

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** September 15, 2017

**SUBJECT:** BZA Case 19564- request for special exception relief pursuant to Subtitle E § 5201.1 from U § 320.1 and waivers to U 320.2(e) and U 320.2(f) to allow for the conversion of the dwelling to a three-unit building with a rear addition

**I. RECOMMENDATION**

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

- U § 320.2, Conversion of residential building to apartment house (one-family dwelling existing, three-unit apartment building);
- Waiver to U § 320.2(e), to permit rear addition to extend 31 feet beyond furthest rear wall of a principal residential building on an adjacent property; and
- Waiver to U § 320.2(f), to permit an addition to block or impede the functioning of a chimney.

**II. LOCATION AND SITE DESCRIPTION**

Address	428 Randolph Street, N.W.
Applicant	Tammika Thompson
Legal Description	Square 3236, Lot 69
Ward, ANC	Ward 4, ANC 4C
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	One family row house
Adjacent Properties	Row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Rear addition and conversion to a three-unit apartment building

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height E § 303	35-feet and 3-stories max.	20 feet and 2-stories	35 feet and 3-stories	None Required
Lot Width E § 201	18-foot min.	20.3 feet	20.3 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	2,785 sq. ft.	2,785 sq. ft.	None Required
Lot Occupancy E § 304	60% max.	36%	56%	None Required
Rear Yard E § 306	20-foot min.	95.7 feet	57.1 feet	None Required
Rear Extension U § 320.2(e)	10-foot max.	None	31 feet	<b>Required</b>
Parking Spaces C § 701.5	2	2	2	None Required
Dwelling Units U § 320.2	1/900 sq. ft. of lot area in excess of 2 by SE	2	3 (1/928 sq.ft)	<b>Required</b>

**IV. ANALYSIS**

*i. Special Exception Relief pursuant to U § 320.2, Conversion of 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 proposed building height is 35 feet.

*(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;*

Not applicable. A total of three dwelling units are proposed.

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

The subject property is currently improved with a one-family row dwelling.

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

The lot size is 2,785.21 square feet, or 928.4 square feet for each of the three proposed dwelling units.

- (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 requests that this provision be waived to allow the proposed addition to extend back 31 feet from the furthest rear wall of the adjoining row houses.

- (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 adjoining property to the east at 426 Randolph Street has a chimney that would be affected by the proposed building addition. However, this chimney is inoperable and the applicant has obtained signed permission (Exhibit 33) from the property owner to cap the chimney.

- (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; (special conditions associated with the specific special exception review)*

The application states that adjacent properties are not improved with solar energy systems.

*(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;*

No roof top architectural elements are proposed to be altered, including the porch and dormers.

*(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*

*(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 lots on the south side of Randolph Street are deep, resulting in the proposed 57-foot deep rear yard for the subject property that would allow for the movement of air and light between the lots, light and air should not be unduly affected. No windows or other openings are proposed for the sides of the building addition, minimizing the impact on privacy of adjoining properties. The proposed addition would be visible from the rear public alley, and the residential building addition on the rear of this residential row house should not adversely impact the character, scale or pattern of houses.

*(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;*

Plans, photographs, elevation and section drawings submitted were sufficient to represent the relationship of the conversion to adjacent buildings and public ways.

*(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;*

OP makes no recommendations for special treatment.

*(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 application requests two of the requirements, U 320.2(e) and U 320.2(f) be waived, as described above.

*(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.*

The subject building exists as a one family dwelling and has not been converted to an apartment house.

**ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal would allow the applicant to expand the existing structure and convert it to a three-unit building, with more than 900 square feet of lot per dwelling unit. Due to the large size of the lot the proposal would maintain a rear yard in excess of and a lot occupancy less than required, allowing for private open space in the rear yard for use by the residents of the building.

**iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The subject property and adjoining lots are unique in that they are deep, allowing for a large rear building addition while still maintaining the minimum required rear yard. This feature of those lots would allow for the provision of contiguous open areas at the back of those properties, or rear yards, that would not tend to be affected by the proposed addition. Although the request is to expand the rear wall of the building by 31 feet, this request is only for the first two floors, with the third floor extending back 19 feet, reducing the extent of the side walls of the structure as viewed from the adjoining lots, and reducing the impact of those walls on the light and air into the rear yards of the adjoining properties.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

No comments were received from ANC 4C as of the date of this report.

One letter was submitted to the file in opposition (Exhibit 34).

Attachment: Location Map

