

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Crystal Myers, Case Manager
JLS
 Joel Lawson, Associate Director Development Review

DATE: June 8, 2018

SUBJECT: BZA #19731 – 1766 Lanier Pl. NW for a conversion of a rowhouse to an apartment house.

I. OFFICE OF PLANNING RECOMMENDATION

Although the property has sufficient land area to permit consideration of a conversion to three units by special exception subject to the conditions of U § 320.2, as anticipated by the RF zoning, the Office of Planning (OP) recommends **Denial** due to a lack of resolution of the following issues:

- The application does not include sufficient information showing that the proposal would satisfy U 320.2 (e) which limits the rear extension of the addition to no more than 10 feet beyond the rear wall of the adjacent properties. It appears relief may be needed from this section but a waiver has not been requested and justification has not been provided.

The applicant agreed to provide plans showing the addition’s rear in relationship to adjacent properties. As of the writing of this report these drawings have not been provided.

- The applicant should verify the location of the chimneys and vents of the adjacent structures and that the proposed addition would not block or impede their function.

OP raised this issue with the applicant, who agreed to provide plans showing the rear in relationship to the adjacent properties. As of the writing of this report, the Applicant has not submitted this updated information.

II. LOCATION AND SITE DESCRIPTION

Address	1766 Lanier Pl. NW
Applicant:	Sullivan and Barros on behalf of 1766 Lanier NW LLC
Legal Description	Square 2580, Lot 481
Ward / ANC	Ward 1; ANC 1C
Zone	RF-1
Historic District or Resource	N/A
Lot Characteristics	Rectangular 22X142.5 feet sq. ft. lot
Existing Development	Rowhouse
Adjacent Properties	Rowhouses

Surrounding Neighborhood Character	Mixed use with single family and multifamily residential buildings and neighborhood retail.
Proposed Development	The proposal is for a conversion of a rowhouse to a 3-unit apartment house with an addition.

III. ZONING REQUIREMENTS

Zone – RF-1	Regulation	Existing	Proposed ¹	Relief
Lot Width (ft.) E § 201	18 ft. min.	20 ft.	20 ft.	None required
Conversion to apartment house U§320.2	2,700 sq. ft. (1 unit/900 sq.ft. by special exception)	3,206 sq.ft.	3,206 (1 unit / 1,068 sq.ft.)	Special Exception Requested
Pervious Surface E § 204	20% min.	48%	Not Provided	May be Required
Rear Extension E § 205	10 ft. beyond the farthest rear wall of adjacent building	0	Appears to be 19 ft. Applicant states 10 ft.	May be Required
Height (ft.) E § 303	35 ft. max.	23 ft. 3in	35 ft.	None required
Lot Occupancy E § 304	60% max.	47%	60%	None required
Rear Yard (ft.) E § 306	20 ft. min.	72 ft.	46 ft. 7in	None required

IV. ANALYSIS

Special Exception Relief pursuant to U § 320.2

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 Z, Chapter 9, subject to the following conditions:

According to City records the existing building was built prior to 1958.

(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 (5 ft) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);

The proposed building would have a defined height of 35 feet maximum.

¹ Information provided by the Applicant

- (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 apartment building would have three dwelling units.

- (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 site.

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

The subject site is 3,206 sq. ft., which is more than the 2,700sq. ft. required for conversion to 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 not provided sufficient evidence showing that this requirement would be met. According to the Applicant's drawings, it appears that a 19-foot addition would be added to the rear of the existing house (Exhibit 11). The Applicant's statement says that the addition would not exceed past 10 feet beyond the adjacent neighbors' rear wall (Exhibit 6). There are no drawings in the file showing the addition in relationship to the neighboring properties; these drawings should be provided, and relief required if needed. OP has advised the applicant to provide this information, to either clarify that relief is not required, or amend the application to request this relief.

- (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;*

The applicant should verify the location of the chimneys and vents of the adjacent structures and that the proposed addition would not block or impede their function.

- (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.*

The proposed addition would not interfere with the operation of an existing solar energy system on an adjacent property. There is an existing solar energy system on the property at 1762 Lanier Place NW but it is two houses down from the site. OP is unaware of a solar energy system being on a property adjacent to site.

- (h) A rooftop 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 not include identified rooftop architectural elements on all sides of the structure;

The original plans (Exhibit 5) required a waiver from this section but the revised plans (Exhibit 36A) maintain the existing rooftop so a waiver from this section is no longer needed.

(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;

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

The Applicant's drawings do not show the relationship between the proposed rear addition and the adjacent residential buildings. Therefore, OP is unable to determine if the neighboring properties' light and air or privacy would be unduly impacted.

(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 addition should not substantially visually intrude on Lanier Pl NW or the rear public alley. The addition would retain the existing barrel rooftop so it would maintain it's consistent with the other similarly designed houses in its row. There should not be an undue visual impact in the rear. The addition has a residential design and would be facing primarily commercial establishments.

(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.

Additional information is required to show the relationship between the rear of the addition and the neighboring properties. Additional information is also needed to verify impacts on the adjacent neighbors' chimneys and vents.

(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;

No special treatment is recommended.

(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

No waiver is requested.

(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 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.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted their report and has no objections to the proposal (Exhibit 33). As of the writing of this report, no other agency comments have been submitted.

VI. COMMUNITY COMMENTS

Eight letters in opposition have been submitted to the record, focused on not removing the rooftop (Exhibits 31; 38-39; 41, 43, 46, 48, 49). One of the adjacent neighbors at 1768 Lanier Pl NW is in opposition and has submitted a request for party status (Exhibit 42). Another neighbor at 1768 Lanier Place submitted a letter in opposition (Exhibit 44). Other area residents have indicated opposition to OP. As of the writing of this report, ANC 1C has not submitted a report.

VII. LOCATION MAP



Location Map of 1766 Lanier ST NW