

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 2, 2016

SUBJECT: BZA Case 19177 - special exception from the conversion to apartment house requirements pursuant to § 336, to permit the enlargement of a residential building into a two-story, three-unit apartment house in the R-4 District at 615 Upshur Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 336 Conversion of a residential building existing prior to May 12, 1958, to apartment houses (R-4); subject to the Applicant maintaining the existing dormers and angling the roof back from the peak so as to be more consistent with the surrounding buildings.

In addition, OP communicated to the Applicant that special exception relief under § 411.5 to allow the proposed rooftop structure may also be required.

II. LOCATION AND SITE DESCRIPTION

Address	615 Upshur Street NW (the "Subject Property")
Applicant:	Bailey Real Estate Holdings, LLC (the "Applicant")
Legal Description	Square 3226, Lot 73
Ward / ANC	Ward 4; ANC 4C
Zone	R-4 - Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools. Conversion of an existing rowhouse to an apartment house is permitted by special exception, provided the lot has 900 square feet of area per unit.
Historic District or Resource	NA
Lot Characteristics	Upshur Street abuts the Subject Property to the south. The rectangular lot is 142.5 feet deep and 20 feet wide along the Upshur Street NW frontage. A 15 foot public alley is located to the rear.
Existing Development	Row dwelling, permitted in this zone. Two 9 ft. x 19 ft. parking pads are located at the rear.
Adjacent Properties	Adjacent properties include two story row dwellings.

Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly residential, with a mix of attached and semi-detached dwellings. There are also institutional uses in the area.
Proposed Development	The Applicant proposes to construct an addition to an existing rowhouse and convert it to a three unit apartment building. The proposal includes a roof deck above the third floor, accessed by external stairs to the rear.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-4	Regulation	Existing	Proposed	Relief
§ 336 Conversion of a Res. Bldg to an Apt. House				Relief required
Height § 400	35 ft. max.	32 ft.	35 ft.	Relief required
Lot Width § 401	NA	20 ft.	20 ft.	Relief required
Lot Area § 401	2,700 sq. ft. min.	2,850 sq. ft.	2,850 sq. ft.	Relief required
Floor Area Ratio § 402	None prescribed	NA	NA	Relief required
Lot Occupancy § 403	60% max.	31.9%	45.85%	Relief required
Rear Yard § 404	20 ft. min.	74.5 ft.	48 ft.	Relief required
Side Yard § 405	0 ft. min.	0 ft.	0 ft.	Relief required
Court § 406	NA	NA	NA	Relief required



IV. OFFICE OF PLANNING ANALYSIS

336 Conversion of a residential building existing prior to May 12, 1958, to apartment houses (R-4).

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.

- 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 proposed structure would have a height of 35 feet would comply with the height requirement.

- 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.*

The proposed structure would have three units, and therefore this subsection is not applicable.

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

The Subject Property includes an existing residential building on the Property and is being retained but added onto.

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

The Applicant seeks to construct three units, which requires 2,700 square feet of land area. The Property is 2,850 square feet and would comply with this provision.

- 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.*

According to the Applicant, the proposed structure would not block or impede the function of a chimney or other external vent on the adjacent properties. However, drawings indicate that the third floor addition would be directly adjacent to the neighboring chimneys on each side of the proposed building; the Applicant should clarify this at the public hearing.

- 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.*

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.

- 336.8 *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.*

The existing residence includes two front dormers located above the second-floor that are original to the house. The Applicant's proposal would substantially raise the roof height as viewed from Upshur Street and would include a total of three large dormers. OP recommends maintaining the existing dormers and angling the roof back from the peak. These features are consistent with adjacent residences along Upshur Street and contribute to the character of the Square.

- 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:*

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

The Office of Planning does not anticipate that the addition would have a substantially adverse effect on the light and air of any abutting or adjacent dwelling or property, particularly since the addition does not exceed by-right allowances within the zone. Shadow Studies submitted by the Applicant (Exhibit 11) indicate that properties to the east and west could be impacted for parts of the day during the summer months. The existing structures would likely continue to cast shadows for portions of the day, and the proposed addition would likely cast some additional shadow to the adjacent properties to the east and west during the morning and afternoon hours.

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

The privacy of use and enjoyment of the neighboring properties should not be unduly compromised. The properties to the north are separated by the existing 15 foot alley. The east and west facades of the proposed addition would not include windows, contributing to the privacy of the neighboring properties. In addition, the Applicant has proposed an eight foot tall fence to provide some privacy to the neighboring properties. The proposed roof deck would be located in the central portion of the roof and would likely include only limited views to the neighboring rear yards.

(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.

To lessen potential impact on the character, scale, and pattern of houses on Upshur Street, OP recommends maintaining the existing dormers and angling the roof back from the peak so as to be more consistent with the surrounding buildings.

336.10 *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 makes sufficient use of graphical representations, such as plans, photographs, or elevation and section drawings.

336.11 *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 dormers and angling the roof back to maintain the character of the block as viewed from Upshur Street NW.

V. COMMUNITY COMMENTS

At its regularly scheduled meeting on January 13, 2016, ANC 4C voted 10-0 to oppose the Applicant's request for relief.

As of this writing, comments from the immediate neighbors have not been submitted to the record.