

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 4, 2018

**SUBJECT:** BZA Case 19828 (3423 Holmead Place, N.W.) to permit the conversion of an existing church to a seven-unit apartment house in the RF-1 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **denial** of the following variance relief:

- **Height**, Subtitle E § 303.1, pursuant to Subtitle X § 1000 (3 stories maximum permitted; 3 stories existing; 4 stories proposed).

OP recommends **approval** of the following variance relief:

- **Front Setback Rules of Measurement**, Subtitle B § 315.1 (c), pursuant to Subtitle X § 1000 (building shall not be further forward or further back than the building façade of one of the immediately adjoining buildings; existing building is further back than both adjoining buildings).

OP recommends **approval** of the following special exception relief:

- **Conversion of a Non-Residential Building**, Subtitle U § 320.3, pursuant to Subtitle X § 900;
- **Court**, Subtitle E § 203.1, pursuant to Subtitle E § 5201 (8.3 feet minimum required for 40-foot-high building; 1.8 feet existing nonconforming at NW corner; 8.16 proposed at SE corner); and
- **Additions to Nonconforming Structures**, Subtitle C § 202.2, pursuant to Subtitle E § 5201.

**II. LOCATION AND SITE DESCRIPTION**

Address	3423 Holmead Place, N.W.
Applicant	Sullivan & Barrows, LLP for 3423 Holmead Place LLC
Legal Description	Square 2834, Lot 163
Ward, ANC	Ward 1, ANC 1A
Zone	RF-1 is intended to provide for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted. A structure existing before May 12, 1958 may be converted to more than two dwelling units with the approval of a special exception.
Historic District	None

Lot Characteristics	The rectangular lot has 6,350 square feet of area and 50 feet of frontage along Holmead Place. The rear of the lot, also 50 feet wide, abuts a 16-foot wide public alley.
Existing Development	The lot is currently developed with a three story, semi-detached building that was purpose-built as a church.
Adjacent Properties	To the north are existing three story multi-family buildings and a five-story apartment house known as Holmead Apartments consisting of 101 units. To the south, are existing three-story row dwellings. To the east, across Holmead Place, are existing two and three-story row dwellings. To the west, across the public alley, are existing three and five story multi-family buildings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly moderate family residential, consisting of row dwellings and apartment houses.
Proposed Development	The applicant proposes to convert the existing church into an apartment house consisting of seven units. A fourth story addition is proposed, extending the height of the structure to 40 feet, and would be set back eight feet from the front façade of the building. The addition would also fill in the existing 8-foot side yard along the southern property line. The existing stairs and awning at the front the structure would be removed. The rear yard would remain unchanged. A total of five parking spaces, accessed via the public alley, would be provided.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – RF-1	Regulation	Existing	Proposed	Relief
Height § 303	35 ft. max. and 3 stories	33.83 ft. and 3 stories	40 ft. and 4 stories	<b>Required</b>
Lot Width § 201	40 ft.	50 ft.	No change	None required
Lot Area § 201	4,000 sq.ft. min.	6,350 sq.ft.	No change	None required
Court § 203	2.5 in. per 1 ft., but not less than 6 ft.; 8.3 ft. for proposed building	NW corner: 1.8 ft.	NW corner: 1.8 ft. SW corner: 8.6 ft. SE corner: 8.16 ft.	<b>Required</b>
Lot Occupancy § 304	Greater of 60% max. or the lot occupancy as of the date of conversion	48%	52%	None required
Rear Yard § 306	20 ft. min.	27 ft.	No change	None required

<b>Zone – RF-1</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Front Setback § 305	Within range of existing front setbacks of all structures on the same side of the street in the block	25 ft.	No change	None required
Front Setback Rules of Measurement § 315	Attached buildings shall not be further forward or further back than building façade of one of immediately adjoining buildings	Further back than both immediately adjoining buildings	No change	<b>Required</b>
Side Yard § 304	8 ft. min., if provided	8.08 ft.	0 ft.	None required
Conversion of a Non-Residential Building U § 320	Special Exception required when conversion does not meet the requirements of U § 301.2.			<b>Required</b>
Parking C § 701	1 space per 2 units = 4 spaces		5 spaces	None required

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from Subtitle E § 303.1, Height (number of stories)**

**i. Exceptional Situation Resulting in a Practical Difficulty**

The proposed development would remove the existing roof and steeple on the church and replace it with a fourth story, which exceeds the three stories permitted in the RF-1 zone. The applicant has submitted that a combination of factors provide an exceptional situation resulting in a practical difficulty.

While there may be difficulties in converting a nonresidential structure into a residential use, the applicant has not identified an exceptional situation resulting in a practical difficulty that justifies the proposed fourth floor. The combination of factors provided by the applicant rely on the context of the block, which is not relevant to this part of the variance test, as well as financial impacts, which OP does not generally consider an exceptional situation.

**ii. No Substantial Detriment to the Public Good**

The proposed fourth floor should not likely cause substantial detriment to the public good. The fourth floor would be within the 40-foot height limited permitted with the approval of a special exception in the RF-1 zone, and lower than the adjoining row dwellings to the north and south. As a result, it would not unduly affect light and air to neighboring properties. While a roof deck would be located

above the fourth floor, it should not compromise the privacy of adjacent neighbors to the north, as it would not abut any fenestrations of those buildings. In addition, the terrace on the third level would provide separation between the fourth floor and building to the south, and would be at a lower height than the adjacent building. However, there are windows on the row dwelling located to the north that appear to be set back marginally from the property line; the applicant should provide additional information regarding the impact of the conversion and addition on those windows.

### **iii. No Substantial Harm to the Zoning Regulations**

The purpose of limiting the number of stories in the RF-1 zone is to ensure that development is consistent with moderate density housing, including row dwellings. The proposed fourth floor would provide an appearance of a more intense and dense zone, which contradicts this intent.

#### **b. Variance Relief from Subtitle B § 315.1 (c), Rules of Measurement for Front Setbacks for Residential House and Residential Flat Zones**

##### **i. Exceptional Situation Resulting in a Practical Difficulty**

The applicant has requested relief from the Rules of Measurement for Front Setbacks for the proposed development. The regulation requires that attached buildings not be further forward or further back than the building façade of one of the immediately adjoining buildings. The existing structure, which would be converted into an apartment house, is set back from both adjoining buildings and does not comply with this requirement.

OP would not typically support relief from a rule of measurement. However, in this case, the provision reads as a requirement and not a rule of measurement. As such, it has been identified for a future text modification to remove it from rules of measurement, and add it to the front setback regulations for each zone.

It would be practically difficult to comply with the provision, as the structure is existing and is being retained and incorporated into the proposal. In order to comply with this requirement, the front wall would need to be shifted further forward, which would be a significant cost to the project and disruptive to the neighborhood in general.

##### **ii. No Substantial Detriment to the Public Good**

Leaving the front wall in its current location should not cause substantial detriment to the public good, whereas requiring conformity could result in unnecessary disruption. The building was constructed in 1980 and has remained unchanged since that time. The existing location of the front wall behind the two existing structures on the north and south would not appear to cause adverse impacts to the neighborhood beyond those of a matter-of-right project.

#### **iv. No Substantial Harm to the Zoning Regulations**

The project complies with the intent of the regulations, which is to ensure that structures provide relatively consistent front setbacks along the existing range of blockface.

#### **c. Special Exception Relief from Subtitle U § 320.3, Conversion of a Nonresidential Building**

The proposed conversion is permitted by right provided it addresses all of the conditions noted in Subtitle U § 301.2. Although the site would provide the minimum lot size requirements to allow 7

units, a special exception pursuant to Subtitle U § 320.3 is needed because the proposal would not comply with the following provisions of Subtitle U § 301.2:

- (b) *The maximum height of any addition to the existing structure shall not exceed thirty-five feet (35 ft.);*

The proposed development would be 40 feet in height.

- (e) *A roof top architectural element original to the structure 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 existing steeple and roof would be removed from the structure.

320.3 *Conversion of a non-residential building or other structure to an apartment house and not meeting one (1) or more of the requirements of Subtitle U § 301.2, 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 provisions:*

- (a) *No special exception relief shall be available from the requirements of Subtitle U § 301.2(a);*

Subtitle U § 301.2 (a) requires that the building to be converted be in existence on the property at the time of filing an application for a building permit. The building currently exists on the property and the applicant has not requested relief from this requirement.

- (b) *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 light and air available to neighboring properties should not be unduly affected. The proposed conversion would not be taller than the immediately adjacent row dwellings to the north and south, and as a result, would not cast significant shadows on those properties, or more shadow than is currently experienced.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The conversion would include an addition to the south, filling in the existing eight-foot side yard. The addition would remain lower in height than the building to the south, which should preserve privacy to those neighbors. The proposed conversion would also be lower in height than the building to the north. However, there are windows on the row dwelling located to the north that appear to be set

back marginally from the property line; the applicant should provide additional information regarding the impact of the conversion and addition on those windows.

- (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 proposed conversion, whether three or four stories in height, would not visually intrude upon the character, scale, and pattern of houses along Holmead Place. The street blockface is staggered, containing structures of varied heights, including two story row dwellings with cellars and basements, three story row dwellings with cellars and basements, and a five story multi-family building located mid-block. While the proposed 40-foot height of the conversion would be in scale with the immediately adjacent structures, a shorter structure would also be in scale with the block given the general diversity in height.

Similarly, the proposed conversion should not visually intrude upon the character, scale, and pattern of houses along the public alley. The alley consists of a variety of structures of differing scales, some providing no rear yard. The conversion, whether it is three stories or four stories, would be in within the scale of the inconsistent pattern that has been established along the alley.

- (c) *In demonstrating compliance with Subtitle U § 320.3(b) 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; and*

The applicant has provided plans, photographs, elevations, and sections sufficient to represent the relationship of the conversion and proposed addition to adjacent buildings and views from public ways (Exhibits 8, 9, 10, 12, and 35).

- (d) *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.*

The Office of Planning does not recommend special treatment of the proposed conversion, other than recommending that the separate request for the proposed fourth floor be denied.

**d. Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) *Lot occupancy;*  
(b) *Yards;*  
(c) *Courts;*

- (d) *Minimum lot dimensions;*
- (e) *Pervious surface; and*
- (f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant has requested relief for courts and additions to nonconforming structures, consistent with this section.

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) *An addition to a residential building;*
- (b) *A new or enlarged accessory structure that is accessory to such a building; or*
- (c) *A reduction in the minimum setback requirements of an alley lot.*

The proposal consists of an addition to a building that would be converted to residential use.

5201.3 *An applicant for special exception under this section 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 light and air available to neighboring properties shall not be unduly affected;*

The applicant has requested relief to allow the expansion of a nonconforming court and the addition of one new nonconforming court. The non-standard courts should not unduly affect the light and air available to neighboring properties. The existing court at the north property line would remain the same dimensionally, and would provide light and air to units on the property. The court would continue to be closed in on its north side by the existing building, and should not impact neighbors to the north.

Additional courts would be located at the southeast and southwest corners of the building, although only the southeast corner would require relief for minimum width requirements, providing a width of 8.16 feet where 8.3 feet is required. The minimal relief would allow for windows to be provided to units on the property, but would also provide additional light and air to the property to the south.

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

The courts should not compromise the use and enjoyment of neighboring properties. The court along the north property line would continue to be closed in by the existing row dwelling to the north, and would not increase visibility on the lot or into the dwelling. The court at the southeast corner of the building would provide additional windows to the units along that side of the building, but should not increase visibility to the property to the south beyond what may occur with matter-of-right construction.

- (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 nonconforming courts would not be visible from the street, as they would be located central to and at the rear of the building. The court at the rear would be visible from the alley, but would not substantially visually intrude upon the character, scale, and pattern of houses along the rear, given that there is significant variation in massing along the 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*

The applicant has provided graphical representations including plans, photographs, elevations, and section drawings sufficient to represent the relationship of the proposed conversion to adjacent buildings and views from public ways (Exhibits 8, 9, 10, 12, and 35).

*(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 development would have a lot occupancy of 52%, which is less than maximum permitted by this section.

*5201.4 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 and nearby properties.*

The Office of Planning does not recommend special treatment related to the courts.

*5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The applicant has requested the appropriate special exception relief from Subtitle U § 320.3 to allow the conversion of a nonresidential building to an apartment house.

*5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The applicant has requested separate variance relief from Subtitle E § 303.1 to allow a fourth story.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

District Department of Transportation has filed a report noting that it has no objection to the requested relief with the following condition (Exhibit 33):

1. The applicant shall restore landscape in the 8.5-foot tree zone on the sidewalk, install one (1) tree, and apply to remove the existing Sunday parking restriction fronting the site.

OP would concur with this recommendation, which would help to satisfy the conditions for approval of the requested relief, by improving the character of the street.

## **VI. COMMUNITY COMMENTS TO DATE**

As of the date of this writing, comments from the community have not been submitted to the record. The applicant should provide a full update of community outreach efforts, including ANC meetings, to the Board at the public hearing.



### Location Map

