

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 27, 2020

**SUBJECT:** BZA Case 20243 to permit the conversion of a row dwelling flat into a three-unit apartment house at 532 Taylor Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle X Chapter 9:

- Subtitle U § 320.2 – to allow the conversion of a flat to a three-unit apartment house

**II. LOCATION AND SITE DESCRIPTION**

Address	532 Taylor Street, N.W.
Legal Description	Square 3231, Lot 0086
Ward, ANC	Ward 4, ANC 4C
Zone	RF-1 (Residential Flat Zone) allows two dwelling units to be located within the principal structure or one each in the principal structure and an accessory structure. The conversion of an existing residential building to an apartment house is permitted by special exception, subject to specified review criteria.
Historic District	Not applicable.
Lot Characteristics	The rectangular lot has 2,708 square feet of area, with 19 feet of frontage along Taylor Street. The rear of the lot at the south side has the same width and abuts a 15-foot wide public alley.
Existing Development	The property is currently developed with a three-story residential row dwelling. The building recently was expanded with by-right permitted third story and rear additions prior to this application.
Adjacent Properties	To the east and west are adjoining residential row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly moderate density residential with attached row dwellings.



**III. PROJECT DESCRIPTION IN BRIEF**

The Applicant is requesting special exception relief to convert the subject property, which is currently a flat, to three units. The Applicant recently received building permits and expanded the building with a third story and rear addition. The Applicant is requesting relief to allow the conversion to an apartment house and has not requested any waivers from the Special Exception criteria for a conversion in the RF-1 zone.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	19 ft.	No change	Existing non-conformity
Lot Area E § 201	1,800 sq. ft. min.	2,708 sq. ft.	No change	None required
Height E § 303	35 ft. max.	34.9 ft.	No change	None required
Lot Occupancy E § 304	60% max.	51.6%	No change	None required
Rear Yard E § 306	20 ft. min.	72 ft.	No change	None required
Parking C § 701	1 per 2 dwelling units (2 spaces)	2 parking spaces	No change	None required
Conversion to Apartment House U § 320.2	3 or more units by special exception, with 900 sq. ft. of lot area per unit	2 units	3 units (902 SF per unit)	<b>Special exception requested</b>

## V. OFFICE OF PLANNING ANALYSIS

### a. Special Exception Relief pursuant to Subtitle U § 320.2, Conversion of an existing residential building 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);*

The Applicant recently expanded the building to 34.9 feet in height, which is within the by-right limit prescribed by this section.

- (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 residential row dwelling.

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

The subject lot area is 2,708 square feet and with three units there would be 902 square feet of land area per dwelling unit, which would exceed the 900 square foot requirement.

- (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 recently received building permits for a rear addition that did not extend more than 10 feet past the furthest rear wall of either adjoining property.

- (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 Applicant is not proposing an addition as part of this application and has stated that there are no chimneys on either adjoining property that would be affected by the conversion.

(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;*

The Applicant has stated that there is not an existing or permitted solar energy system on adjoining 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;*

The Applicant is not proposing any changes to the rooftop architectural elements including the front façade dormers and front porch roof.

(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*

The Applicant is not proposing an addition to the building as part of this conversion application. The previously permitted by-right additions meet all zoning requirements.

- (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 conversion of this building with its recent additions, as viewed from the street or alley, should not substantially visually intrude on the character, scale and pattern of houses along the street or alley. The new third story has been set back from the front façade, which limits its visibility from the street. The rear addition is set back from the alley due to the 142.5-foot-deep lot which reduces any visual impact when viewed from the alley. The proposed conversion itself would have no impact on the visual character of the neighborhood.

- (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, and photographs.

- (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;*
- (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 not requested any waivers of the requirements.

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

As of the date of this report, no other District agencies had filed a report into the record.

## **VI. ANC COMMENTS**

As of the date of this report, a submission from the ANC had not been filed to the record.

## **VII. COMMUNITY COMMENTS TO DATE**

The adjoining neighbors to the east and west have filed letters of support in Exhibits 27 and 28.