

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 20, 2015
SUBJECT: BZA Case 19093, 2708 Sherman Avenue NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- Special Exception relief : § 336 - Conversions (3 units maximum permitted per lot area: 3 units proposed);
- Variance relief § 406 - Open Court (10 feet minimum required, 6.75 feet proposed);

Subject to the following conditions:

- Brick material shall be used on the court, similar to the south façade of the building;
- Windows shall be included on the east façade, as requested by the community (ANC1B);
- The building's former front porch shall be restored; and
- Submission of dimensioned plans consistent with the Board's approval, to facilitate permit plan review by the department of Consumer and Regulatory Affairs (DCRA).

II. LOCATION AND SITE DESCRIPTION

Address	2708 Sherman Avenue, N.W.
Legal Description	Square 2858, Lot 0053
Ward	1, ANC 1B
Lot Characteristics	Long rectangular, deep lot measuring twenty-five feet wide and one hundred and 20 feet long.
Zoning	R-4 – detached and semi detached single family dwellings.
Existing Development	Currently developed with a semi-detached structure in the R-4 District.
Adjacent Properties	The property adjoins another semi-detached structure to the north and it abuts a north/south easement, which abuts the rear yards of residential homes which front Fairmont Street, N.W.
Surrounding Neighborhood Character	The surrounding neighborhood is a mix of single-family row and semi-detached homes, small apartment buildings, and recent conversions to multi-family apartment dwellings.

III. APPLICATION-IN-BRIEF

The applicant proposes to convert the existing single-family residential structure to an apartment building of three units, including a 25-foot wide, three-story rear addition to the existing structure.

The applicant amended the application to include a request for variance relief from the open court requirements per Section 406 of the Regulations, as recommended by OP.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max.	23 ft. 9 ins. 2 stories	33ft. 9 ins. 3 stories	None required
Lot Width § 401	18 ft. min.	25 ft.	25 ft.	None required
Lot Area § 401, § 336	1,800 SF min. (900 sf per unit)	3,000 SF	3,000 SF. (3 units)	None required Special Exception
Floor Area Ratio § 402	None prescribed			None required
Lot Occupancy § 403	60 % max.	18.37 %	37.6 %	None required
Rear Yard § 404	20 ft. min.	84 ft.	59 ft.	None required
Side Yard § 405	None required but if provided 8 feet min.	6.75 feet.	0 ft.	None required
Court § 406	4 in. per foot of height of court, but not less than 10 ft.	None	6.75 ft.	Variance (amended application)
Parking § 2101.1	1 space per du	None	None (Parking credit as a pre-1958 structure)	None required

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to § 336 Conversion of a residential building in the R-4 District (Pre-1958)

336.1 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in the R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to §§ 336.2 through 336.11.

The applicant requested special exception relief to convert the existing flat into a three-unit apartment building, with a rear lot line to lot line addition and a third floor addition.

336.2 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 § 3104, subject to §§ 336.3 through 336.11.

The existing height of the building is 23 feet 9 inches, and the height would be increased to 33 feet 9 inches, in conformance with this provision.

336.3 The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.

No more than three units are proposed, so the proposal is not subject to the requirements of Chapter 26.

336.4 There must be an existing residential building on the property at the time of filing an application for a building permit.

OP conducted a site visit and the property is currently developed with a two-story, brick semi-detached residential structure.

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

The existing land area is 3,000 square feet, which is greater than the required 2,700 square feet.

336.6 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.

No chimney or other external vent is observed on the adjacent property.

336.7 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, shade, or other reputable study acceptable to the Zoning Administrator. No solar system on adjacent property

The proposed roof plan does not indicate any roof structure(s). The adjacent property does not show an existing solar energy system.

336.8 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.

No dormers or turrets exist on the residential building. The roof is a flat roof, as shown in the applicant's photos. However, OP would support the reconstruction of a former front porch, consistent with other houses in the area.

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

OP initially expressed concern regarding the potential impact of windows along the south facing façade of the proposed addition. However, a site visit revealed that there is an existing easement (approximately three feet wide), which separates the subject property from properties fronting on Fairmont Street NW. An effective separation of approximately eight feet would be maintained between the rear façade of those homes and the proposed addition, which should mitigate potential loss of light and air to the neighboring properties. Further, due to the orientation of the subject property, in relation to those homes, light would not be adversely impacted.



The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Clear visibility exists among the rear yards and decks of abutting properties along Fairmont Street, in the vicinity of the subject property, as can be seen in photo below. The submitted plan does not show the addition's relation to the abutting property to the north, Lot 52. The record does not contain information on expressed concerns from the property owners of Lot 52 about the addition/conversion. OP does not anticipate that the privacy of the neighboring properties to either abutting properties would be compromised. The plans indicate that the rear façade of the addition would not extend well beyond the rear facade of the home at Lot 52 to the north, which also has an open court facing the subject property. However, the applicant must provide the subject plans legible dimensions and its relationship to the abutting property to the north, as part of the Board's record and to facilitate permit review by DCRA.



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.

The proposed conversion and renovation would create a court, which would face Sherman Avenue. In order to reduce the visual intrusion of the addition from the Sherman Avenue frontage, OP recommends that the south façade of the court be clad in brick to match the existing building, and in character with the building frontages along Sherman Avenue.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal essentially satisfies the intent and purpose of the Regulations and Map, including the area requirements anticipated for conversions of residential structures within the R-4 District.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would not adversely affect the availability of light and air to the neighboring properties. A negative impact on privacy is not anticipated beyond what currently exists.

b. Variance Relief from § 406 – Open Court

i. Exceptional Situation Resulting in a Practical Difficulty

The property has an existing side yard six and three-quarter feet in width. This condition creates a practical difficulty for the applicant in providing a rear addition, which would conform to the minimum ten feet width requirement.

ii. No Substantial Detriment to the Public Good

The public good should not be adversely impacted. Since the existing vacant and dilapidated structure would be renovated to contemporary standards as a residential use.

iii. No Substantial Harm to the Zoning Regulations

Substantial harm to the regulations is not anticipated since the proposed non-conforming court would provide for adequate light, air and privacy.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation submitted its comments of no objection to the proposal in its report to the Board dated September 30, 2015 (Exhibit 23).

VII. COMMUNITY COMMENTS

No comments from adjacent neighbors were noted to the record and no comments were received by OP regarding concerns with the proposal.

The ANC 1B voted unanimously to approve the project at its scheduled meeting on October 1, 2015. However, at that time, the applicant did not include the amended application for variance relief from the open court requirements. The applicant informed OP that the ANC deliberate on the amended application for variance relief from Section 406, (open court requirement), at a subsequent meeting. The ANC's current report is included as Exhibit 24.

Attachment: Location Map



Location Map and Aerial