

716 Upshur Street NW

Summary of Zoning Relief | 16 May 2018

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Summary of Relief

716 Upshur LLC (the Applicant) is the owner of the property located at 716 Upshur St NW (the Project). As per 11 DCMR U § 320.2, an existing residential building existing prior to May 12, 1958 can be converted to a multi-family dwelling as a special exception. The number of dwelling units is determined by dividing the lot area (2,726 sf) by 900 sf / dwelling unit; therefore three (3) units are permitted.

The Board of Zoning Adjustment may modify or waive no more than three (3) of the requirements specified in 11 DCMR U § 320.2 (e) through 11 DCMR U § 320.2 (h). The Applicant is requesting a waiver from 11 DCMR § 320.2 (e). The applicant is not seeking relief from any other sections of the zoning regulations at this time.

Background

The property is located at 716 Upshur St NW, (Square 3135, Lot 91) in the Petworth neighborhood. The project is located within the boundary of ANC 4C. The property is currently zoned RF-1. The lot width is 19.12' and the depth is 142.5'. The lot area is 2,726 square feet.

The property has been improved with an existing attached structure, originally constructed in 1911 as a single family dwelling. The existing structure is two stories plus a basement. An accessory structure is located at the rear of the property and is currently used for storage. The existing structure is 19.12' wide and 33.74' deep. A one-story covered porch faces Upshur St NW. A two-story covered porch is located at the rear, facing the rear yard. The existing lot occupancy is 36%.

The existing structure will be enlarged by both a rear and third floor addition in order to accommodate the additional dwelling units. In addition, the ground floor shall be lowered to change the lowest level from a basement to a cellar. The proposed rear addition will extend the rear wall to 18' from the adjacent properties on either side. A third-floor addition will also be constructed, partially over the existing attached structure. The third-floor addition shall be setback from the existing architectural roof feature

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by 3'. A partial roof deck shall be accessed via an external stair from the third floor. A parapet wall of less than four (4) feet shall function as guardrail on the east and west sides. The guardrail along the north and south sides shall meet or exceed the penthouse setback requirements.

The existing front porch porch roof shall remain, but the existing porch floor and existing stairs to grade shall be lowered. A new stair from existing grade to the cellar level shall be provided at the front façade (facing Upshur St NW).

A new rear stair, connecting the ground and second floors to the rear grade will be provided, extending an additional 25.73' from the rear wall. A new areaway shall be provided at the rear, providing access from the cellar to the rear grade. The existing rear accessory structure shall be removed.

Burden of Proof

Per 11 DCMR U, Section 320.2, the applicant shall demonstrate that the proposed addition 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:

- 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 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);

Response: The proposed building, including any additions will not exceed thirty-five (35) feet. No relief is being sought from this requirement.

- 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;

Response: The Project will increase the number of units from one (1) to three (3). Therefore, Inclusionary Zoning and the set aside requirements of Subtitle C § 1003.6 do not apply. No relief is being sought from this requirement.

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

Response: A residential building currently exists on the subject property; no relief is being sought from this requirement.

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

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Response: The existing lot area is 2,726. Dividing the existing lot area by 900 sf/unit yields 3.02, therefore 3 units are permitted. No relief is being sought from this requirement.

- e) An addition shall not extend further than ten (10) feet past the furthest rear wall of any principal residential building on an adjacent property;

Response: The Applicant is seeking a waiver from this requirement. The rear wall of the proposed addition shall be 18' beyond the furthest rear wall of either adjacent building.

- 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;

Response: The existing affected chimney at 718 Upshur St NW, will be extended per a signed neighbor agreement. No existing vent or chimneys within 10' of addition at 714 Upshur St NW. No relief is being sought from this requirement.

- 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.

Response: There are no adjacent solar energy systems. No relief is being sought from this requirement.

- 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 roof architectural elements on all sides of the structure;

Response: No alterations to existing architectural features of 716 Upshur St NW. The proposed third floor addition is setback 3' from existing roof top architectural feature. No relief is being sought from this requirement.

- 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;

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Response: While the proposed addition will have some impact on the adjacent properties, the deep lots of both properties will not be unduly affected. The rear yards of both adjacent properties, unchanged by the proposed rear addition, is approximately 75'.

2. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

Response: The privacy of use and enjoyment to neighboring properties is essentially unchanged with the proposed addition. No windows shall be provided in the east or west elevations of the subject property, contributing to the property of both adjacent neighbors.

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;

Response: The structures along the southern 700 block of Upshur Street NW are of similar mass and composition. Therefore, the proposed addition is generally in harmony, both in scale and architectural character to structures at adjacent properties. The property at 712 Upshur St NW has been extended approximately 15.59' from the neighbor at 714 Upshur St NW. The pattern of development along the rear facades is a combination of one and two-story frame additions and 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;

Response: Refer to the detailed plans, sections and elevations that depict the relationship of the Project to the neighboring properties 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; Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;

Response: Special treatment is not required as the Project will maintain ample open space and is sized and scaled appropriately for the neighborhood.

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- 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).

Response: As outlined above, the applicant is only seeking a waiver from 11 DCMR U, Section 320.2 (e)

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.