

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: October 4, 2024

SUBJECT: BZA Case 21163: Request for special exception relief to allow the conversion of a Single-Family Residential property into a multiple dwelling building with 3 units; OP Supplemental Report

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle X § 901:

- E § 210.1, Lot Occupancy (60% maximum, 58.2% existing; 68.4% proposed) pursuant Subtitle E § 5201,
- E § 5003.1, Accessory Building Area (30% of the required rear yard or 450 sq. ft. whichever is greater, 503.36 sq. ft. existing; 800.8 sq. ft. proposed) pursuant Subtitle E § 5201; and
- U § 320.2, Special Exception Uses (RF), Conversion to multi-family (900 sq. ft. of lot area required per unit; 3 units, 2 in the principal building and one in an accessory building, proposed on a 2,930.47 sq. ft. lot); and
- U § 301.1(c), Special Exception to allow a residential unit within an accessory building.

II. LOCATION AND SITE DESCRIPTION

Address:	627 A Street, NE
Applicant:	Jennifer Fowler on behalf of Kaely Michels-Gualtieri
Legal Description:	Square 0968; Lot 0049
Ward / ANC:	Ward 6; ANC 6C
Zone:	RF-1
Historic Districts	Capitol Hill
Lot Characteristics:	Interior Rectangular Lot Measuring 22.88 ft. x 128.08 with a 15 ft. public alleyway to the east and a 15 ft. wide public alleyway to the south.
Existing Development:	Two Family Flat Rowhouse with accessory structure (garage).
Adjacent Properties:	Residential Rowhouses with Accessory Buildings.
Surrounding Neighborhood Character:	Moderate Density Residential Neighborhood, which contains other uses such as apartment houses, institutional (church), and some mixed-use properties primarily at intersections shared with adjacent squares.
Proposed Development:	3 Unit Apartment House, 2 units in principal building and 1 unit in accessory building.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Width E § 202	18 ft. min.	22.87 ft.	No Change	None Requested
Lot Area E § 202	1,800 sq. ft. min.	2930.47 sq. ft.	No Change	None Requested
Conversion of Residential property to an Apartment House U § 320.2	min. 900 sq. ft. per unit, by sp.ex.	N/A	3 units; about 977 sq.ft. of lot area per unit	Relief Requested
Height E § 203	35 ft. max.	30 ft.	No Change	None Requested
Rear Yard E § 207	20 ft. min.	65.58 ft.	No Change	None Requested
Side Yard E § 208	None required, but 5 ft. min. if provided	None	No Change	None Requested
Lot Occupancy E § 210	60% max. or 70% max. by Spec. Ex.	58.2%	68.4%	Relief Requested
Pervious Surface E § 211 & C § 501(d)	20 % min. when Lot Occupancy is increased by 25% or more.	N/A	Lot Occupancy would be increased by 10.2%	None Requested
Accessory Building Conversion U § 301.1(c)	Expansion of an Accessory Building for Residential Purposes, only by Spec. Ex.	N/A	Expansion for residential purposes.	Relief Requested
Accessory Building Height E § 5002	22 ft. and 2 stories max.	Not provided	21 ft.	None Requested
Accessory Building Area E § 5003	30% of the required rear yard (<u>457.6 sq. ft.</u>) or 450 sq. ft., whichever is greater.	503.36 sq. ft.	800.8 sq. ft.	Relief Requested
Accessory Building Rear Yard E § 5004	Not in a required rear yard & set back at least 7.5 ft. from the centerline of any alley.	Not in a required rear yard & set back at least 7.5 ft.	No Change	None Requested
Parking C § 701	1 per 2 multiple dwelling units, rounded up.	N/A	2 spaces	None Requested

¹ Provided by the applicant.

IV. OP ANALYSIS

**a. Subtitle E Section 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE
Lot Occupancy (E § 210.1) and Accessory Building Area (E § 5003.1)**

5201.1 is not relevant to this application.

5201.2 For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The application requires special exception relief to both the RF-1 maximum lot occupancy and the maximum building area for an accessory building in the RF zones.

5201.3 is not relevant to this application.

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (d) The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition to the existing non-conforming accessory structure would expand its building area to 800.8 sq. ft. resulting in an increase of lot occupancy to 68.4%, within the 70% maximum in allowed by Special exception. The new second story would increase the height of the accessory building to 21 feet, within the 22 ft. by-right height limit, and the proposal would otherwise meet the other development requirements of the RF-1 zone.

At [Exhibit #12](#), the applicant has provided a sun study which compares the existing conditions, a matter-of-right expansion², and the proposal. The study highlights the difference between the by-right and proposal impacts, showing some impact on to the rear yard of the immediately adjacent properties during Spring Equinox and Summer Solstice. However, the proposal should not have an undue impact on the availability of light or flow of air to the neighboring properties compared to a by-right expansion of the structure.

² As the existing accessory structure is nonconforming with regards to building area a simple vertical extension of all the existing walls may not be allowable by-right.

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

No windows are proposed along the eastern wall which shares a property line with an adjacent residential property. Doors or windows facing the applicant's rear yard would have oblique views to the neighboring lots, which is typical and would not seem to be greater than what would be allowed through a by-right proposal. Therefore, it should not have an impact on the neighbors' privacy any more than a by-right second story addition.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal building, 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 street or alley frontage; and*

The proposed second story addition to the accessory structure at the rear of the lot would not be highly visible from the street, but based on observations from a sight visit, it would be somewhat visible from A Street.

It would be visible from the surrounding alleyways. As proposed, the expansion intends to maintain the outward appearance as a carriage house and should not impact the character as seen from the street frontage. Many of the properties on this block have existing accessory structures, of which several are two-stories. Therefore, the proposal should not significantly visually intrude on the existing overall character, scale, and pattern of the structures along the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided plans, photographs, and elevations to sufficiently represent the relationship of the proposed addition from public ways.

- 5201.5 *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 and nearby properties.*

No special treatment is recommended.

- 5201.6 *This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The proposed height and number of stories would comply with the RF-1 development standards for an accessory structure. The requested lot occupancy relief is within that is allowed by special exception in the RF-1 zone.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed addition would be consistent with the intent of the RF-1 zone. Specifically, the requested addition would be consistent with all other accessory structure requirements found in Subtitle E, and the lot occupancy would be within that which is allowed by special exception. While the accessory building area special exception relief would result in a larger than typical accessory building, the applicant has adequately addressed that this would not result in a level of development that is unanticipated in this zone and the accessory structure would still be subordinate to the principal building.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The proposed addition should not significantly intensify impacts on the use of neighboring properties.

- (c) Subject in specific cases to the special conditions specified in this title.*

The form of relief is within the allowed criteria of E § 5201, provided above.

b. Subtitle U Section 320 SPECIAL EXCEPTION USES (RF)

Conversion to multi-family in the RF Zone (U § 320.2)

320.2 The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

- (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

Per the applicant, the residential building has been in existence since before May 12, 1958.

- (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 § 1003.10; and*

Not applicable to this application.

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

The proposal is for three-units on a 2,930.47 sq. ft. property. The granted of this use relief would result in approximately 977 sq. ft. per unit which is greater than the 900 sq. ft. required.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The purpose of the RF-1 Zone is to provide for areas with residential row buildings with one or two units, or to allow a conversion to three or more units based on lot size. The proposed unit within an accessory building is permitted through Special Exception. Moreover, Subtitle U § 320 provides for several scenarios in which existing residential buildings may pursue conversions through Special Exception. The conversion of the residential property to three-units meets the applicable conditions above, therefore granting of the requested relief would be in harmony with the intent of the Zoning Regulations and the RF-1 zone.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The expansion of the accessory building in combination with the conversion of the existing residential property resulting in three units on this property should not result in undue impact on the neighboring properties, particularly when compared to a more by-right proposal.

- (c) *Subject in specific cases to the special conditions specified in this title.*

The form of relief is allowed in accordance with U § 320.2, provided above.

c. Subtitle U Chapter 3 USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES

To allow one of the proposed units to be in an accessory building (U § 301.1(c)).

- (c) *A permitted principal dwelling unit within an accessory building subject to the following conditions of:*

- (1) *The accessory building was in existence on January 1, 2013;*

The building was in existence on January 1, 2013.

- (2) *No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;*

The proposal would expand the existing accessory building for residential

purposes, an apartment house unit, which is allowed through special exception.

(3) *There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and*

(4) *Permanent access shall be provided by one (1) of the following:*

(A) *An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia;*

(B) *Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or;*

(C) *On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;*

The accessory building would have permanent access via a fifteen foot (15 ft.) wide improved alley to A Street NE within approximately 160 linear feet.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

(a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed expansion of the accessory building to accommodate its conversion to residential use is permitted through Special Exception. The conversion of the accessory structure into a dwelling unit meets the applicable conditions above. Therefore, granting the requested relief would be in harmony with the intent of the Zoning Regulations and the RF-1 zone.

(b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The expansion of the accessory building for the conversion to a dwelling unit should not result in undue impact on the neighboring properties.

(c) *Subject in specific cases to the special conditions specified in this title.*

The form of relief is allowed in accordance with the conditions of U § 301.1(c) provided above.

V. OTHER OP DIVISIONS

OP-Historic Preservation is currently reviewing the proposed expansion to the existing accessory structure. The applicant is currently scheduled to be before the HPRB on November 21, 2024.

VI. OTHER DISTRICT AGENCIES

DDOT has filed a report to the record at Exhibit #67 which finds no adverse impacts and that DDO has no objection to the approval of this application.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 6C has filed a report to the record at Exhibit #61 in support of the application

VIII. COMMUNITY COMMENTS

The record currently contains multiple community comments including letters in support, withdrawals of support, and letters in opposition. A request for party status in opposition has been granted by the BZA (Exhibit 70).

Figure 1: Location Map

