

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 JL  
 Joel Lawson, Associate Director Development Review  
**DATE:** January 5, 2018

**SUBJECT:** BZA Case 19657 (1135 Morse Street, N.E.), requesting relief to convert an existing row dwelling into an apartment house with three units.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle U § 320.2, Conversion of an existing residential building to an apartment house (Two units permitted, Three units proposed).

OP recommends **denial** of the following waiver from the special exception criteria:

- Subtitle U § 320.2 (e), Rear addition extending further than ten feet past the rear wall of any adjacent property (10 feet permitted, 40 feet proposed).

OP is not opposed to the proposed conversion in concept; however, the applicant has not demonstrated that the extensive associated additions are in keeping with the neighborhood character and would not have an adverse impact to neighbors. OP has requested additional information from the applicant that could address concerns related to the length of the rear addition and the impact that it may have on neighbors, as identified in this report. The statement provided with the application does not sufficiently address the special exception criteria. OP will continue to work with the applicant to further understand the outreach that has been provided to neighbors, and to understand the impact of the design on the character of the neighborhood.

**II. LOCATION AND SITE DESCRIPTION**

Address	1135 Morse Street, N.E.
Applicant:	Mala Mahmood
Legal Description	Square 4070, Lot 145
Ward / ANC	Ward 5; ANC 5D
Zone	<b>RF-1</b> (Residential Flat Zone) allows two dwelling units to be located within the principal structure or one each in the principal structure and an accessory structure. More than two dwelling units are permitted by special exception.
Historic District or Resource	None

Lot Characteristics	The rectangular lot is 2,798 square feet in area, with 19.3 feet of frontage along Morse Street. The rear, also 19.3 feet wide, abuts a 20-foot-wide public alley.
Existing Development	The lot is currently developed with a 26.5-foot-high, two story attached dwelling with a basement. The dwelling has a mansard roof with a dormer, which is uniformly applied to all dwellings on the same block.
Adjacent Properties	To the north are existing two-story row dwellings with uniform architecture. To the south, across the public alley, is an existing two-story red brick church with associated parking lot. The church parking lot is flanked on either side by two-story row dwellings. To the east and west, adjacent to the subject property, are existing two-story row dwellings. Further west, along the same side of the street, two homes have been converted into apartment houses, and the front facades have been significantly altered. A separate BZA case (Case Number 19635) is under consideration for a similar alteration and conversion, a few houses from this site.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly moderate density residential, consisting of a mix of row dwellings and apartment houses. Development along Florida Avenue includes some institutional, retail, and neighborhood service uses.
Proposed Development	The applicant proposes to convert an existing two-story row dwelling into an apartment house consisting of three units. The conversion includes a third story addition set back approximately 30 feet from the front façade, and a rear addition that extends 40 feet beyond the rear wall of adjoining primary structures. The front elevation would be preserved and the new overall height would be 34.5 feet. The conversion would consist of a three-bedroom unit in the basement, a three-bedroom unit on the ground floor, and a four-bedroom unit on the second and third floors.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	19.3 ft.	19.3 ft.	None required
Lot Area E § 201	1,800 sq. ft. min.	2,798 sq. ft.	2,798 sq. ft.	None required
Court E § 203	Not applicable	0 ft.	4.08 ft.	None required
Pervious Surface E § 204	20%	Not provided	Not provided	None requested
E § 206	Shall not remove original architectural elements		Not removing original architectural elements	None required

<b>Zone – RF-1</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height E § 303	35 ft. max.	26.5 ft.	34.5 ft.	None required
Lot Occupancy E § 304	60% max.	26.2%	55.7%	None required
Front Setback E § 305	Within range of existing front setbacks (0-7 ft.)	6 ft.	6 ft.	None required
Rear Yard E § 306	20 ft. min.	92.5 ft.	52.6 ft.	None required
Conversion to Apartment House U § 320.2	3 or more units by special exception, with 900 sq. ft. of lot area per unit	1 unit	3 units (932 sq. ft. per unit)	<b>Requested</b>
Rear Wall U § 320.2 (e)	Rear addition may not extend more than 10 ft. beyond rear wall of adjacent dwelling	0 ft.	40 ft.	<b>Waiver Requested</b>
Roof Top Elements U § 320.2(h)	Shall not remove or alter original rooftop elements		Not altering rooftop elements	None required

**IV. OFFICE OF PLANNING ANALYSIS**

- a. Special Exception Relief pursuant to Subtitle U § 320.2, Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house in the RF-1 zone.**

*320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house 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 applicant proposes to construct a third story addition that will increase the height of the dwelling from 26.5 feet to 34.5 feet, which is within the limit prescribed by this section.

- (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 proposed conversion consists of three units, so this provision does not apply.

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

The lot is currently developed with an attached dwelling, constructed in 1919.

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

Based on the lot size of 2,798 square feet, there would be 932 square feet of land area per dwelling unit.

- (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 proposed rear addition would extend 40 feet past the furthest rear wall of the adjoining principal residences; the applicant has requested a waiver from this provision, pursuant to subsection (l), which indicates that the requested waiver shall not be in conflict with subsection (i). As provided in OP's analysis of that section, the proposed rear addition would intrude upon the character of this portion of the alley side of the block, which, with the exception of a 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;*

Given that the third story addition is set back approximately 30 feet from the front of the dwelling, it should not block or impede the functioning of any existing chimney or other external event on neighboring properties.

- (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;*

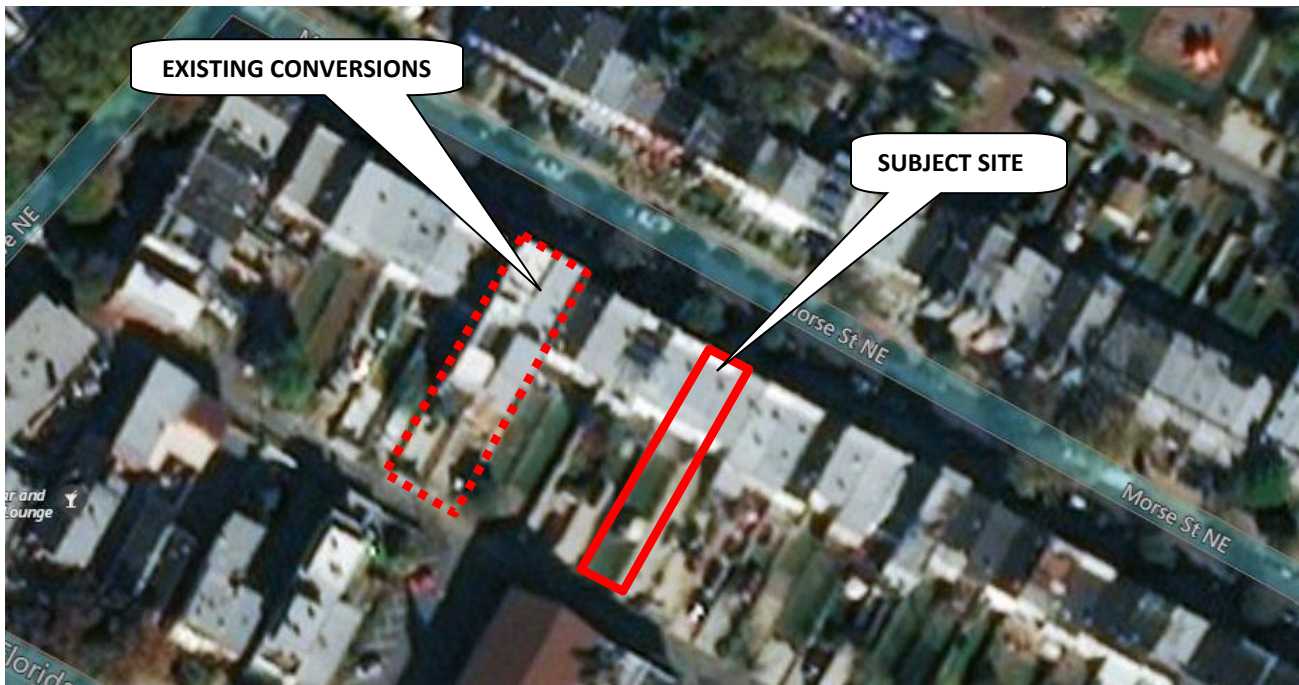
The applicant has not proposed to alter the existing façade of the row dwelling. The proposed third story addition would be set back approximately 30 feet from the front façade and would not impact the existing front elevation.

(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;

The applicant has provided a shadow study demonstrating that the amount of new shadow resulting from the proposal would impact adjacent neighbors in the winter and summer months; although, the applicant has not provided a separate shadow study showing the impact of a matter-of-right development, which is typically requested in order to provide baseline data. A letter of support from the neighbor at 1137 Morse Street has been provided to OP, but the neighbor at 1133 Morse Street, to the west, has not provided a letter or signature in support. The applicant should provide correspondence with this neighbor, which stands to be potentially most affected by the proposed addition, and update the Board regarding these efforts.

The subject lot is located five lots to the east from two existing apartment conversions that have extensive rear additions of approximately 50 feet in length. The current proposal for a 40-foot extension beyond the neighboring property's wall, in conjunction with the existing apartment houses, would potentially adversely impact the light into the four properties located between the developments. The applicant has been advised to address this issue and consider a design that would have less impact on the surrounding properties. OP has discussed design options with the applicant, including a reduction of the rear addition, and the placement of a third unit in an accessory structure at the rear of the lot. A separate option may include reducing the length of the second and third stories to reduce the structure's impact on neighbors.



*Image from Bing Maps showing the existing apartment conversions in juxtaposition with subject site.*

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

The applicant has provided a court along the eastern elevation that provides just over four feet of separation from the adjacent neighbor, and has indicated to OP that the windows on that elevation will have a privacy film applied in order to ensure greater privacy to that neighbor. Further, the neighbor has provided a letter of support for the project.

As of the date of this writing, the applicant has not provided a letter of support from the neighbor to the west, which would be most affected by the 40-foot addition, since it will be constructed on the property line without windows or significant architectural detail, and would shade a portion of the property for a large part of the day. The applicant should continue to work with the neighbor to address any concerns, and provide an elevation with greater architectural interest.

- (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;*

OP is not opposed to the proposed conversion in concept; however, the applicant has not provided sufficient information demonstrating that the proposed associated additions are compatible with the neighborhood. The proposed third story addition would be set back from the front façade a distance of 30 feet, which significantly reduces its visibility from Morse Street. Morse Street is characterized by two story row dwellings, most with front porches, and the group of row dwellings of which the subject property is a part have mansard roofs with dormers at the front of the building. The proposal to set the third story back maintains the uniform appearance along the block.

The lots on Morse Street are consistently deep, and have a somewhat consistent rear building wall. Some dwellings have made improvements over time, with additions extending approximately 15-feet into the rear yard. The existing apartment houses to the west of the subject lot have provided additions that extend approximately 50 feet beyond neighboring rear walls, which impacts the pattern of houses on the alley side. The proposed rear addition would deviate from the long-established character of the alley to the south of the block, further intruding on the prevailing character of the alley.

- (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 applicant has provided graphical representations that include elevations, floor plans, photographs, and a sun study. OP recommends that the applicant provide a sun study showing by-right conditions, and colored renderings of the building elevations 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 be open to redesigning the project to address OP concerns, OP recommends that the applicant step back the rear addition so that the second and third floors provide a greater setback than the ground floor, allowing more light to reach the lots to the west. OP is open to discussing other designs that would reduce the impact on neighboring properties, or for the applicant to provide additional information demonstrating that the current proposal does not adversely impact neighboring properties.

- (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 has requested to waive requirement § 320.2(e), related to the rear yard addition exceeding a length of ten feet beyond neighboring rear walls.

- (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.*

This section does not apply to the proposal.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District Agencies have not been provided.

## **VI. COMMUNITY COMMENTS**

ANC 5D is scheduled to discuss the requested relief during a regular meeting scheduled during the week of January 1<sup>st</sup>. The applicant has shared several letters of support from neighbors with OP, but has not uploaded them to the record as of yet. Finally, as of the date of this writing, three letters in opposition have been filed to the record.

### Location Map

