

**MEMORANDUM**

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

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** January 5, 2018

**SUBJECT:** BZA #19635 – 1121 Morse Street, NE – Special Exception to permit the expansion of a single family home and conversion to three apartment units  
**OP Supplemental Report**

**I. BACKGROUND AND RECOMMENDATION**

The applicant’s original design proposed a full third floor, a height of 40’, a 54’ rear addition, and a complete redesign of the front façade. At the report at Exhibit 40, the Office of Planning (OP) recommended denial of the relief requested for that design. The applicant has since redesigned the project to largely preserve the front façade, provide only a partial third floor, a 34’11” height, and a 33’ rear addition. Please refer to Exhibits 44 – 47.

Based on the revised design, OP recommends **approval** of the following requested special exceptions pursuant to Subtitle X Chapter 9:

- U § 320.2 (Single family house existing; Conversion to an apartment permitted by special exception; Three units proposed);

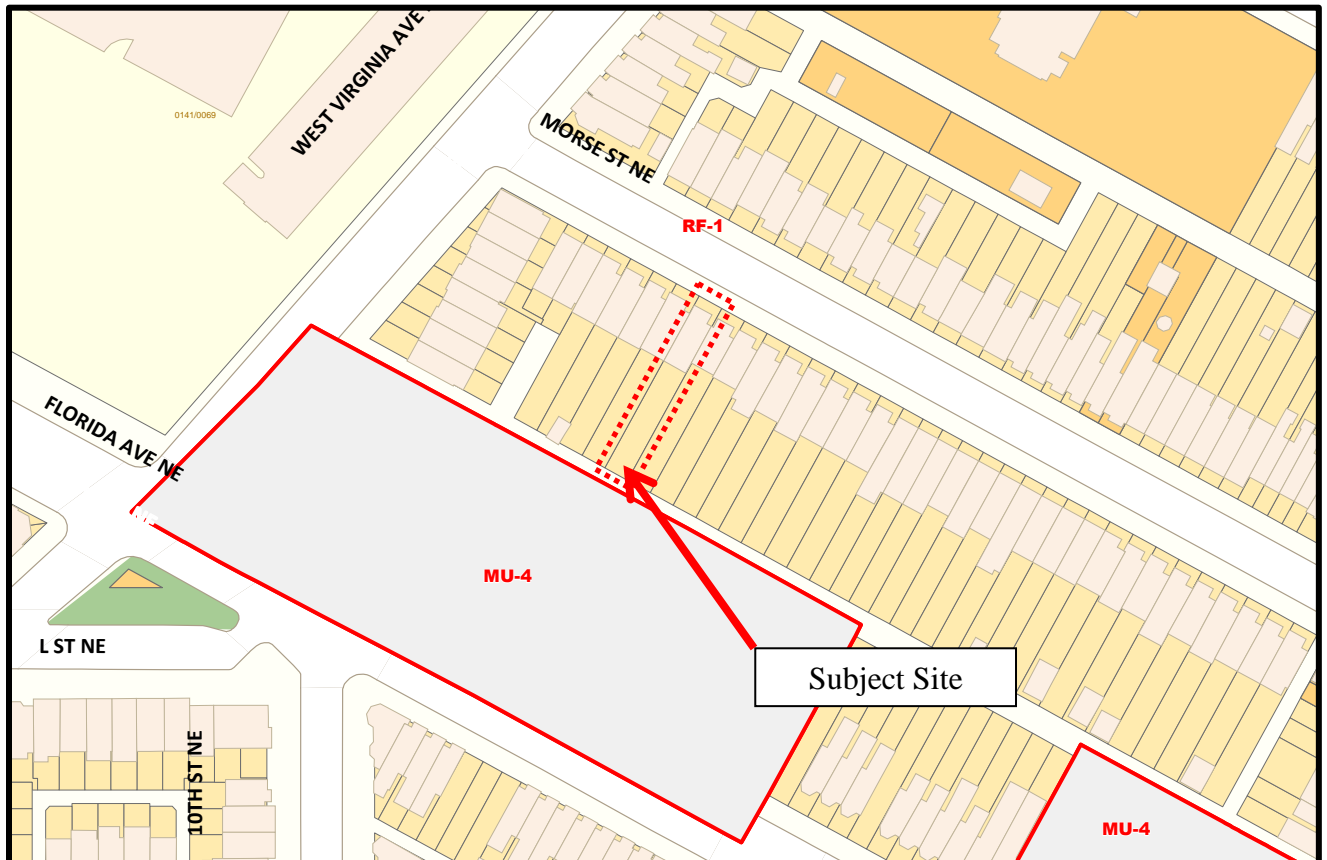
As part of the special exception request, OP also recommends **approval** of the following requested waiver:

- U § 320.2(e) (Addition may not extend more than 10’ past the rear wall of any adjacent property, 32’11” past the rear wall to the west proposed at 1<sup>st</sup> and 2<sup>nd</sup> floors, 27’11” on 3<sup>rd</sup> floor).

**II. LOCATION AND SITE DESCRIPTION**

Applicant	HJB Properties, LLC
Address	1121 Morse Street, NE
Legal Description	Square 4070, Lot 138
Zoning	RF-1 (Attached Single Family and Flat; Apts. Permitted by spec. ex.)
Ward and ANC	5, 5D
Historic District or Resource	None

<p>Lot Characteristics and Existing Development</p>	<p>Rectangular rowhouse lot – 19’2<sup>3</sup>/<sub>4</sub>” X 145’4<sup>5</sup>/<sub>16</sub>”; Lot area = 2,797 sf; 10’ alley at rear; Existing single family dwelling; Two stories with half-story attic façade;</p>
<p>Adjacent Properties and Neighborhood Character</p>	<p>This block of Morse Street appears to be exclusively rowhouses but for a few apartment conversions, including the two properties immediately to the east of the subject site. To the south is Florida Avenue, which has a variety of residential, commercial and institutional uses. The Trinidad neighborhood is mostly rowhouses, with a school and community center nearby. Gallaudet University is to the west.</p>
<p>Project Description</p>	<p>Expand an existing single family home and convert it to three apartment units. The project would increase the height of the building to three stories and extend the building back as much as 33 feet from its current rear wall. The front façade would be largely preserved.</p>



Note: This vicinity map does not reflect the larger footprints of the new apartment buildings to the east of the subject site.

### III. ZONING REQUIREMENTS AND ANALYSIS

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18'	19'2 <sup>3</sup> / <sub>4</sub> "	No change	Conforming
Lot Depth	n/a	145'4 <sup>5</sup> / <sub>16</sub> "	No change	Conforming
Lot Area E § 201	1,800 sf	2,797 sf	No change	Conforming
Height E § 303	35' – matter-of-right 40' – special exception	30'	34'11"	Conforming
Lot Occupancy E § 304	60%	30%	57%	Conforming
Rear Yard E § 305	20'	98'	58'	Conforming
<b>Conversion to Apt. U § 320.2</b>	<b>3 or more units by special ex., w/ 900 sf lot area / unit</b>	<b>1 unit</b>	<b>3 units (932 sf / unit)</b>	<b>Requested</b>
<b>Rear Yard / Depth of Rear Addition U § 320.2(e)</b>	<b>Addition may not extend more than 10' past rear wall of adjacent house</b>	<b>0' past the house to the west</b>	<b>32'11" past house to the west</b>	<b>Waiver Requested</b>
Rooftop Elements U § 320.2(h)	May not remove or alter rooftop elements	Front porch, mansard roof and dormers	Conserve those elements	Conforming

Subtitle U § 320.2 allows, as a special exception, the conversion of a structure to an apartment building, subject to the following criteria.

**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 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);**

According to the updated plan set, Exhibit 47, the existing height of the building is 30', and the applicant proposes to increase that to 34'11".

- (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 proposal would result in three units on the property.

- (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 property.

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

The lot area is large enough to accommodate 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 proposes to construct an addition approximately 33 feet past the wall of the adjacent building at the first and second floors, and 28 feet at the third floor. The applicant has therefore requested a waiver from this section, pursuant to subsection (l), which states that waivers shall not be in conflict with subsection (i). Based on the analysis of that subsection, OP recommends approval of the waiver.

- (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;**

At Exhibit 45 the applicant states that the addition would not impede the function of a chimney on any adjacent property. Based on OP's review of aerial photos, it appears that the revised, set-back third floor would not be adjacent to chimneys on adjacent structures.

- (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....;**

OP has found no evidence of an existing or permitted solar energy system on 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;**

From the plans submitted at Exhibit 47, it appears that the rooftop architectural elements at the front of the building would remain largely unchanged. The plans do propose to add a railing to the roof of the porch so that it can act as a terrace for the second floor unit. But in OP's estimation this change would not constitute a significant alteration that would fundamentally alter the character of the architecture of the house.

**(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 submitted shadow study, the amount of new shadow resulting from the proposal would not be significantly greater than the shadow that exists as a result of the existing apartment buildings. The available light throughout the course of the day should not be unduly impacted.

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

Privacy should not be unduly impacted. The building would not have windows facing onto the adjacent rear yard. The proposed rear balconies would permit some visibility onto the adjacent property, but not to a higher degree than a matter-of-right project on the subject site would allow.

**(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 revised design for the proposed addition to the building would maintain the long-established character of Morse Street. The front porch and the mansard roof would be preserved at the front of the house, along with the dormer window. The third floor would be set back about 31 feet from the front façade and would not be visible from the street in front of the building. At the rear of the building, the addition would somewhat deviate from the traditional pattern of houses as they face the alley. But the addition would be significantly smaller than the 54' existing additions on the apartment conversions to the east, which are also a full three stories and 40' tall; The proposed addition would have only a partial third floor that would be stepped back from the main rear façade. The proposed addition would therefore not substantially visually intrude upon the character of this portion 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;**

The application materials include floorplans, elevations, photographs and shadow studies to demonstrate compliance with subsection (i).

- (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 recommends no special treatments regarding the design.

- (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 requests a waiver from § 320.2(e), the 10 foot rule.

- (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.**

Not applicable.