

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15614 of Harbans Lal Sood, pursuant to 11 DCMR 3107.2, for a variance from the 900 square feet of land area per apartment requirement (Subsection 401.3) for the conversion of a single-family dwelling into a three-unit apartment house in an R-4 District at premises 1423 5th Street, N.W. (Square 511, Lot 807).

HEARING DATE: January 22, 1992  
DECISION DATE: March 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 1423 5th Street, N.W. It is located on the east side of 5th Street N.W. The property is zoned R-4.

2. The subject lot consists of 2,000 square feet of land area, has a width of 20 feet, and a rear yard depth of 36 feet. It is improved with a three-story, single-family dwelling which was constructed in 1900. A ten-foot wide public alley abuts the property to the rear.

3. The area surrounding the subject site is developed primarily with rowhouses, flats, and small apartment buildings. A large apartment complex is located one block to the south of the property on 5th Street between N and O Streets N.W.

4. The subject site is located in an R-4 District. The R-4 District permits matter of right development of residential uses including detached, semi-detached and row single-family dwellings, and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and a maximum height of three stories/40 feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit. Relative to this application, a lot area of 2,700 square feet would be required for the conversion of the subject structure to a three-unit apartment house. The subject lot, however, has a lot area of only 2,000 square feet. In addition, an apartment house is not a matter of right use in an R-4 District unless the property conforms to the provisions of Subsection 401.3 of 11 DCMR (i.e. 900 square feet minimum lot area per dwelling unit).

5. The applicant testified that the structure was built in 1900 as a three-story single-family dwelling. Each floor is currently separate, and accessible by a shared stair case within

the building. It is not conducive for two units because of the internal configuration and layout of the structure. The subject property is boarded up on all three levels. There are openings for windows on the second and third floors, but there are no windows in place. The current layout of the structure consists of a main entrance on the first floor, a stairway leading to the second and third floors, and remnants of what at one time was a kitchen, a fireplace, a living room and a large bedroom. The structure is an "I" shaped building.

6. The structure is currently unoccupied and completely boarded up. The applicant proposes to renovate the structure into three individual units. He also proposes to provide two off-street parking spaces in the rear with access through the alley.

7. The applicant stated that there will be no changes to the footprint of the building, except for the addition of a fire escape, which is required by code.

8. With regard to uniqueness, the applicant stated that the interior layout of the property creates a practical difficulty in developing the property in accordance with the current zoning regulations. He stated that the property in its current configuration is not conducive for two units because of the interior layout. In comparing the applicant's property to others in the 1400 block of 5th Street N.W. between P and Q Streets, the applicant stated that all of the houses are occupied with the exception of one unit at the corner. Properties adjacent to 1423 have been rehabilitated. There are several townhouses on the block. Some of the houses are rented as flats.

9. The Office of Planning (OP), by report dated January 14, 1991 (intended date - January 14, 1992) and through testimony at the public hearing, recommended denial of the application. OP stated that they could find no practical difficulty involved.

10. OP pointed out that the subject property is basically similar in size, configuration, structural type, and density to many other properties in the neighborhood.

11. OP also stated that the applicant could conceivably convert the subject structure into a two-unit flat as a matter of right based on the existing size of the lot, which is 2000 square feet.

12. No responses were received from other District government agencies.

13. OP reiterated that the provision of housing opportunities and the renovation of dilapidated buildings in this part of the city would certainly be a good thing, however, the lot is 700

square feet less than it should be. To allow three units would impair the intent, purpose and integrity of the R-4 District regulations. The lot is substandard in size in terms of the R-4 District regulations for conversion to a three-unit apartment building.

14. Advisory Neighborhood Commission (ANC) 2C did not submit a statement in support of or in opposition to the application.

15. A neighbor testified in opposition to the application, and stated that if the application is approved, the number of available on-street parking spaces would decrease. He also stated that there are only two-story and three-story properties with basements on the block, but no three-unit apartment buildings. He was concerned about the value of the properties if this application was approved.

**FINDINGS OF FACT:**

Based on the evidence of record the Board finds as follows:

1. The applicant is proposing to convert a single-family dwelling into a three-unit apartment house.

2. A lot area of 2,700 square feet is required for the conversion of the subject structure to a three-unit apartment house. The subject property has a lot area of only 2,000 square feet.

3. A ten-foot wide public alley abuts the property to the rear.

4. The structure was built in 1900 as a three-story single-family dwelling.

5. The subject property is similar to other properties in the area.

**CONCLUSION OF LAW AND OPINION:**

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking an area variance to allow the conversion of a single-family dwelling into a three-unit apartment house in an R-4 District. Granting such a variance requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional narrowness, shallowness, shape or topographical conditions associated with the property. Further, the Board must find that the application will not be of substantial detriment to the public good, and will not substantially impair the intent, purpose and integrity of the zone plan.

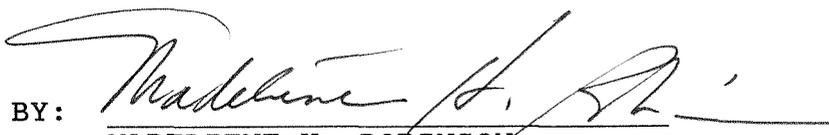
The Board concludes that the applicant has not met this burden of proof. The Board concludes that the interior layout of the property does not make the property unique.

The Board acknowledges that the subject structure was originally used as a three-story, single-family dwelling. However, the interior layout and configuration of the structure does not create a practical difficulty for the applicant in using the property in compliance with the Zoning Regulations. The Board concludes that regarding the intent, purpose and integrity of the R-4 District regulations, the lot is 700 square feet less than it should be to allow conversion to a three-unit apartment building. The subject structure could be converted into a two-unit flat as a matter of right in an R-4 District.

Based on the findings of fact and conclusions of law, the Board ORDERS that this application is hereby DENIED.

VOTE: 3-0 (Carrie L. Thornhill, Paula L. Jewell to deny; and Lloyd D. Smith to deny by absentee vote).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: NOV 30 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15614

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 30 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Yogesh Sood  
1933 18th Street, N.W., #C1  
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Harbans Lal Sood  
3003 Arlington Blvd.  
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Alverta Munlyn, Chairperson  
Advisory Neighborhood Commission 2C  
1127 Sursum Corda Court, N.W.  
Washington, D.C. 20001

A handwritten signature in black ink, appearing to read "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON  
Director

DATE: NOV 30 1993

15614Att/bhs