

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** September 9 2016

**SUBJECT:** OP Report - BZA Case #19302- special exception pursuant to Subtitle X § 901.2 and Subtitle U, § 320 to construct an addition to an existing single family row house at 232 S Street, NE in the RF-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

Johann Emerson Lee (applicant) requested special exception approval pursuant to Subtitle X, § 901.2 and Subtitle U, § 320 to convert a flat to a three (3) unit apartment building including a new a third story, rear addition, roof deck and two (2) rear decks on the first and second levels.

The Office of Planning (OP) cannot recommend approval at this time as the applicant; 1) has not addressed Subtitle U § 320.2 (e), addition extending further than ten feet (10 ft.) past the rear wall of the adjacent building; and 2) did not provide plans or photographs showing the relationship between the addition and the adjacent property.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	232 S Street NE
Legal Description:	Square 3569 Lot 56
Ward/ANC:	5/5E
Lot Characteristics:	The rectangular lot is 2,975 sf in area and has a frontage of 35 feet along S Street NE. The rear of the lot is also 35 feet in width and abuts a 15-foot wide public alley.
Zoning:	RF-1 - areas developed primarily with row dwellings, with limited conversions of dwellings or other buildings into more than two dwelling units.
Existing Development:	Single family row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Within the Eckington neighborhood. Predominantly row dwellings to the west within the square, but also single-family homes at the western end of the square. McKinley Technology High School lies further to the west. To the east, there is a square of both residential and industrial uses, as well as the Metropolitan Branch Trail and WMATA and CSX railway.

### III. PROJECT DESCRIPTION

The proposal is to convert the single family house into a three unit apartment building through a third floor and rear addition with a roof deck and rear decks on the first and second levels.

### IV. ZONING REQUIREMENTS

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	35 ft. /3 stories max.	28.41 ft.	34.41 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	35 ft.	35 ft.	None required
Lot Area (sq.ft.) § 401 (for apartments)	900 sf/unit or 2,700 sf	2,975 sf.	2,975 sf.	None required
Lot Occupancy § 403.2	60% max.	27%	39%	None required
Rear Yard (ft.) § 404	20 ft. min.	37.75 ft.	25 ft.	None required
Side Yard (ft.) § 405	0 ft. min./8 ft. min if provided	0 ft. (west) 8 ft. (east)	0 ft. (west) 8 ft. (east)	None required
Parking §2101	1 space per 2 units	0 spaces	3 spaces for 3 units	None required

### V. OP ANALYSIS:

Special Exception; Subtitle U, §320, Conversion of a Residential Building Existing Prior to May 12, 1958, to an Apartment Houses (RF-1)<sup>2</sup>.

*320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following provisions:*

*(a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under Subtitle X, Chapter 9, subject to the following conditions:*

The proposed height of the building would be 34.41 feet.

*(b) The fourth (4<sup>th</sup>) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;*

Three (3) units are proposed and therefore the IZ requirements do not apply.

<sup>1</sup> Information provided by the Applicant.

<sup>2</sup> See ZC 14-11A

- (c) *There must be an existing residential building on the property at the time of filing an application for a building permit;*

There currently exists a two-story, residential building on the property.

- (d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.*

The total lot area is 2,975 square feet. At a ratio of 900 sf per unit, three (3) units require a land area of 2,700 square feet minimum which is provided.

- (e) *An addition shall not extend further than ten feet (10 ft.) past the furthers rear wall of any principal residential building on an adjacent property;*

The three story addition would extend 12.9 feet. In addition, the first floor deck would extend an additional eight (8) feet for a total of 20.9 feet beyond the adjacent structure. The applicant should request a waiver or relief from this condition.

- (f) *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.*

The adjacent row dwelling includes a chimney located directly adjacent to the existing roof on the northeast corner of the building. The applicant states, via email, that he has a contract to purchase the adjacent building and the chimney would be addressed as both properties are developed.

- (g) *Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, or shade study, or other reputable study acceptable to the Board of Zoning Adjustment;*

It appears the addition would not interfere with the operation of an existing solar energy system on an adjacent property, as there are no such systems on the roof of the adjacent property nor are there pending permits in this regard based on record information available to OP.

- (h) *A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;*

The existing residence has a sloped parapet/roof structure with two windows at the front of the building, which consistently are part of the adjacent row homes to the west of the applicant's property. This feature will be maintained.

- (i) *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (1) *The light and air available to neighboring properties shall not be unduly affected;*

It appears the building addition and decks would be built past the sleeping porch rear wall of the adjacent house. Even though the applicant has a contract on the house, drawings to adequately demonstrate the relationship between the two buildings and how the increase in building area would affect the two-story sleeping porch on the adjacent property should be provided.

- (2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*

The proposed building addition would have no windows facing the adjacent property. The applicant is introducing decks at the first and second levels of the building, which add an intensity of use in the rear yard. Additionally, the applicant proposes a new roof deck where one does not exist. Information such as plans or drawings to demonstrate that the privacy of the residents in the adjacent building would not be compromised should be provided.

- (3) *The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley;*

Generally, the addition would not intrude on the scale and pattern of houses along S Street as there are houses of varying styles and sizes. Within the particular row, there is one house with a third floor addition and there is a multi-unit building of a similar height directly across the street from the subject property.

The addition would retain of the features of the existing house and other row dwellings although it would be similar in height to a row house three houses away and the three-story, multi-family building directly in front.

- (j) *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

The Applicant submitted plans, photographs, elevations and section drawings to represent the conversion/addition; however, no plans were submitted to demonstrate the relationship between the addition and the adjacent property and how it would be affected.

- (k) *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;*

OP recommends that the BZA require the applicant to provide plans or photographs to demonstrate how the proposed addition that projects more than 10 feet beyond the rear of the adjacent building would affect its light and privacy.

- (l) *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2 (e) through § 320.2 (h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2 (i); and*

The applicant has not requested a waiver of any of the requirements specified in *Subtitle U § 320.2 (e) through § 320.2 (h)*; however based on OP's review, the applicant has not demonstrated how *Subtitle U § 320.2 (e)* is met.

- (m) *An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.*

The existing building is a single family residence.

#### Special Exception Criteria, Subtitle X, § 901.2

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

OP is uncertain if the proposed penthouse is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The applicant needs to provide information to demonstrate the relationship of the proposed addition to the adjacent building.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with Zoning Regulations and Zoning Maps; and*

Although the applicant is a contract purchaser of the adjacent property, it has not been demonstrated that the light and privacy of any potential resident would not be compromised.

- (c) *Will meet such subject in specific cases to the special conditions as may be specified in this title.*

The applicant has met many, but not all, of the specified requirements of Subtitle U, § 320 as demonstrated in the analysis in Section V of this report.

## **VI. AGENCY REPORTS**

The Department of Transportation (DDOT) submitted a letter, Exhibit 27, stating that the proposal would have no negative impact on the District's transportation network.

## **VII. COMMUNITY COMMENT**

The property is within ANC-5E. At the time of this report, no letters of support or opposition have been entered into the record.

Attachment 1 – Location Map

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