

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 23, 2016

SUBJECT: BZA Case 19203 – 1844 Kendall Street NE - conversion of a one-family dwelling into a three-story, three-unit apartment house in the R-4 District

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 405 Side Yard (8 feet min. required; 3 feet existing; 3 feet proposed).

OP also recommends approval of the following special exception:

- § 336 Conversion of a Residential Structure to an Apartment House on a lot providing the required 900 sq.ft. per unit.

However, OP notes that the applicant is did not provide a complete analysis of the relief requested, and is expected to be augmented and updated by the applicant after this report is required to be filed.

II. LOCATION AND SITE DESCRIPTION

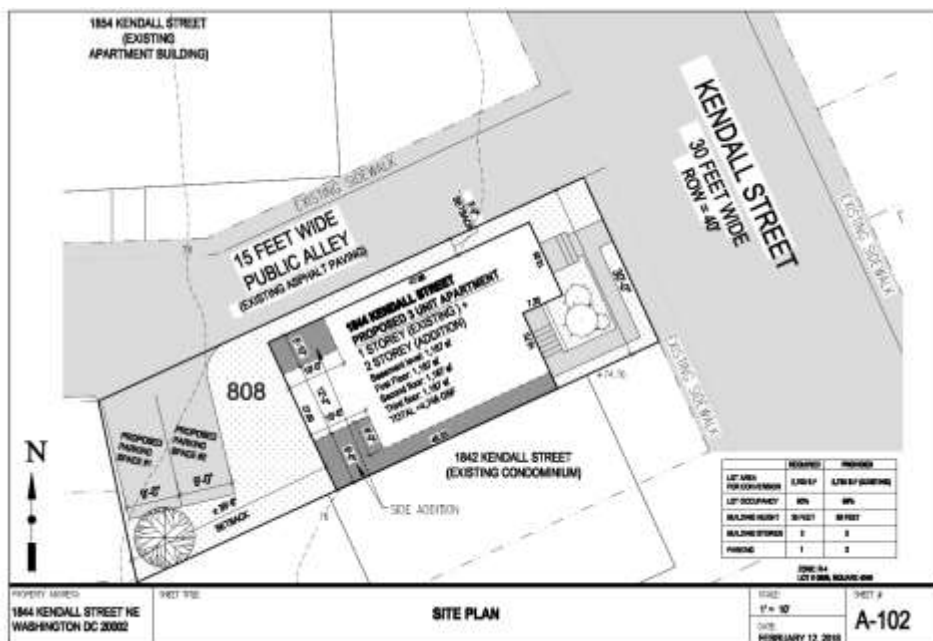
Address	1844 Kendall Street NE (the “Subject Property”)
Applicant:	Sheela Tschand (the “Applicant”)
Legal Description	Square 808, Lot 4048 Square 808 is bounded by Kendall Street NE to the east, Mount Olivet Road NE to the south, Corcoran Street NE to the west, and Gallaudet Street NE to the north.
Ward / ANC	Ward 5; ANC 5D
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	The lot is slightly irregular and is 30 feet wide along the Kendall Street NE frontage and 95 feet deep.
Existing Development	The property is currently improved with a one-story single family detached dwelling.
Adjacent Properties	A multifamily building is located across the 15 foot public alley to the north. Three-story rowhomes are located across Kendall Street NE.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by single-family detached dwellings, semi-detached dwellings, rowhouses, and multifamily buildings.
Proposed Development	The Applicant proposes to convert an existing single family dwelling into a three-unit apartment building. The addition would fill in the existing three-foot side yard to the south. Two parking spaces would be located to the rear.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone R-4	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max.	17.5 ft.	35 ft.	None required
Lot Width § 401	30 ft.	30 ft.	30 ft.	None required
Lot Area § 401	2,700 sq. ft. min.	2,725 sq. ft.	2,725 sq. ft.	None required
Floor Area Ratio § 402	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	41%	50%	None required
Rear Yard § 404	20 ft. min.	34 ft. 8 in.	34 ft. 8 in.	None required
Side Yard § 405	8 ft. min.	3 ft. on each side	3 ft. on north side (0 ft. on south side)	Relief required
Court § 406	11 ft. min.	NA	NA	None required





Revised Site Plan

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 405 Side Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The existing nonconforming side yard along the public alley is unique and contributes to the Applicant's practical difficulty – providing a conforming side yard would require significant demolition of the existing structure.

ii. No Substantial Detriment to the Public Good

The Office of Planning does not anticipate significant detriment to the public good. The Subject Property's existing side yard would not be altered for most of its length adjacent to the alley. At the request of the adjacent neighbor to the south (1842 Kendall Street NE), the Applicant intends to build the addition to the lot line and fill-in the existing three foot side yard on the south side of the property. The Applicant will submit a letter from the adjacent neighbor supporting this proposed change to the site plan.

iii. No Substantial Harm to the Zoning Regulations

A side yard is not required in an R-4 zone, but the elimination of a non-conforming side yard has been determined as requiring a variance. Substantial harm to the regulations is not anticipated since a side yard is not required in the zone, and the proposed nonconforming side yard would abut the public alley and would not impact the light, air and privacy of neighboring properties.

b. Special Exception Relief pursuant to § 336

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 and 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.

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 convert the building to three units, which requires 2,700 square feet of land area. The Property is 2,725 square feet, which is 25 feet in excess of this requirement.

- 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.*

The adjacent property does not appear to have chimneys or other external vents that would be impacted by this proposal.

- 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.*

The adjacent property does not have an existing solar energy system. The only adjacent house is to the south of the subject site, so there should be no impact on any potential future solar energy system. The Applicant should confirm that there are not permitted solar energy systems on an adjacent property.

- 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 design would significantly alter the roof top architectural element of the building by adding two additional floors. However, the existing rooftop is without embellishment, and is not particularly characteristic of the design of other buildings in the neighborhood. The proposed addition would be largely in context with the neighboring properties, which include three-story rowhouses and apartment buildings.

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

The Office of Planning does not anticipate that the addition would have a substantially adverse effect on the light and air, or the use or enjoyment, of any abutting or adjacent dwelling or property. The addition would be built to the lot line of the adjacent property to the south, and should not impact that property's privacy or light and air. A public alley is located adjacent to the north. Properties to the rear should not be impacted because the proposed addition would not extend into the rear beyond the existing footprint.

The addition should not intrude upon the character and scale of houses as it would be similar in scale to the three-story rowhouses and apartment buildings in the vicinity.

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.*

No special treatment is requested at this time.

V. COMMUNITY COMMENTS

At its regularly scheduled meeting on February 9, 2016, ANC 5D voted 7-0 to support the proposed relief, subject to conditions outlined in its submission.