Floor Area of a Nonconforming Use**

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

The subject property is improved with a four-unit apartment building designed and constructed in 1935, prior to the adoption of the 1958 Zoning Regulations, and has been continuously used as such. Although the structure could physically be converted to a one or two-unit building, the application indicates that after factoring in the costs of renovations and modernization of this 80 plus year old building, the applicant would lose money because of the reduced number of units to sell, resulting in a practical difficulty to the applicant. The incorporation of the existing basement, not currently in use as living space, into two of the proposed apartments, would allow the applicant to make productive use of this otherwise unusable floor area.

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

The expansion of the building from four units averaging 626 square-feet each to two at 1,543 square feet and two at 1,872 square feet would result in more family-friendly apartments with more bedrooms, without reducing the number of housing units in the neighborhood. ANC 7B submitted a letter to the file in support of the modernization and expansion of the building into family-sized units, and the sale of them as condominiums.

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<sup>2</sup> For existing buildings with a side yard of less than 8 feet, D 307.5 permits a building extension to maintain the existing side yard, provided it is no less than 5 feet in width.

Use of the existing basement would allow for that space to be incorporated into two of the apartments, enhancing the applicant’s ability to create family-sized units.

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

The subject application is a request to expand the gross floor area, but not the intensity of use, of an existing nonconforming four-unit apartment building. Although the square footage of the building is proposed to increase and the basement level is proposed to be incorporated into those units, the structure would conform to all bulk regulations and would continue to operate as a four-unit building with no increase in the number of units.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT, in a memorandum dated February 9, 2018, indicated that it had no objection to the application.

No comments were received from other District agencies.

**VII. COMMUNITY COMMENTS**

ANC 7B, at its regularly scheduled meeting of November 18, 2017, voted to support the application as an area variance.

Attachment: Location Map

