

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: April 1, 2021

SUBJECT: BZA Case 20437- to permit the conversion of a two-story single household dwelling to a three-story apartment house at 1819 A Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Conversion of an existing residential building to an apartment house, Subtitle U § 320.2, pursuant to Subtitle X § 900 (2 units max. permitted; 1 unit existing; 3 units proposed).
- Rear addition extending further than ten feet past the rear wall of an adjacent property, Subtitle E § 205.4 (10 ft. max. permitted; 19 ft. proposed on east side); and
- Special exception relief from E § 206.1 pursuant to E § 5207, to permit the third floor without the required three feet (3 ft.) setback from the cornice at the front of the building.

II. LOCATION AND SITE DESCRIPTION

Address	1819 A Street, SE
Applicant	Datis Properties, LLC
Legal Description	Square 1111, Lot 0096
Ward, ANC	Ward 6, ANC 6B
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 a residential building to an apartment house is permitted by special exception, subject to specific review criteria.
Historic District	N/A
Lot Characteristics	The rectangular-shaped, lot measures 3,020 square feet and abuts the entrance to a 15-foot wide alley along its west property line, which adjoins the south property line at the T- of the 30-foot wide portion of the alley at the rear of the subject lot.
Existing Development	The property is currently developed with a two-story single-family row dwelling with and a front porch and a flat roof.

<p>Adjacent Properties</p>	<p>The Property fronts A Street, SE on the north, a 30-foot wide alley at the south (rear), a 15-foot wide alley to its west and an attached row, single-family dwelling to the east. Across the alley, to the west, is an eleven-unit apartment building.</p>
<p>Surrounding Neighborhood Character</p>	<p>The area is mainly developed with attached buildings, a number of which have been converted to multi-family residential uses, as well as some institutional buildings. The Stadium Armory Metro Station is located one-half block to the east of the property.</p>



LOCATION and ZONING MAP

III. APPLICATION-IN-BRIEF

The Applicant proposes to convert an existing two-story rowhouse into a three-unit apartment building. The conversion would include a third story addition over the existing two-story portion of the building. The third story addition would include a 5-foot wide cantilever over the existing structure’s rear wall, which is 14 feet 5 inches beyond the adjoining home to the east (1821 A Street S.E.) (See Site Plan - Exhibit 32C, Sheet A02).

The addition would have a roof deck with a 3.5 feet parapet wall and stairs at each level’s rear deck for each unit’s access to the upper deck and/or rear yard. Four parking spaces would be provided within the rear yard. While changes to the front porch or other architectural elements are not proposed, the third-floor addition would not be set back 3 feet from the front façade, as required by the Zoning Administrator (ZA). Special exception relief is therefore included under E 206.1 pursuant to E § 5207.1.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	22.08 ft.	No change	None required
Lot Area E § 201	1,800 sq.ft. min.	3,020 sq.ft.	No change	None required
Height E § 303	35 ft. max.	22 ft. 6in.	33 ft. 9 in.	None required
Lot Occupancy E § 304	60% max.	42.15%	49%	None required
Rear Yard E § 205.4	20 ft. min.	76 ft.	60 ft.	None required
Parking C § 701	1 per 2 dwelling units (2 spaces)	2	4 parking spaces	None required
Pervious Area E§204	20%	Not provided	22.8%	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	1 unit	3 units (900 sq.ft. per unit)	SE required
Rear Wall E § 205.5	Rear addition not to extend more than 10 ft. beyond rear walls of adjacent dwellings	N/A	19.5 ft. (east) (as measured to existing adjoining dwelling)	SE required
Roof top elements E § 206.1 Roof top element should not be increased in height elevation or size;	3 feet setback of third floor required (ZA determination)	N/A	0 feet proposed	SE required

V. OFFICE OF PLANNING ANALYSIS

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 The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use under Subtitle U § 301.4 that increases the number of units, shall be permitted as a special exception in an RF zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the following conditions:

- (a) *The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;*

The property is in existence as a single-family row dwelling.

- (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; and*

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

- (c) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.*

The lot area of 3,020 sq.ft. provides for more than 900 sq.ft. per dwelling unit.

General Special Exception Criteria of Subtitle X § 901.2

- i. *The addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps*

The proposed addition would satisfy the lot area requirement under 320.2 (c) which is intended to control the conversion of single-family units into apartment buildings.

- ii. *The addition will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps*

The proposed conversion would not likely adversely affect the use of neighboring properties. The apartment use is contemplated in the zone, subject to the lot area requirement, which it satisfies. In addition, the applicant’s design would mitigate potential adverse effects to the neighboring property to the east as discussed below.

5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

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) *Pervious surface.*

The project includes a third-floor addition projecting 19 feet 5 inches beyond the adjoining property to the east, where 10 feet is permitted as a matter-of-right. The

existing two-story building already extends 14 feet beyond it abutting neighbor's rear wall. The upper floor addition would extend 5 feet beyond the existing rear wall, creating a 5-foot wide cantilever.

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 affected;

The subject property's north/south orientation should help minimize undue adverse impacts to the natural light of the abutting residence. The applicant's design would project 9 feet beyond the permitted 10-feet of the addition, but 5 feet beyond what currently exists, one level above the two-story home to the east.

The applicant provided a shadow study comparison between a matter-of-right 10-foot addition of the upper level and the proposed at Exhibit 32E. The Study indicates that during the summer, the extent of additional shadowing on the property to the east by the current proposal would be minimal compared with a matter-of-right, 10-foot addition. In addition, an undue effect to the property 15 feet across the alley to the west, is not anticipated since the addition would not exceed the rear wall of the apartment building so as to cast additional shadows on that property.

The diagrams also show that during the spring/fall equinox, additional shadowing (beyond a matter of right) shown at 4 pm (and to sunset) should be minimal to the immediately abutting property. There also seems to be a minimal increase through sunset to the property beyond the immediately abutting property (#1823) (Exhibit 32E, A 3.2).

During winter, it would seem that while the matter-of right addition or the proposed addition would cause some additional shadow to the property, the shadow cast at 4 pm would be mainly derived from the larger apartment building across the alley, which cast shadows to both the subject and the abutting property.

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

The privacy of use and enjoyment of the abutting properties should not be unduly affected beyond the views of windows, which would face the rear yards, as currently exists.

Windows on the third floor facing west would not be out of character with what currently exists on the first two levels property and the subject apartment building across the alley. Privacy to residents in that building would only be altered at the third level, where each of the three windows proposed would supply light to bedrooms, which would normally be screened for privacy of its occupants. It is noted that apartment residents provided letters of support into the record, including at Exhibits 25, 26 and 29.

Windows are not proposed along the east façade to adversely impact the privacy of the abutting neighbor on that side.

The rear addition includes small balconies from bedrooms for passive seating. These balconies also include access to an upper level deck for use by all occupants of the individual units. From the upper deck looking east, the view would primarily be of the roof of the abutting resident (Exhibit 32C, A 1.3 – Roof Plan). The roof is also bounded by an opaque 3.5 feet parapet wall, which would limit views to the east or west while seated on the deck. Therefore, opportunities to view into rear yards of the neighboring properties would be limited.

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

The proposed third floor addition would be visible from the street, but the relief is required for the rear addition, which would be only obliquely visible down the side alley, which has a larger building across the alley. The proposed addition as viewed from the rear alley would not be out of character with similar additions for conversions in the immediate neighborhood, or as viewed from the 30-foot wide alley by homes fronting A Street, 18th Street NE or Independence Avenue.

- (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.*

The record includes the required, including revised architectural elevations (Exhibit 32C), updated DC Surveyor Plat (Exhibit 32D) and shadow study (Exhibits 32E).

- 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 special treatment for the protection of the adjacent properties or to maintain the character of the block. The applicant has requested relief, discussed hereafter to permit the third-story addition not set back 3 feet from the main façade as determined by the Zoning Administrator. No other changes would be made to the façade including the porch, which would remain intact.

- 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 expansion of the building is consistent with the permitted conversion of a single-family dwelling to a three-unit apartment building subject to the land area requirement of 900 square feet per unit.

5207 SPECIAL EXCEPTION CRITERIA ROOF TOP OR UPPER FLOOR ELEMENTS

5207.1 The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 206.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

(a) The proposed construction 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 third floor addition would extend up from the existing front façade, which has been interpreted as requiring relief from this section. This should not result in undue impacts on the light and air to the abutting neighbor to the east as that home is currently at two stories and no skylights were observed on the roof.

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

The privacy of use and enjoyment of the neighbor to the east should not be compromised as there is no habitable space or windows above the second story of the neighbor’s property that could be adversely impacted by the applicant’s proposal.

(3) The proposed construction, 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 or alley frontage;

OP does not recommend special treatment for the protection of the adjacent properties or to maintain the character of the block. Several conversions in the immediate neighborhood have been observed with similar third floor additions, including without setback from the front façade;

(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and

The record includes the required submissions, including revised architectural elevations (Exhibit 32C), updated DC Surveyor Plat (Exhibit 32D) and shadow study (Exhibits 32E).

(c) 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.

OP does not recommend additional special treatment than that proposed, including the roof design offered by the applicant to address the neighbor’s concern for their chimney.

General Special Exception Requirements of Subtitle X § 901.2

i. The addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

The addition would be in harmony with the intent of the Zoning Regulations for the RF-1 and satisfies the intent of allowing the limited conversion of row dwellings as

contemplated for low-to-moderate density within the RF-1 district. (E §§§ 100.1, 100.2, 100.3).

ii. *The addition will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps*

The proposed third-story would be within the permitted height and lot occupancy for this zone and would minimize the potential adverse effects on the use of the neighboring property. The applicant's design included setback of the third-floor roof as requested by the neighbor, so as not to adversely impact that neighbor's chimney.

VI. OTHER DISTRICT AGENCIES

At the writing of this report, other District agencies' reports were not included in the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 6B voted to recommend approval of the requested relief (Exhibit 30).

VIII. COMMUNITY COMMENTS TO DATE

The record includes neighbors' letters in support, including Exhibits 25, 26, 28, and 29.