

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** February 16, 2016

**SUBJECT:** BZA Case 19189 – use variance request to convert a one-family dwelling into a flat in the R-3 District at 5523 13th Street N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

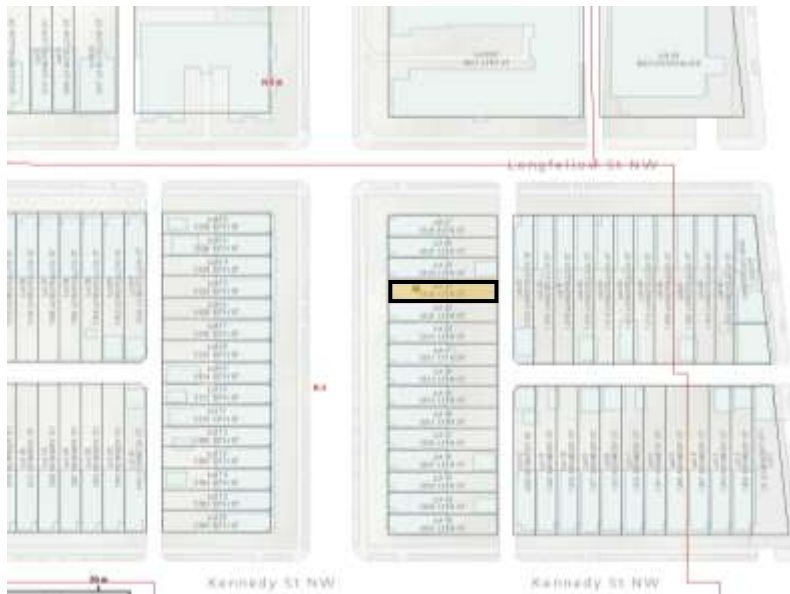
- § 320.3 R-3 District Provisions (1 unit per lot permitted; 2-unit flat proposed);

The Applicant communicated to OP his intent to withdraw the application; however, as of this writing, a request to withdraw the case has not been submitted to the record. The Applicant has not provided evidence to support the proposed use variance for the conversion of an existing single family home into a flat, and did not establish that the conditions involving the Subject Property rise to the level of an undue hardship.

**II. LOCATION AND SITE DESCRIPTION**

Address	5523 13th Street N.W (the “Subject Property”)
Applicant:	Christopher R. Leary (the “Applicant”)
Legal Description	Square 2933, Lot 24
Ward / ANC	Ward 4; ANC 4C
Zone	R-3 – Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings)
Historic District or Resource	NA
Lot Characteristics	The rectangular lot is 19.75 feet wide along and 13 <sup>th</sup> Street NW frontage and 100 feet deep. A 15 foot alley is located to the rear.
Existing Development	The property is improved with a two-story row dwelling.
Adjacent Properties	Adjacent properties include two-story row dwellings.
Surrounding Neighborhood Character	The neighborhood is primarily comprised of two-story row dwellings and multifamily buildings north of Longfellow Street NW.

Proposed Development	The Applicant proposes to convert a single family unit home into a flat. No new construction is proposed.
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### III. OFFICE OF PLANNING ANALYSIS

#### a. Variance Relief from § 320.3, R-3 District Provisions

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

OP does not find a specific uniqueness that imposes a practical difficulty which is unnecessarily burdensome to the Applicant. A practical difficulty related to the Subject Property's shape, size, or topographical characteristics has not been established; the Subject Property is rectangular in shape, 1,800 sf. in total area, has no significant grade changes, and is developed with a workhouse, consistent with the surrounding area and with the zoning.

**ii. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

The relief could not be granted from § 330.5 without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Map, as the proposed “flat” use is not anticipated in the R-3 zone.

**IV. COMMUNITY COMMENTS**

At its meeting on February 10, 2016, ANC 4C voted 8-0 to oppose the proposed relief.