

OP Report

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: September 26, 2019

SUBJECT: BZA #20114 – 3569 Warder ST. NW – Special Exception to convert a rowhouse to an apartment house

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

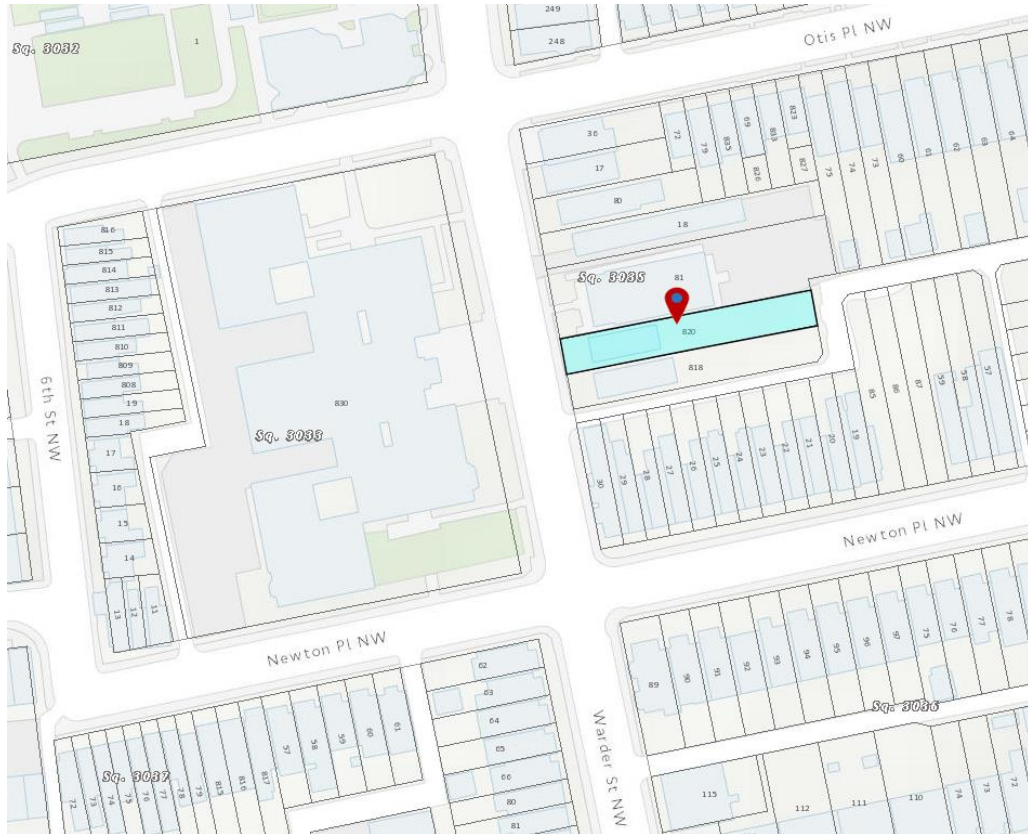
- U.§320.2 Conversion to Apartment House
- C.§701.5 Parking
(3 required; 1 existing; 1 proposed)

OP does not support the requested waiver from U § 320.2 to alter the porch roof.

II. LOCATION AND SITE DESCRIPTION

Applicant	3569 Warder LLC
Address	3569 Warder St. NW
Legal Description	Square 3035, Lot 820
Ward / ANC	Ward 1; ANC 1A
Zone	RF-1
Historic District or Resource	N/A
Lot Characteristics	180 ft. x 25ft. rectangular shaped lot
Existing Development	rowhouse
Adjacent Properties	Multifamily building and a rowhouse
Surrounding Neighborhood Character	Predominantly a neighborhood of rowhouses and multifamily buildings. Bruce Monroe elementary school is directly across the street and Parkview Recreation center is nearby.
Proposed Development	Conversion of and additions to a rowhouse, resulting in a 5-unit semidetached apartment house, including one IZ unit.

III. LOCATION MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-1 Zone	Regulation	Existing¹	Proposed	Relief
Lot Area E§ 201	1,800 sq.ft. min	4,500 sq.ft.	4,500 sq.ft.	Conforming
Lot Width E§ 201	18 ft	25 ft	25 ft	Conforming
Side Yard E§ 207	5 ft.	8 ft.	5 ft.	Conforming
Height E§ 303	35 ft	20 ft	35 ft	Conforming
Lot Occupancy E§ 304	60% max.	22%	60%	Conforming
Rear Yard E§ 306	20' min.	110'	31.45'	Conforming
Vehicle Parking C § 701	3	1	2	Special Exception Requested
Conversion to Apartment House C § 320.2	1 unit/ 900 sq.ft land area, by sp.ex.	1 unit	5 (1/900 sq.ft)	Special Exception Requested

¹ “Existing” and “Proposed” information provided by the applicant.

V. ANALYSIS

Special Exception Relief for a Conversion to an Apartment Building pursuant to U § 320.2

320.2 *Conversion of an existing residential building existing on the lot 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:*

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 building would be 35 ft. in height.

- (a) *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;*

This apartment building would have 5 units so one of the units would be an IZ unit.

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

The existing residential building has been on the lot since 1908.

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

The property land area is 4,500 sq. ft., sufficient land for 5 units by special exception.

- (d) *An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;*

This provision is inapplicable because the proposed building would not be adjoined to any adjacent principal residential building.

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 proposed residential building would not block or impede the functioning of a neighboring chimney or vent. The adjacent property to the south, 3567 Warder St. NW would be within 10 ft of the proposed building, so this neighbor's chimney would need to be extended 24 in. above the building. This neighbor has a chimney extension agreement with the Applicant. The adjacent property to the north would not be impacted.

(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. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:*

(1) *“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and*

(2) *“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:*

(A) *Legally permitted, installed, and operating; or*

(B) *Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*

The Applicant did not identify any solar panels on the 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 proposal would replace the existing porch roof, so a waiver is required. According to the Applicant, the intent is to replace it with one that more closely resembles a porch roof that may have originally existed on the house.

The plans for the proposed porch roof were reviewed by design review staff in OP who disagree with the Applicant that the proposed porch roof is a design improvement, and recommend that the proposed porch roof should be sloped instead of flat. A porch roof designed to resemble one more original to the house should also more closely resemble the porch roof on the adjacent house to the south. Though there are flat porch roofs further up on Warder ST NW these porch roofs are on houses that are not the same style as this house and the adjacent house. As such, OP cannot support the waiver as currently proposed.

OP discussed this design recommendation with the Applicant, but the Applicant disagrees with OP and notes that their design is supported by the ANC.

- (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 Applicant's submitted shadow study, the impact on the property to the north should not be to an undue level. A portion of the proposed addition's shadow would be cast on this neighbor's parking lot, so it should not have a negative impact.

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

The proposed building should not have an undue impact on either neighbor's privacy and enjoyment. No windows would exist on its side wall facing the building to the north, which has windows. The proposed building would have the required 5 ft.-side yard to the south so it would have windows and doors on this façade, but they should have minimal impact on the adjacent neighbor to the south, as this neighbor has no windows facing the proposed building.

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 building should not intrude on the character of Warder St NW or the public alley in the rear. The third story would be stepped back 10 ft in the front to maintain an appearance of a two-story building along Warder ST NW, consistent in scale to the two-story house next door. At the front of the property there is also a large tree that partially hides it from view on the street. In the rear, the addition has a standard residential design that is in character with the other houses on the alley. It should not negatively impact the visual 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;*

Sufficient plans, photographs, and elevation were provided to the record.

- (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

The Applicant is requesting a waiver from U § 320.2(h), which OP does not support.

Special Exception Relief for Parking Reduction pursuant to C§ 703.2

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The lot with the proposed residential development does not have sufficient space for the required two full-size and one compact vehicular parking spaces. Rather, one full-size and two compact vehicular parking spaces are proposed. In addition to these spaces, the Applicant has a letter of intent to purchase a parking space from 3573 Warder St NW. The application also includes removing the existing front parking space and curb cut, which would make space on Warder ST NW for a public on-street parking space.

The site is less than a half-mile away from the Georgia Avenue metro station and bus routes.

703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The applicant is not proposing a reduction in the number of parking spaces, but rather an increase in the number of compact spaces.

703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

DDOT is not requiring a transportation demand management plan because the proposal would have the required three parking spots on-site.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, no District Agencies comments have been submitted to the record on this case.

VII. COMMUNITY COMMENTS

The adjacent neighbor to the south submitted a letter in support of the proposal (Exhibit 32). There is also a petition in support, which is signed by numerous neighbors including one of the neighbor's in the adjacent condo building to the north (Exhibit 36). There is also a letter in opposition in the record submitted by a neighbor (Exhibit 28).

ANC 1A submitted a report in support of the proposal, (Exhibit 31).