



MEMORANDUM

TO: Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director
DATE: April 13, 2010
SUBJECT: BZA Application #18055 – 304 Q Street, NW
Square 521, Lot 809

I. OP RECOMMENDATION

The Office of Planning (OP) **recommends denial** of the variance to the required lot area to permit a four-unit apartment building in the R-4 District (3600 sf lot area required, 896 sf lot area provided).

II. APPLICATION-IN-BRIEF

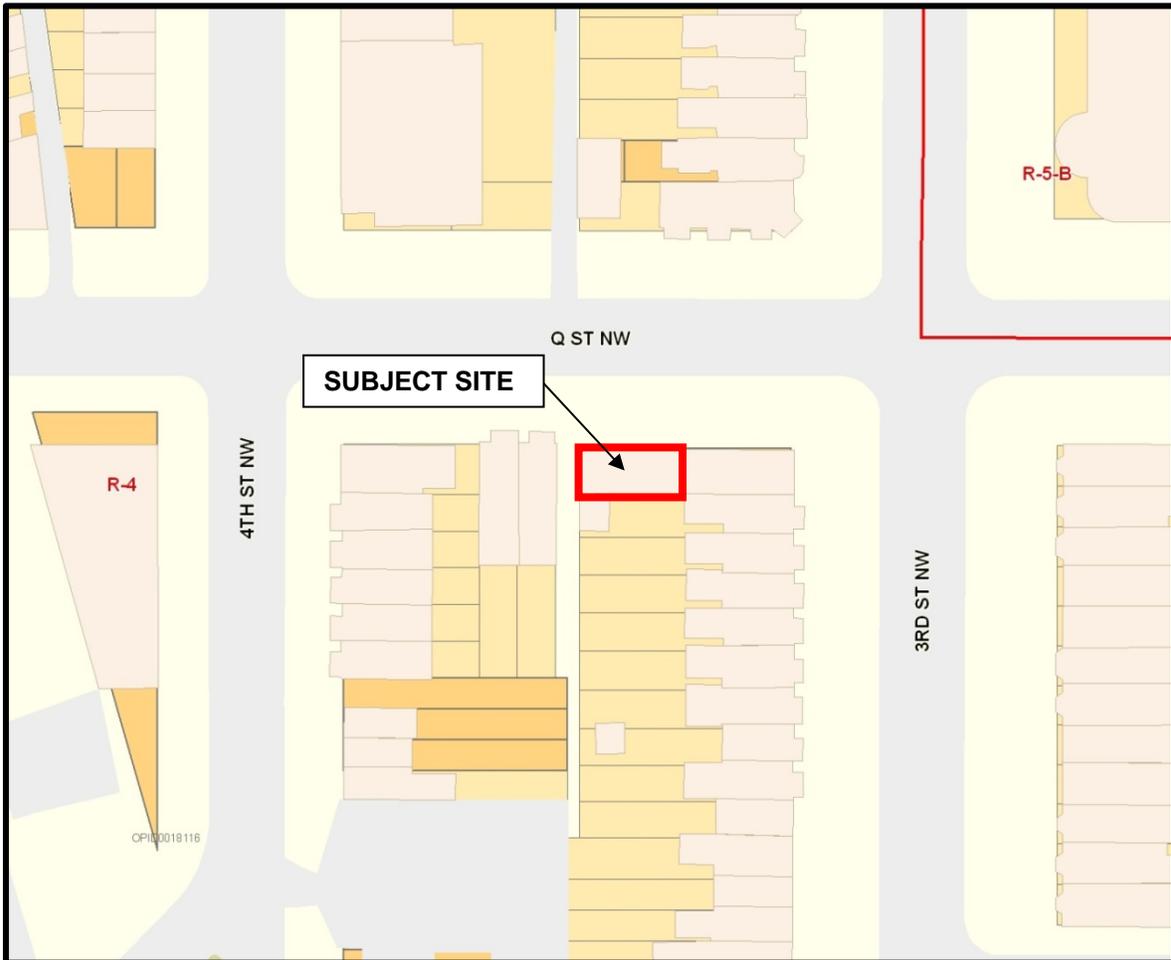
Applicant: Bonnet Development Group **Property:** Square 521, Lot 809
ANC: 5C **Zoning:** R-4
Proposal: Establish a four-unit apartment building in the R-4 zone.

III. SITE AND AREA DESCRIPTION

The subject property is on the south side of Q Street between 3rd and 4th Streets, NW. The lot is about 43 feet wide and 21 feet deep, and an existing three story with cellar building occupies 100% of the lot. The building, which, according to the applicant has been vacant for at least 20 years, has certificates of occupancy for a church on the first floor and a flat on the second and third floors.

The lot, which has existed since at least 1928¹, presumably was created by dividing in half the original rowhouse lot, which fronts on 3rd Street. An alley bounds the lot on the west. The remainder of the square and the surrounding neighborhood are developed mostly with rowhouses. Please refer to the vicinity map on the next page.

¹ Sanborn maps from 1928 shows the lot as it exists today, with the building occupied by a church.



IV. ZONING

The site is zoned R-4. The table below lists the requirements of the R-4 zone and the parameters of the proposed development.

Item	Section	R-4	Existing	Proposed	Relief
Height	400	40' 3 Stories	36' 10" 3 Stories	No Change	Conforming
Lot Area	401	900 sf/unit	896 sf <u>Total lot area</u>	224 sf/unit	Requested (75% variance)
Lot Width	401	None Prescribed	43.28'	No Change	Conforming
Lot Occupancy	403	60% or existing	100%	No Change	Conforming
Rear Yard	404	20'	0'	No Change	Existing
Side Yard	405	0'	0'	No Change	Conforming
Total Floor Area	n/a	n/a	3920.4 sf	No Change	n/a

V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in §3103.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The property exhibits unusual features. The size of the subject lot is significantly smaller than a typical lot in the subject square and surrounding area. In addition, at 100%, the existing lot occupancy of the subject lot is unusual for the surrounding neighborhood. The property is also exceptional in that it has two existing certificates of occupancy – one for a flat and another for a church.

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

None of the circumstances listed above lead to a practical difficulty related to the relief being requested. The applicant's written statement indicates that attempts have been made to lease the cellar and first floor to a church, in conformance with the existing certificate of occupancy, but that no offers were received. The applicant, therefore, is proposing to change the use from church to residential. The applicant's proposal, for an apartment building in the R-4 district, goes beyond what is acceptable to achieve reasonable use of the property.

The recent, undated, written submission of the applicant states that a difficulty is imposed because BZA relief is required to make any reasonable use of the cellar and first floor. The Office of Planning disagrees with that statement and contends that §401.1 does not apply and therefore does not prevent the existing flat from being expanded into the cellar and first floor as a matter of right. Section 401.1 states that "the lot area requirements of §401.3 must be met when the building is being *converted* to a use..." (emphasis added). In this case, the building already contains a flat and so is not being converted to a new use.

The other point made by the applicant is that it would be difficult to achieve a reasonable financial return if the lower two floors were made into a single unit; The recent, undated, written statement says that construction costs would be higher for one two-story unit than for two individual units. It also says that the rent for two one-story units would provide a reasonable return but that the achievable rent for a two-story unit would not. The applicant should provide financial evidence to support these statements.

- 3. 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 redevelopment of the existing structure would be a benefit to the neighborhood. There is no onsite parking, but the parking requirement would be less for the proposed uses than for the approved existing uses.

The conversion to a four unit apartment building, however, would harm the public good and impair the intent of the Zoning Regulations by creating an apartment on a property that zoning explicitly states is too small for this use. Section 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.” Furthermore, a text amendment, approved in 2007, reinforced the minimum lot area requirement for apartment conversions in the R-4. The proposed use of the subject property would be contrary to the purpose of the R-4 District.

VI. HISTORIC PRESERVATION

The subject property is not located in an historic district.

VII. OTHER DISTRICT AGENCY REPORTS

The Office of Planning has not received reports from any other District agency.

VIII. COMMUNITY COMMENTS

At its March 16, 2010 public meeting, ANC 5C voted to support the application. The Office of Planning has not received any other comments from the community on the proposal.

JS/mrj

Matt Jesick, Project Manager