



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** May 13, 2014

**SUBJECT:** BZA Case No. 18759, 1328 Montello Ave. NE Square 4064, Lots 32-34



**I. OFFICE OF PLANNING (OP) RECOMMENDATION**

The Office of Planning (OP) recommends the Board of Zoning Adjustment (BZA) **deny** the area variances from §§401.3 and 401.11 that the applicant has requested to allow conversion of a single family detached dwelling to an apartment building with eight-units, rather than the six units that would otherwise be permitted by-right. OP has advised the Applicant that the submitted design may also require side yard relief under § 405.1.

Figure 1. Site Location

**II. BACKGROUND**

<b>Applicant:</b> I.S. Enterprises, Inc.	<b>Ward and ANC:</b> 5B
<b>Address:</b> 1328 Montello Ave. NE	<b>Zoning:</b> R-4 -- Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), and conversion of existing buildings to apartments provided there are 900 square feet of lot area for each dwelling unit.
<b>Legal Description:</b> Square 4064, Lots 32-34	<b>Historic District:</b> none
<b>Proposal:</b> Add one story and a rear addition to an existing single family detached house. Area variance requested equal to 1392 square feet to permit conversion of the residence to 8 apartments, rather than the 6 units that are permitted under § 401's allowance of one unit for each 900 square feet of lot area.	
<b>Lot Features</b>	The 5,808 square foot rectangular site that would result from the combination of three lots, is located on the southwest corner of Montello Avenue and Oates Street in the Trinidad neighborhood of northeast Washington, one block from Gaulludet University. The property is a two-story detached house with rear additions, a partially above-ground basement and an interior garage
<b>Adjacent Properties</b>	Row Dwellings



<b>Neighborhood Character</b>	Generally, moderate density row houses and flats with some walk-up apartment buildings.
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### III. ZONING REQUIREMENTS, REQUESTED RELIEF

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Item	Reg.	Existing	Required / Permitted	Proposed	Relief
<b>Lot Area</b>	<b>401.3</b>	<b>5808 sf total</b> <i>Lot 32: 2816</i> <i>Lot 33: 1496</i> <i>Lot 34: 1496</i>	<b>7200 for 8 du's</b>	<b>existing</b>	<b>1392 sf of relief required for 8 apartment units</b>
<b>Lot Width</b>	none	66 ft. total <i>Lot 32: 32 ft</i> <i>Lot 33: 17 ft</i> <i>Lot 34: 17 ft</i>	54 total	existing	Conforms when consolidated
<b>Lot Occupancy</b>	772.1	43%	60%	58 %	Conforms
<b># du/lot sf</b>	<b>401.11</b>	<b>n/a</b>	<b>6</b>	<b>8</b>	<b>174 sf deficient for each proposed du</b>
<b>Height</b>	<b>400.1</b>	32 ft., 2 stories	40 ft. max; 3 stories	36 ft. 9 in. 3 stories	<b>Conforms</b>
<b>Roof Structure</b>	n/a	n/a	n/a	n/a	n/a
<b>Parking</b>	2101.1	1	1 per 3 du's, i.e., 3	<b>4 - 8</b>	Conforms
<b>Loading</b>	2202.1	n/a	n/a	n/a	n/a
<b>Rear Yard</b>	404.1	27 ft.	20 ft.	20 ft.	conforms
<b>Side Yard</b>	<b>405.9</b>	<b>8 ft</b>	<b>10 ft</b>	<b>6 ft. on north</b> <b>0 ft. on south</b>	<b>Relief not requested, but may be required.</b>
<b>Open Ct. Width</b>	<b>406.1</b>	none	Greater of 10 ft. or 4 in. / ft. of height	11 ft. for center court. Other courts dimensions not clear.	Center court conforms. Clarification of other court dimensions required and status of one court as open or closed court.

### IV. OP ANALYSIS

#### Variance Relief from §§ 40113 and 401.11

#### Exceptional Situation Resulting in a Practical Difficulty

The applicant has not demonstrated how the property meets this test. The application states that the large size and “sprawling footprint” of the detached house constitutes an exceptional condition leading to a practical difficulty, yet the applicant is proposing to make the house even larger with the addition of a third story to the existing structure, considerable excavation to accommodate units on the basement level, the expansion of existing rear additions, and conversion of the enclosed garage to residential use. According to the application the stated practical difficulty is “preventing the owner from realizing the full development potential for their property”. The applicant has not explained the practical difficulty that would result from retaining the house as a single family residence, or conversion to a duplex or an

apartment building with as many as the 6 units permitted by-right, each with an average of approximately 800 gross square feet

#### **No Substantial Detriment to the Public Good**

Through photos of a variety of nearby building styles and types, the applicant has demonstrated that, although the neighborhood consists primarily of two-story row houses, neither a conforming apartment use nor the proposed design would be of substantial detriment to the public good.

#### **No Substantial Harm to the Zoning Regulations**

The applicant does not address this. However, OP notes that the zoning regulations are clear in stating that the R-4 zone is not intended to be an apartment zone, and if apartments are to be developed they are to be permitted only in existing buildings in limited numbers directly related to lot size. Given the R-4 zone's purpose, absent a demonstration of unique or exceptional conditions leading to a practical difficulty, it would result in substantial hardship to the zoning regulations to grant relief to permit two additional apartment units in a building that would be substantially expanding its size to accommodate those units.

#### **V. COMMENTS OF OTHER DISTRICT AGENCIES**

No other departmental reviews had been filed at the time OP completed its report.

#### **VI. COMMUNITY COMMENTS**

ANC 5B had not filed comments at the time OP completed this report. One person had filed for party status in opposition.

