

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



July 25, 2016

Sam Purll
40454 Waterview Drive
Mechanicsville, MD 20659

Re: 1101 Florida Ave NE (Square 0980N, Lot 0016 “Subject Property”)

Mr. Purll:

This letter responds to your request regarding a proposed project at the subject property referenced above, and memorializes the substance of the preliminary design review meeting (PDRM) on 13 July 2016 in respect of same.

Specifically, your request seeks clarification regarding a proposal for a third story addition and increase in load (number of units) from 5 to 8 dwelling units.

Property and Project Description

The Subject Property is located within the R-4 Zoning District (in Square 0980N, Lot 16) and consists of 2,034 ft² of lot area. A corner lot, the Subject Property has street frontage on Florida Ave NE and 11th St NE. It is surrounded on all sides by similar row structures, located within the R-4 and C-2-A Zoning Districts. A ten-foot (10 ft.) wide Public Alley abuts the rear of the lot to the south. The Subject Property is improved with a two-story plus cellar Apartment House with five dwelling units (pursuant to the latest Certificate of Occupancy on file - CO1300824 issued 1/11/2013).

The applicant is proposing third floor addition and increase in the number of dwelling units from five to eight dwelling units.

1100 4th Street, SW 3rd Floor Washington, D.C. 20024
Phone: (202) 442-4576 Fax: (202) 442-4871

Zoning Compliance Analysis

The existing structure was constructed in 1910, and the earliest Certificate of Occupancy located was for a Tenement House (B9211 - 18 Dec 1957). The structure was converted into an Apartment House with three dwelling units pursuant to B38975 issued 26 Mar 1963. There are currently no existing off-street parking spaces for the existing five dwelling units, therefore two (2) parking credits are provided.

As no proposed plans for the proposed addition, no analysis could be provided regarding development standards (lot occupancy, rear yard, building height, etc.) The applicant stated they intended to provide two off-street parking spaces.

Because the existing apartment house has a land area of 2,034 square feet, it is non-conforming in respect to required lot area (900 sq. ft. of lot area for each dwelling unit). In order to increase the number of units to eight, the minimum required lot area would be 7,200 sq. ft.

Conclusion

After careful consideration of the representations made in the PDRM, discussion of the proposed development, and based on all the foregoing above, including the applicable provisions of the Zoning Regulations, it is my determination that the proposed project will require relief from the Board of Zoning Adjustment, which would be a use variance pursuant to 11 DCMR §401.11 and §2001.3 (under the 1958 Zoning Regulations):

401.11 *An apartment house in an R-4 Zone District, whether converted from a building or structure pursuant to former § 330.5(e) or existing §§ 330.7 or 336, or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.*

2001.3 *Enlargements or additions may be made to the structure; provided:*

(a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and

(b) The addition or enlargement itself shall:

(1) Conform to use and structure requirements; and

(2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

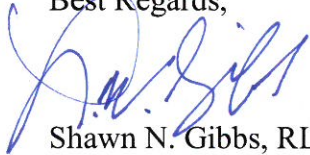
The 2016 Zoning Regulations, which go into effect on 6 Sept 2016, will still require relief. Please refer to Subtitle E §201.4 and Subtitle C §204.1:

201.4 *An apartment house in an RF-1, RF-2 or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2 , may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.*

204.1 *A nonconforming use of land or structure shall not be extended in land area, gross floor area, or use intensity; and shall not be extended to portions of a structure not devoted to that nonconforming use at the time of enactment of this title.*

If requested, the Office of the Zoning Administrator can prepare a BZA Referral Memo. Please let me know if I can be of further assistance.

Best Regards,



Shawn N. Gibbs, RLA
Zoning Technician