

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 5, 2016

SUBJECT: BZA Case #19112- special exception per §3104 and §336 to construct an addition to an existing row house dwelling located at 307 Taylor Street NW

I. OFFICE OF PLANNING RECOMMENDATION

Based on the recently-filed revised plans in late December 2015, the Office of Planning (“OP”) recommends **approval** of the requested special exception pursuant to § 336, Conversion of a Residential Building Existing Prior to May 12, 1958, to Apartment Houses (R-4) for the Property, 307 Taylor Street NW. After its review of the originally-filed submission, OP requested that the Applicant revise the originally-proposed plans in order to maintain the character, scale and pattern of houses along Taylor Street and the adjacent alley. In response to OP, nearby residents, and the ANC, the Applicant agreed to scale back the proposed 40-foot long addition to 20’ in length; maintain the existing front porch and entry stairs; maintain the front dormers; remove the roof deck; and scale down the size of the rear entry steps and rear deck elements.

OP notes that it appears that no additional relief was requested nor is required.

II. LOCATION AND SITE DESCRIPTION:

Address:	307 Taylor Street NW
Legal Description:	Square 3312 Lot 44
Ward/ANC:	4/4C
Lot Characteristics:	The rectangular lot is 2,850 sf in area and has a frontage of 20 feet along Taylor Street. The rear of the lot is also 20 feet in width and abuts a 15-foot wide public alley.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Predominantly row dwellings in all directions. The Armed Forces Retirement Home and the Rock Creek Cemetery are in close proximity to the east.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	307 Taylor Street NW LLC represented by Cary Kadlecek
Proposal:	Two-story addition of 20' in length, a cellar expansion of 20' in length and new front and rear building to accommodate three (3) dwelling units.
Relief Pursuant to:	§3104 and §336 - Conversion of a Residential Building Existing Prior to May 12, 1958, to Apartment Houses (R-4)

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	35 ft. max.	28.6 ft. (front)	22'-7" (addition)	None required
Lot Width (ft.) § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sf. min.	2,850 sf.	2,850 sf.	None required
Lot Occupancy § 403.2	60% max.	>30%	46%	None required
Rear Yard (ft.) § 404	20 ft. min.	Unknown	72'	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Parking §2101	1 space per 2 units	1 space	2 spaces for 3 units	None required

V. OP ANALYSIS:

New regulations regarding the conversion of existing residential buildings (in existence prior to 1958) to apartment houses were adopted by the Zoning Commission and went into effect September 2015. Per §336.1, such conversions shall be permitted as a special exception in the R-4 District if approved by the BZA under §3104, subject to §§ 336.2 through 336.11, which OP will address below.

336.1 *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.*

Neither the existing or proposed addition building height exceeds 35 feet, so no exception is required.

336.2 *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.*

¹ Information provided by the Applicant.

The Applicant proposes three (3) units and as such, the IZ requirements per this section do not apply.

336.3 *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 residential building on the property (ca.1922). It appears a majority of the exterior will be incorporated into the conversion.

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

Conforms. The property is 2,850 sf, so three (3) units are permitted by special exception. At a required ratio of 900 sf/unit, three (3) units require a land area of a minimum of 2,700 sf.

336.5 *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 property to the west, 309 Taylor Street NW, includes a chimney located directly adjacent to the Applicant's roof. Since the Applicant has revised the proposed plans to remove the roof deck access and roof deck, the addition should have no effect on the functioning of the adjacent chimney. Additionally, it does not appear the addition would block or impede the functioning of an existing chimney or vent on the adjacent property to the east, 305 Taylor Street.

336.6 *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.*

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 two adjacent properties, nor are there pending permits in this regard based on record information available to OP.

336.7 *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 includes two front dormers located on the second-floor that are original to the house. OP recommends these dormers be maintained with the conversion. It appears the Applicant will maintain these dormers, based on the recently submitted revised plan. These features are consistent with adjacent residences along Taylor Street and contribute to the character of the Square and nearby squares.

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

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

The reduced length of the addition from 40' to 20' in length as well as the smaller rear entry elements and second floor terrace would lessen potential impact on light and air to neighboring properties. The Applicant also reduced the height of the proposed addition to less than 23' instead of the 28' per the originally-filed plans. There are no rear additions visible in the Square surrounding the Applicant's property; however, in this Square, most lots exceed the minimum area and are well-below the lot occupancy limits. As such, the more proportionally-scaled proposed addition would not appear to unduly impact light and air to neighboring properties. The most-affected adjacent neighbors have entered a letter of support with an agreement into the record on December 30th. The letter and agreement references the revised drawings, which depict a 20-foot addition in length, among other revisions.

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

The privacy of use and enjoyment of neighboring properties would likely not be unduly compromised. The Applicant removed the originally-filed roof deck and reduced and removed the balcony elements. The proposed second floor unit is planned to have a rear terrace where there is not one currently; however due to its modest size, it should not unduly compromise the privacy of use and enjoyment of neighboring properties.

(c) 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.

Based on the recently-filed revised plans, the conversion and addition likely would not visually intrude on the character, scale and pattern of houses along Taylor Street and the adjacent alley. First, the Applicant has agreed to maintain the existing front porch and entry stairs, which are consistent, original features of all residences along Taylor Street on both sides of the street. The Applicant does propose a dug-out cellar entrance under the existing porch, which will require approval by the Public Space Committee. Secondly, the scale of the addition now appears subordinate to the existing residence which is more consistent with the scale of structures in the Square. The revised proposed addition has been reduced to a proportional size that appears to be consistent with the overall scale of the surrounding residences.

336.9 *In demonstrating compliance with § 336.9 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 with adjacent buildings and views from public ways.

336.10 *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 the BZA require the maintenance of the front entry porch and stair and the front second-story dormers to maintain the character of the block as view both from Taylor Street NW.

336.11 *The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in §§ 336.6 through § 336.8; provided, that any modification or waiver granted pursuant to this section shall not be in conflict with § 336.9.*

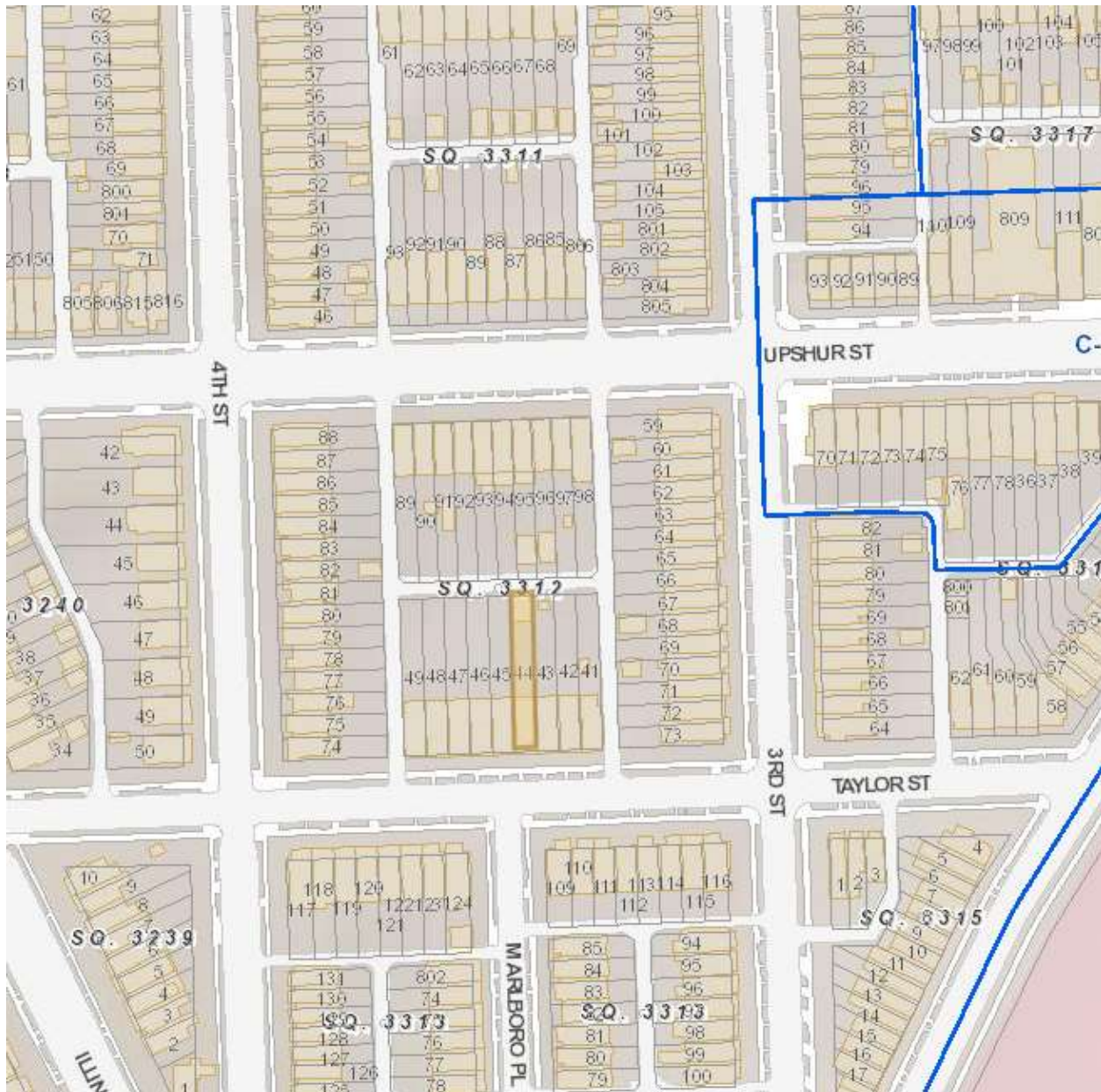
The Applicant has not requested a waiver of the requirements specified in §§ 336.6 through § 336.8.

VI. COMMUNITY COMMENTS

Adjacent neighbors: Requests for party status in opposition have been entered into the file by the owners of the adjacent property to the east, 305 Taylor Street, NW as well as 303 Taylor Street NW. Letters of opposition and a petition of opposition have been entered into the record. However, as of December 30, 2015, the adjacent neighbors who originally-filed for party status in opposition, have reversed their position and now support the Applicant's request, subject to a signed agreement (Exhibit 37). There are other letters in opposition, and one other request for party status in opposition.

Ward/ANC: The property is within ANC-4C. ANC-4C entered a letter of support (Exhibit 38), subject to the December 30th letter and agreement submitted into the record by adjacent neighbors.

Attachment: Location Map



Location Map