

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 23, 2018
SUBJECT: BZA Case 19709 (411 Mellon Street, S.E.)

I. OFFICE OF PLANNING RECOMMENDATION

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

- C § 204.1, Nonconforming Use (extension of the gross floor area of a nonconforming use proposed; extension of the gross floor area of a nonconforming use not permitted); and

OP recommends approval of the following special exception:

- D § 306.4, Rear Wall Extension (maximum 10-foot extension of rear wall permitted; 14.5-foot extension proposed).

II. LOCATION AND SITE DESCRIPTION

Address	411 Mellon Street, S.E.
Applicant	Focus Works LLC
Legal Description	Square 5996, Lot 52
Ward, ANC	Ward 8, ANC 8C
Zone	R-3
Lot Characteristics	Rectangular lot with rear alley access and a 15-foot deep building restriction line along the Mellon Street frontage
Existing Development	Vacant two-story semi-detached apartment building with 4 one-bedroom one-bathroom units
Adjacent Properties	North, South, East and West: two-story semi-detached apartment buildings
Surrounding Neighborhood Character	Mixture of low to moderate residential uses, including one-family detached, triple-attached and row houses and small apartment buildings.
Proposed Development	Rear addition to create four two-bedroom two-bathroom units out of the existing units, including utility rooms

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: R-3	Regulation	Existing	Proposed	Relief
Height D § 303	40-foot max.	21.8 feet	No Change	None Required
Lot Width D § 302	30 feet	40 feet	No Change	None Required
Lot Area D § 302	3,000 sq.ft. min.	4,000 sq.ft.	No Change	None Required
Lot Occupancy D § 304	40% max.	30.9%	40%	None Required
Rear Yard D § 306	20-foot min.	46 feet	24/1 feet	None Required
Side Yard D § 307	7.6-foot min. ¹	7.6 feet	10.75 feet	None Required
Parking C § 701.5	1 per 2 dwelling units, or 2 spaces	None	4 spaces	None Required
Rear Wall D § 306.4	Max. 10-foot extension	None	14.5 feet	REQUIRED
Addition to Nonconforming Bldgs. C § 204.1	Not permitted	--	Rear building addition	REQUIRED

IV. OFFICE OF PLANNING ANALYSIS

a. 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 was developed in 1941 as an apartment building with four one-bedroom one-bathroom units, as it exists today. The applicant proposes to expand the building to convert each of the units to two-bedroom two-bathroom apartments as a part of a modernization and rehabilitation of this 76-year old multi-family structure. The proposed rear addition would allow the applicant to expand and modernize the units. Without the granting of this variance it would be more difficult for the applicant to bring the existing building up to modern living standards.

ii. No Substantial Detriment to the Public Good

The expansion of the building, including the modernization of the dwelling units, would allow the applicant to bring back into use this currently vacant building with modern units, but without increasing the intensity of the use of the property.

iii. No Substantial Harm to the Zoning Regulations

It would not increase the intensity of the use and would add four off-street parking for the tenants of the building. The building addition would conform to all bulk regulations for the

¹ Section D 307.5 permits a building addition to maintain an existing side yard of less than 8 feet, but n less than 5 feet, for a building addition.

R-3 zone, except for the extension of the rear wall more than ten feet beyond the rear wall of the structures on the adjoining lots.

b. Special Exception Relief from D § 306.4, Extension of a Rear Wall

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed addition would be equal in height to the existing structure and set back 10.75 feet from the east side lot line, more than the existing 7.6-foot side yard, minimizing the impact the proposed addition would have on neighboring properties. Although the proposed addition would extend back 14.5 feet beyond the rear wall of either adjoining property, most of the extension (3 feet, 3.25 inches) would be due to the construction of a utility room enclosure, set back almost 19 feet from the east side lot line and more than ten feet on the west, minimizing impacts on light and air.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Privacy of use of adjoining properties should not be unduly affected. Windows on the east side of the addition would be set back further from the common property line to the east than those within the existing structure. No windows would be provided on the west side.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

The addition would be visible from the public alley, equal in height to the existing structure and improved with fenestration compatible to the remainder of the building, maintaining the existing character, scale and pattern of existing housing along the alley.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways;

The applicant submitted plans, photographs and elevation drawings to represent the proposed addition.

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP makes no recommendations for special treatment.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The applicant has separately requested use variance relief, as described above.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The applicant does not propose the introduction or expansion a nonconforming building height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated March 15, 2018, had no objection to the application. (Exhibit 37)

No other comments were received from District agencies.

VI. COMMUNITY COMMENTS

No comments had been filed by ANC 8C as of the date of this report.

Attachment: Location Map

