

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
Application for 1253 Morse St. NE
(Square 4069, Lots 0058)

I. INTRODUCTION.

This Statement is submitted on behalf of Moshood Olayinka, the owner of the property located at 1253 Morse St, NE (Square 4069, Lots 0058). The Subject Property is zoned RF-1 and is currently a Single-Family house. The Applicant is proposing to construct a rear and third floor addition and convert it into a four (4) unit multi-family building. Accordingly, the applicant requests special exception approval for the conversion pursuant to subtitle U § 320.2. The applicant also requests relief from the requirements of subtitle E § 207.5, pursuant to the special exception provisions of Subtitle E § 5201 (10-foot-rule) as the proposed rear addition will extend 20 feet past the only adjoining building to the east.

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located at 1253 Morse Street N.E. and is in the RF-1 zone district. Abutting the property to the south-east is the semi-detached dwelling at 1255 Morse St NE. Abutting the property to the north-west is the three-unit multi-family building at 1251 Morse St NE. Abutting the property to the north-east is Morse Street NE. Abutting the Property to the south-west is a public vehicular alley. The Applicant is proposing to construct a three story with cellar rear addition and also a third-story addition to the existing structure. The Applicant is maintaining the existing front façade and porch.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF X § 901.2 AND U § 320.2 AND E § 5201.

A. Overview. Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle U § 320.2 of the Zoning Regulations. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

B. Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). The proposed work is consistent with the purpose and intent of the Zoning Regulations and Zoning Map and will not unduly impact the adjacent properties to the northwest and southeast. Additionally, the Addition will not unduly affect the properties to the southwest or northeast, as they are separated from the Building by a public alley and Morse Street, respectively.

C. Requirements of Subtitle U §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:

Section 320.2(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;

The building currently on the property will stay in place as it is at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion and expansion.

Section 320.2(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

The proposed scope includes converting the existing single-family house into a four-unit multi-family building. The unit proposed on the first floor is designated as the IZ unit

per the submitted plans.

Section 320.2(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 two-story residential structure on the property at the time of filing an application for a building permit.

D. Requirements Of Subtitle E § 5201

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000). An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

The applicant is seeking relief the 10-foot-rule of Subtitle E § 207.5, pursuant to the special exception provisions of Subtitle E § 5201, as the proposed rear addition will extend 20 feet past the only adjoining building to the east.

(a)

The light and air available to neighboring properties shall not be unduly affected;

The granting of the requested relief from the 10-foot rule will not result in an undue impact on the light and air available to adjacent properties. The adjacent property at 1251 Morse St NE has recently been developed with a three-story rear addition and currently extends 15'-2" beyond the rear of the existing structure at the subject property and extends 5'-2" beyond the proposed addition at the subject property. It also has a 8'-2" deep three-tier balcony at the rear. The adjoining properties to the southeast, 1255 and 1257 Morse St NE, will also not be unduly affected, due to their orientation relative to the subject property and the sun. An extensive sun study has been provided to illustrate this. Additionally, the property at 1257 Morse St NE already has a two-story rear extension extending approximately 17 feet beyond 1255 Morse St NE. The proposed addition at the subject property would extend only 3 feet beyond this existing rear extension at 1257 Morse St NE. It should also be noted that the existing structure at 1253 Morse Street NE currently includes a one-story, 10-foot rear extension, and the proposed addition would reduce the existing rear yard setback by 10 feet and not 20ft. Therefore, the proposed rear extension is not expected to significantly impact access to light or air, as the southeastern side of the adjoining building remains open and the properties at 1251 and 1257 Morse St NE already feature rear additions.

(b)

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

compromised;

The proposed addition will have windows at the front and rear, facing Morse St NE and the public rear alley. The recent addition at 1251 Morse St NE extends 5'-2" beyond the proposed addition, and 8-foot tall fences along both sides will separate the subject property from neighboring lots.

The addition is not expected to unduly impact 1255 Morse St NE, as the south-facing rear windows will remain unobstructed and continue to receive natural light. The proposed wall along the shared property line with 1255 Morse St NE will not include any windows or openings, preserving privacy.

Similarly, the privacy and enjoyment of 1257 Morse St NE will not be unduly impacted. That property already has a two-story rear extension extending approximately 7 feet beyond the subject property's rear wall. The proposed addition will extend only 3 feet beyond that extension, will be 28 feet away, and with two fences and two large trees between the properties, the impact is minimal.

Windows are also proposed on the side elevation where a setback from the property line is provided; however, their placement and orientation have been carefully designed to avoid alignment with the lightwell windows at 1251 Morse Street NE, thereby minimizing any potential privacy impacts.

(c)

The addition or accessory structure, together with the original 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 subject street frontage;

The proposed addition will maintain the 5-foot side yard setback and a 48-foot setback from the building face visible from Morse St NE. The addition reduces the rear setback by 10 feet, from 74'-4" to 64'-4" from the rear property line. The vertical portion of the addition is setback from the existing architectural feature at the front, and the existing front and side brick walls will remain to preserve the building's character.

For comparison, the recently completed project at 1251 Morse St NE features a zero side yard setback, a three-story 15-foot rear addition. The proposed addition is smaller in scale both along the rear and side.

The proposed materials—grey fiber cement panels—are intended to complement the existing houses on the block without detracting from their visual pattern or character. Additional features, including a roll-up garage door at the rear, and 8-foot fences along the side property lines between 1253 and 1255 Morse St NE, further enhance the visual integration of the project.

As a result, the proposed addition will not unduly visually intrude upon the character, scale, or pattern of houses along Morse St NE or the rear 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; and

Plans, elevations, sun study, and photographs are included with this application.

(e)

The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed project results in a total lot occupancy of 60%, which is within the allowable maximum of 70% permitted by special exception.

IV. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.