

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 16, 2018

SUBJECT: BZA Case 19720: Request to increase the number of units in a nonconforming apartment building

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X § 1000.1 to:

- C § 204.1 (no new dwelling units permitted; two new dwelling units proposed)

II. BACKGROUND

The subject property was developed in 1950 as an apartment building with ten units. The basement level of the building is at grade at the rear of the building facing the public alley, and was developed with one apartment, a utility room, a laundry room, three automobile garage spaces and what appears to have been a loading space. Subsequently the parking and loading spaces were converted to storage and two parallel parking spaces were created between the building and the alley. The applicant now proposes to retain the apartment, utility and laundry rooms, but convert the storage spaces to two apartment units, increasing the number of units in the building to twelve.

III. LOCATION AND SITE DESCRIPTION

Address	465 Mellon Street, S.E.
Applicant	Equilibrium 465 Mellon LLC
Legal Description	Square 5996, Lot 34
Ward, ANC	Ward 8, ANC 8C
Zone	R-3
Lot Characteristics	Unusually shaped lot with rear alley access and a 15-foot deep building restriction line (BRL) across all street frontages. The northeast corner of the property fronts on an unbuilt circle (Wilson Circle).
Existing Development	Three-story plus basement apartment building with 10 units and two off-street alley parallel parking spaces. Three garage spaces on the basement level were converted to storage.

Adjacent Properties	North: Across Mellon Street, detached and semi-detached one-family dwellings Northwest: Across public alley, one-family detached dwelling East: Across 5 th Street, 3-story apartment building Southeast: Across 5 th Street, 3-story plus basement apartment building Southwest: One-family detached and multi-family dwellings
Surrounding Neighborhood Character	The surrounding neighborhood contains a mix of detached, semi-detached dwellings, and small and medium-sized apartment buildings
Proposed Development	Addition of two dwelling units within the basement level of the multi-family building and creation one additional off-street parking space for a total of three.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
Height D § 303	40-feet and 3-stories max.	3-stories + basement	No Change	None Required
Lot Width D § 302	40-foot min.	54.7 feet	No Change	None Required
Lot Area D § 302	4,000 sq.ft. min.	6,768 sq.ft.	No Change	None Required
Lot Occupancy D § 304	40% max.	33%	No Change	None Required
Rear Yard D § 306	20-foot min.	ft.	No Change	None Required
Side Yard D § 307	8-foot min.	ft.	No Change	None Required
Parking C § 701	3 spaces	2 spaces	3 spaces	None Required
Use Variance C § 204	No Increase in intensity of N/C use	N/C apartment building	Increase intensity (add 2 apts.)	REQUIRED

V. OP 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

Approximately half of the basement level of the building is devoted to storage that is no longer needed, and the three garage parking spaces that previously occupied the space are proposed to be located outside the building. Loading is not required for buildings with fifty or fewer units, such as the building that is the subject of this application. As a result, a portion of the basement level of the building, although existing, is vacant and underutilized, but maintained by the applicant.

ii. No Substantial Detriment to the Public Good

No physical expansion of the building is proposed, maintaining the existing character of the neighborhood. The only visible changes to the exterior of the building would be the replacement of the metal doors to the exterior of the building with brick similar to the existing brick facing the rest of the building and fenestration, improving the appearance of the property from the alley, Mellon Street and the residential property to the northeast.

iii. No Substantial Harm to the Zoning Regulations

The addition of two apartment units to the building would have no effect on lot occupancy, depths of yards or building height. Three off-street parking spaces would be restored to the site for use by the tenants. Although two new apartments would be added, the addition would not add establish a new nonconforming use or expand the square footage of the building. It would continue the use of the structure as a nonconforming apartment building that predates the adoption of the 1958 Zoning Regulations, but allow for more efficient utilization of existing building area.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

No comments from ANC 8C had been entered into the record as of the date of this report.

Attachment: Location Map

