

**MEMORANDUM**

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

**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director for Development Review

**DATE:** April 28, 2022

**SUBJECT:** BZA #20685 – 1933 2<sup>nd</sup> St. NE– Relief for an apartment building addition

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requested special exceptions:

- E § 205.4-Rear Extension (10 ft. max.; 20 ft. proposed).
- E § 206- Removal of a Rooftop Element, (Proposal includes removal of mansard roof)

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Alfred Manalang Jr. on behalf of Oladapo Kolawole
Address	1933 2 <sup>nd</sup> St. NE
Legal Description	Square 3565, Lot 54
Ward / ANC	Ward 5 / ANC 5E
Zone	RF-1, low to moderate density residential which permits rowhouses with one or two units by right.
Historic Resource	None
Lot Characteristics and Existing Development	4-unit apartment building on a 34 ft. x 156.71 ft. rectangular lot
Adjacent Properties and Neighborhood Character	Both adjacent properties are apartment buildings. The neighbor to the north has a similar addition, (BZA 19428), with relief for the removal of their mansard roof approved.
Proposal	The proposal is for a third story and rear addition that would allow for two additional units on the site. The project includes removing the existing mansard roof.

### III. LOCATION MAP



### IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

Item	Regulation	Existing	Proposed	Relief
Lot Width E 201.1	N/A	34 ft.	34 ft.	Existing
Lot Area U 301.5 (c)	5,400 sq.ft. min.	5,328 sq.ft.	5,328 sq.ft.	Granted minor flexibility approval by ZA
Height E 303	35 ft.	24 ft.	35 ft.	Conforming
Lot Occupancy E 304	60% max.	30%	43%	Conforming
Rear Yard E 306	20 ft. min.	76 ft. 8 in.	55ft. 8 in.	Conforming
Rear Wall Extension E 205.4	10 ft. max	0 ft.	20 ft. beyond south neighbor	<b>Special Exception Requested</b>
Rooftop Element E 206	May not be removed	existing	To be removed	<b>Special Exception Requested</b>

## **V. ANALYSIS**

### **Rear Extension - Subtitle X § 901, Special Exception Review Standards**

*Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed addition would be in harmony with the purpose and intent of the Zoning Regulations. The RF-1 zone permits row buildings with multiple dwelling units and the proposal would allow two additional units to be added to the building.

*Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

The proposed addition should not adversely impact the neighboring properties. On the south side, the proposed addition would extend 20 ft. beyond 1929 2<sup>nd</sup> St. NE, but since this neighbor is to the south, sunlight to them should not be significantly impacted. On the north side, the addition would extend 10 ft beyond 1937 2<sup>nd</sup> St. NE, which is permitted by right. The Applicant's submitted sun study also shows that this neighbor's sunlight should not be significantly impacted (Exhibit 30 (p.17-24).

Neither neighbor would have windows facing the addition and both have a large rear yard so air flow to these neighbors should not be significantly impacted. Likewise, privacy should also not be adversely impacted because there would be no windows on the northern and southern sides of the addition.

### **Removal of the Mansard Roof Special Exception Review Standards**

#### **Subtitle X § 901**

(a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposal complies with all other development standards of the zone and would not change the use of the building so would not be contrary to the general purpose and intent of the Zoning Regulations.

(b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As discussed below, the proposal should not result in an undue impact on neighbor's light, air, privacy or use of their property.

#### **Subtitle E § 5207**

*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;*

Replacing the mansard roof with the proposed third story should not unduly impact the light and air of the neighboring properties. The proposed third floor is permitted and is within the height allowed by the zone. The neighbor to the north, 1937 2<sup>nd</sup> ST NE, has a similar third story addition with a front balcony. According to the Applicant's sun study the proposed third story should have minimal impact when compared with a by-right addition (Exhibit 30 (p.17-24).

The neighbor to the south, 1929 2<sup>nd</sup> St. NE, should not be unduly impacted by the mansard roof removal. This neighbor also has a mansard roof at the top of the second level, but the applicant's proposed upper story addition would be set back 3 ft away from the front façade.

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

Replacing the mansard roof with the proposed third story should not unduly compromise the privacy of use and enjoyment of the neighboring properties. The neighbor to the north would benefit from the proposal because removing the mansard roof and setting the proposed third story back 3 feet would increase the light and air to this neighbor's balcony and third story window. The neighbor to the south should not be impacted because the third story would have no impact to their light and air.

*(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;*

Replacing the mansard roof with the proposed third story should not visually intrude on the character of 2<sup>nd</sup> St. NE. There are other houses along this street, including the adjacent house to the north, 1937 2<sup>nd</sup> St. NE, with a removed or modified mansard roof. Overall, the proposal with the existing house would have design features similar to adjacent houses and the rest of the row. The proposed third story and balcony are features that can also be found on the adjacent house to the north.

*(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 is complete with photographs, plans, elevations, section drawings, and shadow study.

*(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 any special treatment in this case.

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

As of the writing of this report, there are no comments in the record from other District Agencies.

## **VII. ANC COMMENTS**

As of the writing of this report, an ANC 5E report has not been submitted to the record.

## **VIII. COMMUNITY COMMENTS**

At Exhibit 39 is a letter indicating opposition to the application in its current form, from the condominium owners of 1937 2<sup>nd</sup> Street, to the north.