

**MEMORANDUM**

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

**FROM:** Maxine Brown-Roberts, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** October 23, 2020

**SUBJECT:** BZA 20305 - Special Exception to allow fourth story addition and conversion from single family to a four-unit apartment house at 2152 Florid Avenue, NW.

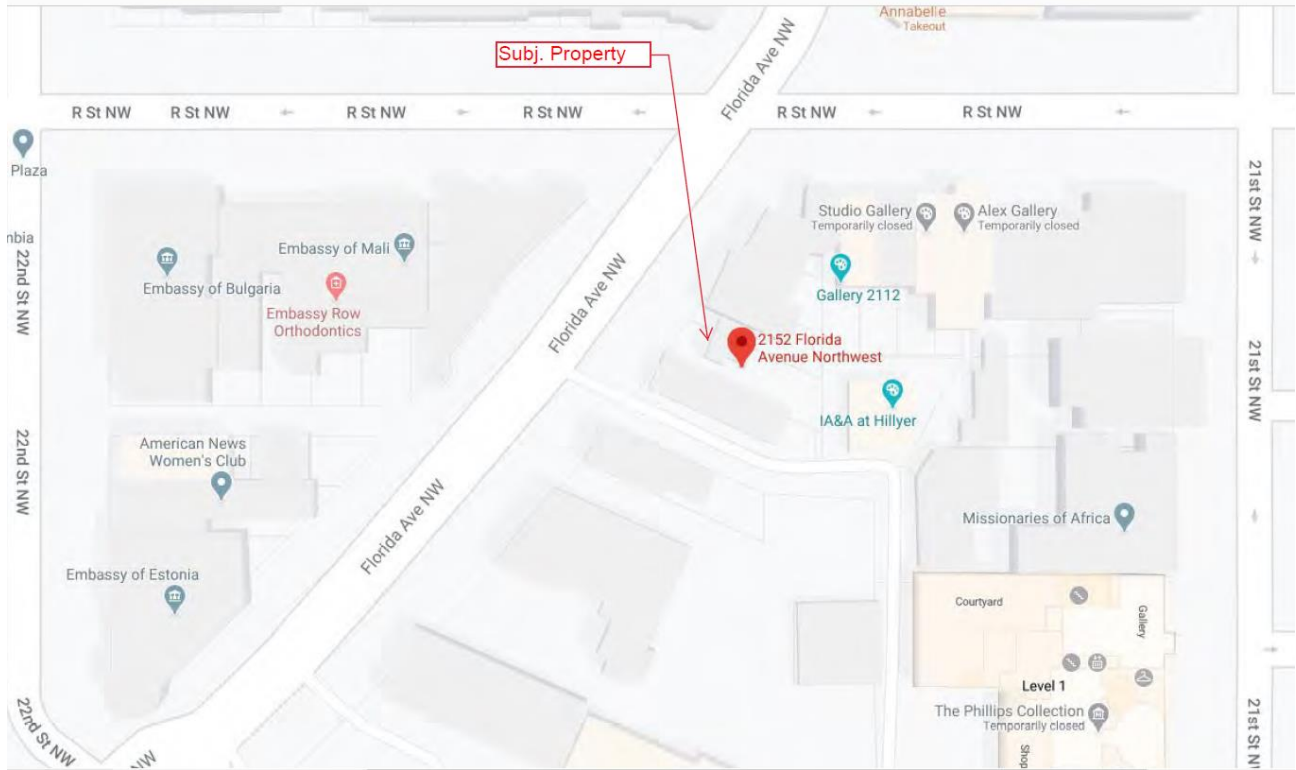
**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle F § 5201:

- Subtitle F § 202 Open Court width (15 ft. required; 12.4 ft. existing; 6 ft. proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address:	2152 Florida Avenue, NW
Applicant:	Florida 21 LLC represented by Marty Sullivan
Legal Description:	Square 66, Lot 828
Ward / ANC:	Ward 2; ANC 2B
Zone:	RA-8
Historic District or Resource:	Dupont Circle Historic District
Lot Characteristics:	The property is a nearly rectangular lot with an area of 2,017 square feet.
Existing Development:	The property is developed with a three-story, row dwelling.
Adjacent Properties:	To the east is the IA&A at Hillyer Gallery in a two story building, fronting on Hillyer Court; to the south is a four-story residential building with two units; to the west across Florida Avenue is the Embassy of Mali; and to the north is a three-story, single-family, row dwelling.
Surrounding Neighborhood Character:	The neighborhood contains a mix of row homes, large and small apartment buildings, along with institutional uses, such as art galleries, museums, and embassies.
Proposed Development:	Addition of a fourth floor and conversion into a four-unit residential building with a spiral staircase to the rear.



**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone -</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width	N/A	24.37 ft.	24.37 ft.	None required
Lot Area	N/A	2,0170 sq. ft.	2,0170 sq. ft.	None required
Courts (open) F § 202	Over 3 units: Width – greater of 4 in./ft. of height, or 15 ft. min.	12.37 ft. existing	6 ft.	<b>Relief requested (9 feet)</b>
FAR F § 602	1.8 max.	1.35	1.8	None required
Height F § 603	50 ft. max.	30 ft.	40 ft.	None required
Rear Yard F § 605	Addition should not exceed the portion of the rear yard included in the building area on May 12, 1958.	7.4 ft.	No increase	None required
Side Yard F § 606	4 ft. min. (if provided)	0 ft.	0 ft.	None required
Parking	0	0	0	None required

**IV. OFFICE OF PLANNING ANALYSIS**

The existing house has a court, measuring 12.37 feet. This court is conforming because the current use is a single-family dwelling and there is no minimum court requirement for a single-family dwellings. The proposed addition and conversion to a four-unit apartment building requires that, if

a court is provided, the width must be at least four inches per foot of the height of the court or 15 feet minimum. In this case, the height of the court would be 43.5 feet directly adjacent to the open court, resulting in a required court width of 15-foot minimum. As part of the addition, the applicant is constructing a spiral stair in the open court area which would reduce the court width in that area to six feet.

**Subtitle F § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

Special Exception for Court Width relief pursuant to Subtitle F § 5201:

**5201.1** *For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Green Area Ratio.*

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

- (a) An addition to an existing residential building; or*
- (b) Yards, including alley centerline setback;*
- (c) Court; and*
- (d) Green Area Ratio.*

The lot does not abut an alley and the applicant proposes an addition to an existing principal building that does not meet the court requirement.

**5201.3** *N/A*

**5201.4** *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure, shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

- (a) The light and air available to neighboring properties shall not be unduly compromised;*

Light and air to the property to the north would not be impacted as it does not abut the court area. The property to the south would not be unduly impacted as the court width would remain the same except that the stairs would be added. The staircase would be open, so the light and air would be able to pass through. The court faces the rear of the property to the east and although there are windows on that façade of that building, the spiral stairs would be set back and the court width should remain the same, and light and air to the property to the east would not be unduly impacted.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. The properties to the north and east do not have any windows facing the property and the proposed addition would not have any windows facing either property. The applicant is maintaining the existing court width from the property to the south, except for the portion adjacent to the proposed stair. The windows on the fourth story addition would be set back the same distance as the existing windows that currently face the building to the south, approximately 12 feet.

**(c) *The proposed addition or accessory structure, together with the original building, or the new 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 street and alley frontage; and***

The existing front façade would be retained, and the proposed addition would be set back 27.83 feet from the front façade minimizing possible views from Florida Avenue. There is no alley at the rear of the subject property, but it can be viewed from Hillyer Court which should not be impacted. The proposed addition and the original building, as viewed from the street, would not substantially visually intrude upon the character, scale, and pattern of houses along the street. The property is within the Dupont Circle Historic District and the addition and renovations received positive review by the Historic Preservation Review Board (“HPRB”).

**(d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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.***

The applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship between the proposed addition to adjacent buildings and views from public street.

**5201.5 *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.***

OP does not recommend any additional treatments.

**5201.6 *This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.***

The proposed apartments are a permitted use and the lot occupancy, height and number of stories are within the matter-of-right parameters.

**5201.7 *N/A***

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

At the time of this report, no comments from other agencies had been filed to the record.

The subject building is a contributing building to the Dupont Circle Historic District. The proposed renovation and additions were reviewed and given concept approval by the Historic Preservation Review Board (HPRB) on September 9, 2020.

## **VI. ANC COMMENTS**

The report from the September 9, 2020 meeting of ANC-2B indicates a vote of support for the applicant's proposal (Exhibit 27).

## **VII. COMMUNITY COMMENTS**

At the time of this report, the record has two letters of opposition at Exhibits 28 and 29.