

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15868 of Ramon P. Johnson, 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 an existing structure to a three unit apartment building in an R-4 District at premises 310 V Street, N.E. (Square 3562, Lot 6).

HEARING DATE: December 8, 1993  
DECISION DATE: January 5, 1994

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 310 V Street, N.E., on the north side of the street between 3rd and 4th Streets N.E. The property is zoned R-4.

2. The site is irregularly shaped with a 22.71-foot width for 75 percent of the property and a 14.71-foot width for the remaining 25 percent. It has a depth of 100 feet. The site comprises 2,071 square feet of land area and is improved with a three-story, plus cellar, detached building that is currently vacant. The site abuts a public alley to the west and a three-story apartment house to the east.

3. The site is located in a predominantly residential area interspersed with commercial, industrial and institutional uses. The Rhode Island Avenue Shopping Center is located to the northeast of the site. Industrial development is located to the east of the site adjacent to railroad tracks. Institutional uses including Prospect Hill and Saint Mary's Cemeteries, McKinley Senior High School, Langley Junior High School and Eckington Recreation Center are located to the north and south of the site. The Rhode Island Avenue Metrorail Station is located two blocks to the northeast of the site.

4. The site is located in the R-4 District. The R-4 District permits matter of right development of residential uses, including detached, semi-detached, 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 limit of three stories/40 feet. Conversion of existing buildings to apartments is allowed for lots with a minimum lot area of 900 square feet per dwelling unit.

5. The applicant proposes to convert the existing three-story, plus cellar, two-unit structure into a three-unit apartment building. The proposed conversion would have a two-bedroom apartment unit on each of the three floors.

6. The subject property consists of 2,071 square feet of land area, 629 square feet less than the 2,700 square feet that would be required for three apartment units in an R-4 zone district. The applicant is requesting a variance from the minimum lot area requirements of 900 square feet of land area per apartment unit.

7. The applicant stated that developing the building as anything less than a three-unit apartment would not be financially feasible. The applicant contends that developing the subject building as a three-unit apartment would be most appropriate and economically sound, in that it would be affordable to a tenant, practical for the neighborhood and most cost effective.

8. By report dated December 1, 1993, and through testimony at the hearing, the Office of Planning (OP), recommended denial of the application. Noting the fact that there is another property on the same block with the same shape and dimensions, OP stated that it could not find that the shape and dimension of the subject property or other existing on-site conditions create a practical difficulty for the applicant. OP further stated that if the subject property and other properties that do not meet the minimum lot area requirement are permitted to be developed with apartments, the result would be intensity of development in an R-4 District causing substantial detriment to the public good.

The Office of Planning concluded that the applicant is not able to meet the zoning requirement not because of a practical difficulty with the property, but because the site is not large enough to accommodate the type of development proposed by the applicant. Therefore, this proposal would substantially impair the intent, purpose and integrity of the Zoning Regulations and Map.

9. The Advisory Neighborhood Commission (ANC) 5C did not submit a report nor was it represented at the hearing. However, the Office of Planning had testified at the hearing indicating that the ANC had decided not to act on the subject application.

10. No one appeared at the hearing to testify in support of the application.

11. Two neighbors testified in opposition to the application raising the following issues and concerns: Parking problems, overcrowding, safety and security in the neighborhood and poor maintenance of rental properties.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds the following:

1. At least one other property in the block has the same dimensions and shape as the subject property.
2. There are at least two matter of right uses available to the owner of the property to develop the existing building without the need for variance relief.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record, the Board concludes that the applicant is seeking a variance from the 900 square feet of land area per apartment unit requirement to convert a flat to a three-unit apartment house in an R-4 District.

Granting such a variance, requires a showing through substantial evidence that requiring strict compliance with the Zoning Regulations will create an undue hardship upon the owner in his efforts to make reasonable use of the property. This hardship must arise out of some unique or exceptional condition of the property such as, exceptional narrowness, shallowness, shape or topographical condition. In addition, the Board must find that granting 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 applicant has failed to demonstrate how complying with the zoning regulations will create a practical difficulty for the owner. The applicant has not introduced any evidence of extraordinary or exceptional situation or condition inherent in the property which would justify the variance relief requested.

The Board further concludes that granting the application will be a substantial detriment to the public good and will substantially impair the intent, purpose and integrity of the zone plan.

In accordance with the above opinion, the application is hereby DENIED.

VOTE: 5-0 (Craig Ellis, William B. Johnson, Laura M. Richards, George Evans and Angel F. Clarens to deny).

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 8 1995

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."

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BOARD OF ZONING ADJUSTMENT



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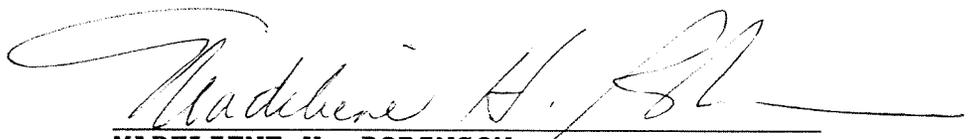
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 8 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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James D. Berry, Jr., Chairperson  
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Washington, D.C. 20002

  
**MADELIENE H. ROBINSON**  
Director

Date: AUG 8 1995