

## Supplemental Report

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
Joel Lawson, Associate Director Development Review  
**DATE:** January 31, 2018

**SUBJECT:** BZA Case 19657 (1135 Morse Street, N.E.), requesting relief to convert an existing row dwelling into an apartment house with three units.

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### I. BACKGROUND AND RECOMMENDATION

The subject case was heard by the Board at its January 17, 2018 hearing. At the hearing, the Office of Planning (OP) noted that while it recommended approval of the conversion, the applicant had not demonstrated that the proposed rear addition would not present an undue impact to surrounding properties. Therefore, OP recommended denial of the rear addition. OP further noted that it would continue to work with the applicant on a design that could meet the special exception criteria, which would likely result in a reduced rear yard addition.

Since the hearing, OP has continued discussions with the applicant regarding the rear yard addition, which has resulted in significant and meaningful changes to its design. The original application proposed a 34.5-foot high rear addition, extending 40 feet beyond the rear wall of adjacent properties. The applicant has since redesigned the rear addition so that the basement extends 30 feet beyond adjacent rear walls; the first and second floors extend 25 feet beyond adjacent rear walls; and the third floor extends 20 feet beyond adjacent rear walls. The third floor would be set back 19.42 feet from the front façade, whereas it was originally proposed to have a 30-foot setback.

Based on the revised design, OP recommends **approval** of the following special exception:

- Subtitle U § 320.2, Conversion of an existing residential building to an apartment house (Two units permitted, Three units proposed).

OP recommends **approval** of the following waiver from the special exception criteria:

- Subtitle U § 320.2 (e), Rear addition extending further than ten feet past the rear wall of any adjacent property (10 feet permitted, 30 feet at basement level proposed; 25 feet at first and second floors proposed; and 20 feet at third floor proposed).

This report specifically provides analysis of the changed relief for the rear addition and supplements the original OP report (Exhibit 35) in which OP recommended approval of the conversion request.

### II. OFFICE OF PLANNING SUPPLEMENTAL ANALYSIS

- a. Special Exception Relief pursuant to Subtitle U § 320.2, Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house in the RF-1 zone.**

320.2 *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);*

According to the revised plan set, the applicant proposes to construct a third story addition that will increase the height of the dwelling from 26.5 feet to 34.5 feet, which is within the limit prescribed by this section, and slightly less than the original proposal.

- (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 proposed conversion consists of three units, so this provision does not apply.

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

The lot is currently developed with an attached dwelling, constructed in 1919.

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

Based on the lot size of 2,798 square feet, there would be 932 square feet of land area per dwelling unit.

- (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;*

According to the revised plan set, the basement of the addition would extend 30-feet beyond the furthest rear wall of the adjoining principal residences; the first and second floors would extend 25 feet; and the third floor would extend 20 feet. Therefore, the applicant has requested a waiver from this provision, pursuant to subsection (l), which indicates that the requested waiver 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;*

According to the revised plan set, the third story would provide a setback of 19.42 feet from the front of the dwelling, whereas the original proposal would have provided a setback of 30 feet. Even

with the reduction, the addition would not block or impede the functioning of adjacent chimneys or external vents.

- (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...*

No evidence of a permitted solar energy system on adjacent properties has been provided. The property at 1131 Morse Street, located two lots to the west of the subject property, has an existing solar energy system. The applicant has provided a sun study demonstrating that the proposed third story addition should not interfere with the existing solar energy system.

- (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 applicant has not proposed to alter the existing façade of the row dwelling. The proposed third story addition would be set back approximately 19.42 feet from the front façade and would not impact the existing front elevation.

- (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;*

The applicant has substantially reduced the size of the rear addition so that the bulk of the addition would have less impact on surrounding properties.

The applicant has also provided a revised shadow study for the proposed addition and for a by-right scenario. While the impact of the proposed addition appears to have a slightly larger shadow footprint than that of a by-right scenario, the impact has been minimized so that most of the shadowing is limited to the two most adjacent properties, of which both neighbors have indicated support. As a result, 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*

The revised plans should not unduly compromise the privacy of use and enjoyment of neighboring properties. The proposed rear addition would not have windows along the west elevation, and windows provided along the east elevation would be covered with a privacy film to ensure the privacy of the neighboring property. The balconies provided along the rear elevation would permit some visibility into adjacent properties, but not to a higher degree than a matter-of-right project on

the subject site would allow. A letter of support has been provided from the neighbor to the east. The applicant has been unable to obtain a similar letter from the neighbor to the west; but has advised that verbal support has been provided.

- (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 applicant has provided substantially revised plans showing a reduced rear yard addition. As part of those plans, a rendering showing the addition in context with the adjacent properties has been provided, demonstrating that the addition would not be out of character with the pattern of houses along the subject alley. As noted previously, many dwellings along the north and south side of Morse Street have made improvements over time, some with rear additions ranging from ten to 20 feet in length. The existing condominiums located at the west end of the block have rear additions that are approximately 55 feet in length. When considering the entire context of the block, the proposed addition is consistent with the established pattern of additions. While the basement level would extend the furthest from the neighboring property walls, it would be screened by the existing property fence. The first and second stories, extending 25 feet beyond the neighboring walls, is within the range that has been established on the block for rear additions.

The third story addition would continue to be set back from the front façade, although the distance has been reduced from 30 feet to 19.42 feet. The revised setback would continue to minimize visibility of the third story from the street, maintaining the character of the established street frontage, which generally includes two story row dwellings with front porches.

- (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 applicant has provided graphical representations that include elevations, floor plans, photographs, and a sun study.

- (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;*

Based on the revised plans, OP does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features.

- (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 has requested to waive requirement § 320.2(e), related to the rear yard addition exceeding a length of ten feet beyond neighboring rear walls.

- (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.*

This section does not apply to the proposal.