

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: November 17, 2017

SUBJECT: BZA #19635 – 1121 Morse Street, NE – Special Exception to permit the expansion of a single family home and conversion to three apartment units

I. RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following requested special exceptions pursuant to Subtitle X Chapter 9:

- U § 320.2 (Single family house existing; Conversion to an apartment permitted by special exception; Three units proposed);
- E § 5203 (35’ in height permitted; 40’ permissible by special exception; 40’ proposed)

OP believes that the requested relief from E § 5203 is redundant, as U § 320.2 has a “built-in” special exception for height at subsection (a). OP, therefore, only analyzed the criteria of U § 320.2, which in any event are largely duplicative of the criteria of E § 5203.

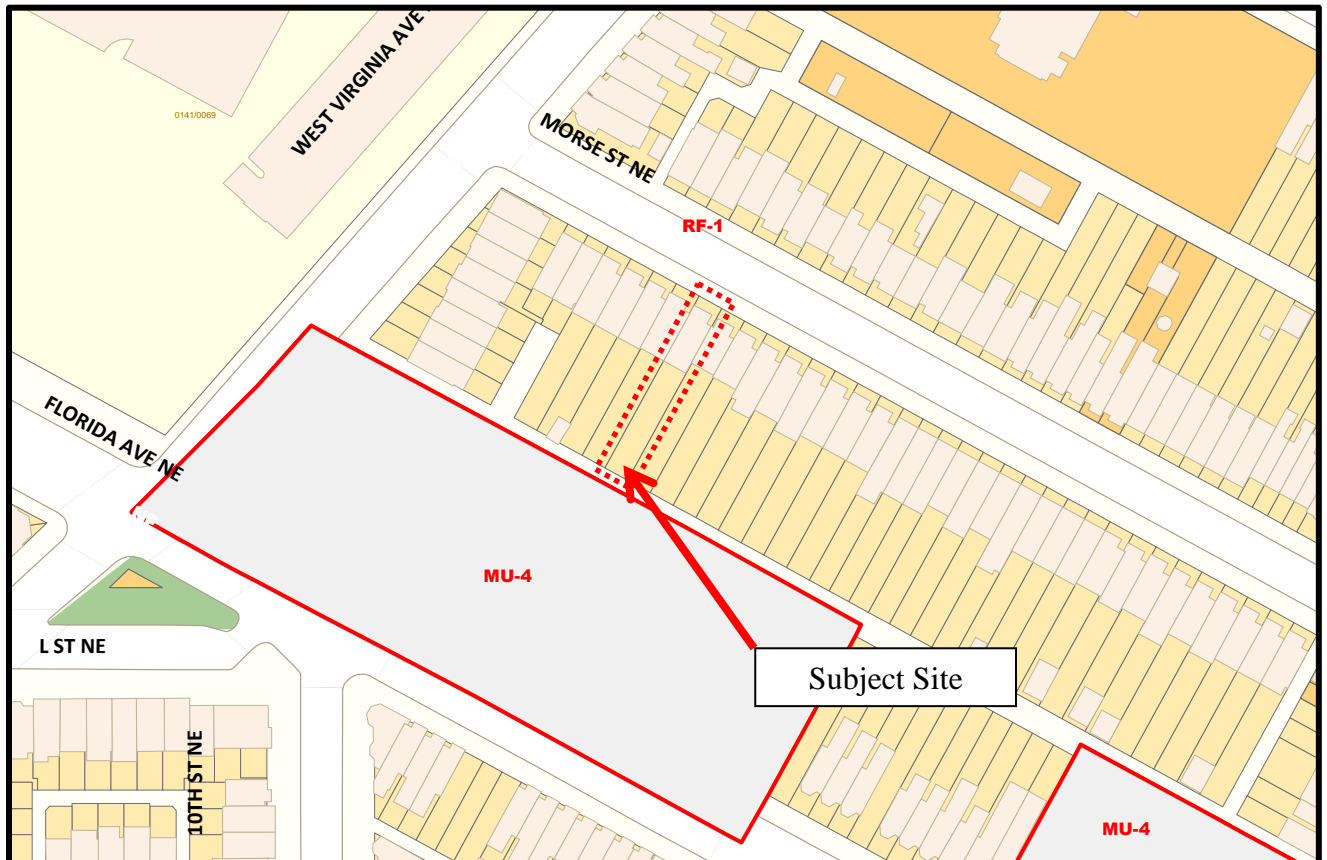
As part of the special exception request, OP also recommends **denial** of the following requested waivers:

- U § 320.2(e) (Addition may not extend more than 10’ past the rear wall of any adjacent property, 54’ past the rear wall to the west proposed);
- U § 320.2(h) (Rooftop architectural elements may not be removed or altered; removal of front porch and mansard roof proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	HJB Properties, LLC
Address	1121 Morse Street, NE
Legal Description	Square 4070, Lot 138
Zoning	RF-1 (Attached Single Family and Flat; Apts. Permitted by spec. ex.)
Ward and ANC	5, 5D
Historic District or Resource	None

<p>Lot Characteristics and Existing Development</p>	<p>Rectangular rowhouse lot – 19’2³/₄” X 145’4⁵/₁₆”; Lot area = 2,797 sf; 10’ alley at rear; Existing single family dwelling; Two stories with half-story attic façade;</p>
<p>Adjacent Properties and Neighborhood Character</p>	<p>This block of Morse Street is exclusively rowhouses but for a few apartment conversions, including the two properties immediately to the east of the subject site. To the south is Florida Avenue, which has a variety of residential, commercial and institutional uses. The Trinidad neighborhood is mostly rowhouses, with a school and community center nearby. Gallaudet University is to the west.</p>
<p>Project Description</p>	<p>Expand an existing single family home and convert it to three apartment units. The project would increase the height of the building to three stories and extend the building back 54 feet from its current rear wall.</p>



Note: This vicinity map does not reflect the larger footprints of the new apartment buildings to the east of the subject site.

III. ZONING REQUIREMENTS AND ANALYSIS

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18'	19'2 ³ / ₄ "	No change	Conforming
Lot Depth	n/a	145'4 ⁵ / ₁₆ "	No change	Conforming
Lot Area E § 201	1,800 sf	2,797 sf	No change	Conforming
Height E § 303	35' – matter-of-right 40' – special exception	25'6"	40'	Requested
Lot Occupancy E § 304	60%	25%	59%	Conforming
Rear Yard E § 305	20'	98'	46'2"	Conforming
Conversion to Apt. U § 320.2	3 or more units by special ex., w/ 900 sf lot area / unit	1 unit	3 units (932 sf / unit)	Requested
Rear Yard / Depth of Rear Addition U § 320.2(e)	Addition may not extend more than 10' past rear wall of adjacent house	0' past the house to the west	54' past house to the west	Waiver Requested
Rooftop Elements U § 320.2(h)	May not remove or alter rooftop elements	Front porch, mansard roof and dormers	Remove those elements	Waiver Requested

Subtitle U § 320.2 allows, as a special exception, the conversion of a structure to an apartment building, subject to the following criteria.

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 conditions:

- (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 to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);**

The existing height of the building is 25'6", and the applicant proposes to increase that to 40'. OP recommends denial of the requested special exception, as the proposal would fail to meet subsections (h) and (i), and the applicant must confirm that subsection (f) would be met. Please refer to those sections below for additional discussion.

- (b) **The fourth (4th) 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;**

The proposal would result in three units on the property.

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

There is an existing 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 lot area is large enough to accommodate three units by special exception.

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

The applicant has requested a waiver from this section, pursuant to subsection (l), which states that waivers shall not be in conflict with subsection (i). As discussed in subsection (i)(3) below, the proposed changes to the rear of the building would intrude upon the character of the alley side of the block, which other than the few apartment conversions, remains generally consistent.

- (f) **Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;**

At Exhibit 6 the applicant states that the addition would not impede the function of a chimney on any adjacent property. Based on aerial photos, however, it appears that the house to the west has a chimney that would be adjacent to the new vertical addition on the subject site. The applicant should confirm that that chimney would not be impacted, or reach an agreement with the owner to extend the chimney.

- (g) **Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system....**

OP has found no evidence of an existing or permitted solar energy system on adjacent properties.

- (h) **A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure’s rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**

The applicant has requested a waiver from this section, pursuant to subsection (1), which states that waivers shall not be in conflict with subsection (i). As discussed in subsection (i)(3) below, the proposed changes to the front of the building would intrude upon the long-established character of Morse Street. OP, therefore, recommends denial of the requested waiver and recommends that the front façade retain the front porch and mansard roof.

- (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;**

According to the submitted shadow study, the amount of new shadow resulting from the proposal would not be significantly greater than the shadow that exists as a result of the existing apartment buildings. The available light throughout the course of the day should not be unduly impacted.

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

Privacy should not be unduly impacted. The building would not have windows facing onto the adjacent rear yard. The proposed rear balconies would permit some visibility onto the adjacent property, but not to a higher degree than a matter-of-right project on the subject site would allow.

- (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;**

The proposed additions to the building would deviate from the long-established character of Morse Street, and the character of the subject block as seen from the alley. On Morse Street, most houses have two stories, and most have front porches. Almost all houses on the south side of the street, where the subject property sits, have an attic space situated behind a mansard roof with a dormer or dormers at the front of the building. This gives a nearly uniform appearance of “two-and-a-half” stories. At the rear, these deep lots enjoy consistently deep rear yards, and a somewhat consistent rear building wall.

While two adjacent properties have previously been expanded and converted to apartments, their appearance intrudes upon the overall look of the block. Their front façades are higher and more flat than others on the block, lacking the traditional front porch and mansard roof. The rear additions extend very far into the rear yard, impacting the pattern of houses on the alley side. The proposed conversion on the subject site would mimic these impacts from the already constructed apartments, further intruding on the prevailing character of the street.

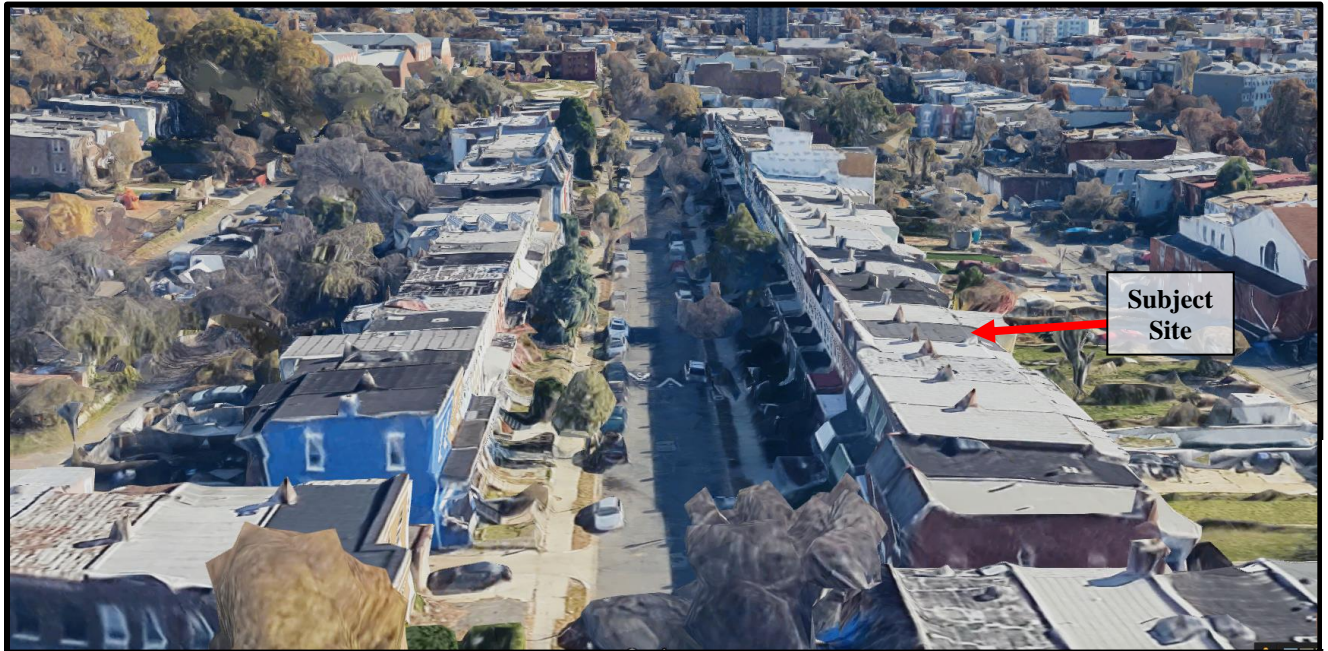


Image looking east on the subject block showing the consistent character of the houses. This image was created from photos taken prior to construction of the two apartments adjacent to the subject site.

- (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 application materials include floorplans, elevations and photographs. OP recommends that the applicant provide colored renderings of the front and rear of the building to aid in the Board's evaluation of the project's appearance and compatibility with its surroundings.

- (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;**

Should the applicant wish to redesign the project, OP has recommended that the existing mansard roof and front porch be maintained, and that the third floor be set back from the existing façade. OP has also recommended that the applicant examine a smaller footprint for the rear addition.

- (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 requests waivers from:

1. 320.2(e), the 10 foot rule; and
2. 320.2(h), rooftop architectural elements.

- (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.**

Not applicable.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT's report is at Exhibit 39, and has no objection to the request.

V. COMMUNITY COMMENTS

As of this writing there is one individual letter in the record in opposition to the application, at Exhibit 29. At Exhibit 36 ANC 5D submitted a report in opposition, and a request for party status in opposition was made at Exhibit 38.