



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: November 20, 2012

SUBJECT: BZA Case No.18446, 1308 Euclid Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Board of Zoning Adjustment deny the requested area variance from the minimum lot area requirements of § 401.3, to convert a row-house flat into a 3-unit apartment building in the R-4 zone.

The lot is 570 square feet smaller than the 900 square feet of lot area per unit that is required for a matter of right conversion to three units.

II. AREA AND SITE DESCRIPTION

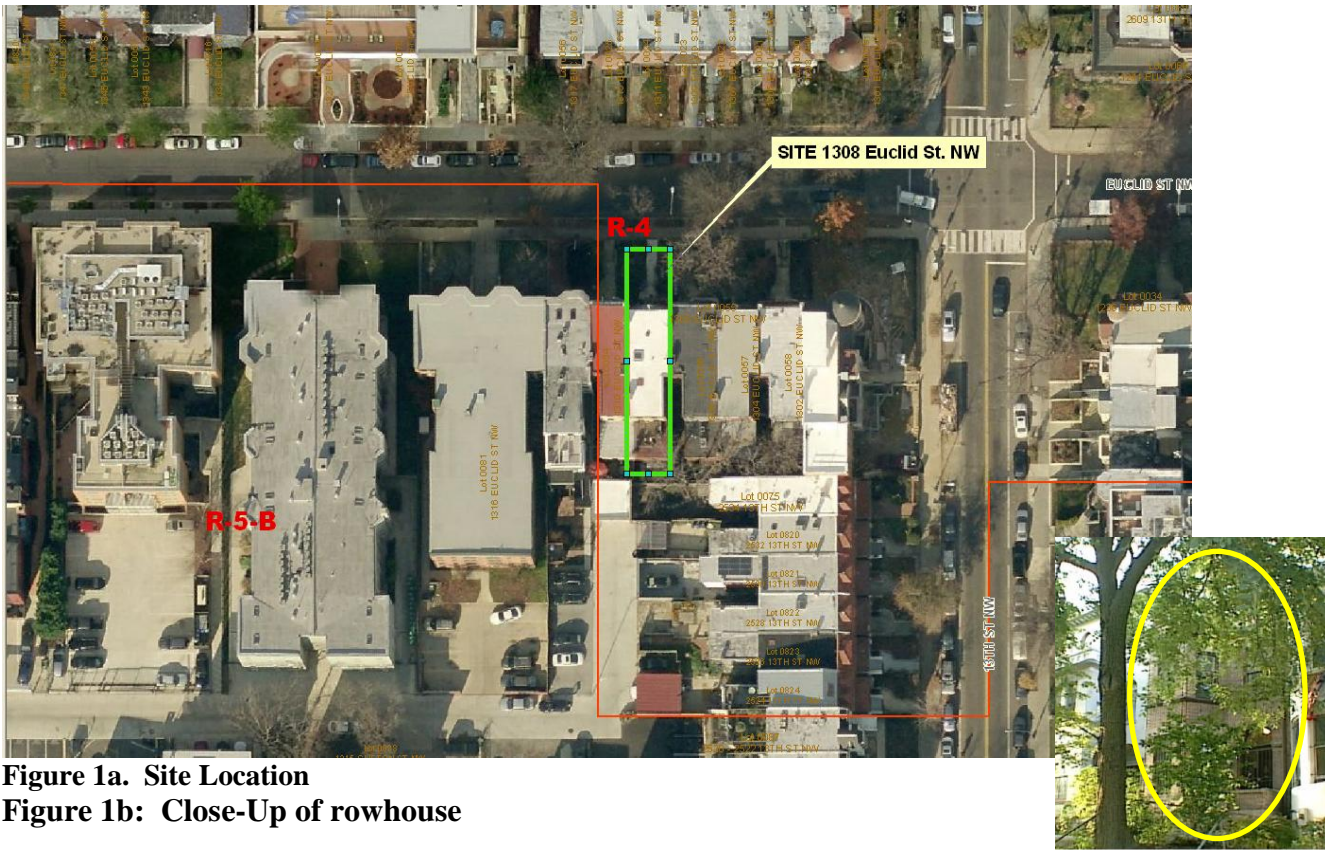


Figure 1a. Site Location

Figure 1b: Close-Up of rowhouse

Applicant	Edmund Bruske	Legal Description:	Square 2866, Lot 55
Address:	1308 Euclid Street, NW	Ward: 1	ANC: 1B
Zoning:	R-4	Historic Preservation:	Not Applicable
Lot Characteristics	Level, rectangular mid-block lot with no alley access or curb cut		
Adjacent Properties:	West: Rowhouse structure applicant states is used as rooming house/group house; East: Rowhouse applicant states has been converted to six-unit condominium		
Nghbd. Character:	Single family rowhouses, flats and moderate density apartment buildings. Some structures used for institutional residential facilities		

III. ZONING REQUIREMENTS and REQUESTED RELIEF

	Required / Permitted	Existing	Proposed	Relief
Lot Area §401.3	900 sf/unit for 3 du = 2,700 sf	2,130 sf	Same	Requested. 570 sf total, or 190 sf per unit
Lot Width	18 feet	Approx. 20 ft.	Same	none
Lot Occ. §403.2	60%	Approx. 56%	Same	none
Height	40' - 3 stories	< 40' - 3 stories	Same	none
Parking §§ 2101& 2117.9	0	0	Same	none
Rear Yd. §404.1	20' min	Not provided, Approx. 10'	Same	Not requested
Side Yd.	None required, 8 ft. min if provided	Not provided	Same	None
Open Ct. §406.1	4 in./ ft. of height, but ≥ 6 ft.	Not provided by applicant; Approx. 4 ft.		Not requested

IV. OFFICE OF PLANNING ANALYSIS OF REQUESTED RELIEF

a. Exceptional Conditions Resulting in a Practical Difficulty

The applicant has not demonstrated the existence of an exceptional condition resulting in a practical difficulty

- The applicant purchased the house in 1987. Although the applicant has documented that the building has three electric meters, the owner has had twenty five years to determine: 1) whether the structure has a valid occupancy permit for three units and; 2) whether, given the R-4 zoning, the building renovation efforts over the years may have been more appropriately focused on a duplex configuration.
- The owner states that the removal, by a prior owner, of the stairs connecting the basement and first floors make it impractical to recombine the two floors into one unit. At the same time the applicant

has submitted information from a structural engineer that indicate that within the context of other repair needs, the re-insertion of a staircase may be a relatively minor task.

- The site inspection report is an assessment of present conditions. The information does not demonstrate why these are exceptional conditions leading to a practical difficulty. Rather, the applicant has stated that the repair works needs to be done and that absent the reconversion of the basement into a residential unit, there would not be “any corresponding material economic benefit to mitigate restoration and maintenance costs”¹ The applicant has not cited any section of the zoning regulations that entitles a property owner to financial compensation for maintenance costs.
- The applicant posits that re-installing stairs connecting the basement to the first floor in order to make a two-floor unit would impose a practical difficulty on a family renting the first floor of the rowhouse. The applicant has not addressed alternatives such as doing the repair work and letting the basement remain a basement, or framing-out for a future stair that could be inserted when the current first-floor tenants move.

b. No Substantial Detriment to the Public Good

The granting of relief for an additional unit would not likely result in substantial harm to the public good. The block and the Columbia Heights neighborhood already contain a mix of rowhouses, duplexes, rowhouses converted into apartment buildings, moderate-sized apartment buildings and institutional uses.

c. No Substantial Harm to the Zoning Regulations

Granting the approximately 25% relief from the requirements of § 401.3 would cause substantial harm and impairment to the intent of the Zoning Regulations. 11 DCMR § 330.3 states “The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.” A text amendment, approved in 2007, reinforced the minimum lot area requirement for apartment conversions in the R-4 zone. The proposed use of the subject property would be contrary to the purpose of the R-4 district.

The applicant has not demonstrated an exceptional condition that has imposed a practical difficulty. The July, 23, 2012 applicant statement essentially says that the applicant should be given relief from the zoning regulations to offset the costs of deferred maintenance. The deterioration may be significant, but the zoning regulations are not intended to protect an applicant from a series of choice made over of a quarter-century. The applicant chose to live in the basement and renovate the two apartments upstairs before performing the basic structural work the applicant now states is needed.

V. COMMENTS OF OTHER DISTRICT AGENCIES

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

VI. COMMUNITY COMMENTS

There were no ANC or other community comments on file as of November 20, 2012.