

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: September 23, 2022

SUBJECT: BZA Case 20733, 733 Euclid Street, N.W. to permit the expansion and conversion of an existing building to a 12-unit apartment house

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle E § 303.1, Number of Stories (maximum 3 permitted; 4 existing; 4 proposed for new building addition); and

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

- Subtitle E § 303, Building Height pursuant to E § 303.3 (35 feet maximum permitted; 40 feet permitted by special exception; 37 feet proposed); and
- Subtitle E § 205.4, Rear Wall Extension pursuant to E § 5201 (10-foot maximum permitted; 42 feet proposed on the west side);
- Subtitle E § 207.3, Elimination of Existing Conforming Side Yard pursuant to E § 5201 (5-foot minimum required; 37 feet existing; none proposed).

The applicant had originally requested relief from U § 320 to allow the conversion of the non-residential building to multi-family units, but the Zoning Administrator determined that this relief is not required.

II. BACKGROUND

On March 10, 2022 the applicant proposed to demolish the existing structure, subdivide the property into four record lots, and request the following relief from the Zoning Regulations:

1. E § 205.4, to permit the new structure to extend more than 10 feet beyond the rear wall of the row house to the west; and
2. B § 315.1(c) from the front set back requirements.

In July 2022 the site was designated a historic landmark by HPRB.

On August 11, 2022 the application was revised to retain the existing structure, construct side and rear additions, and convert the building to multiple units, and to request the following relief:

1. Special Exception relief from the “Ten-Foot Rule” of E § 205.4 on the west side of the site. HPRB requires the respective additions be set back from the front wall of the original building and the addition on the west side would extend 42 feet past the building on the adjacent lot to the west.

2. Special Exception relief from the RF-1 height restrictions of E § 303.1 to increase the building height from 35 feet to 36.5 feet for the proposed 4th story addition at the rear for consistency with the existing building height of 37 feet; and
3. Area Variance relief from the maximum number of stories of E § 303.1 to increase the number of stories for the proposed building addition. The existing building, constructed in 1879, consists of four stories, including a basement. While the overall building height can be increased by special exception, the existing lowest level of the building is more than 5 feet above grade and therefore a basement, which counts as a floor. In order to match the existing building's number of stories at the rear, variance relief is required to increase the number of floors to four.

On September 19, 2022 the application was further revised to request the following:

Special Exception relief (E § 207.3) to eliminate both (east and west) conforming side yards.

III. LOCATION AND SITE DESCRIPTION

Address	733 Euclid Street, N.W.
Applicant	Euclid Flats LLC
Legal Description	Square 2884, Lot 836
Ward, ANC	Ward 1, ANC 1B
Zone	RF-1
Historic Landmark Designation	National Association for the Relief of Destitute Colored Women and Children
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	4-story detached institutional building
Adjacent Properties	North: Across the public alley, two-story row houses South: Across Euclid Street, site of the former Banneker Senior High School East: Three-story flat row building West: Two-story one-unit row house
Surrounding Neighborhood Character	Moderate density residential, including parks and open space
Proposed Development	New construction attached to the east and west walls of the existing structure, a fourth story addition to the rear (north) of the existing non-residential building and converting it to a 12-unit apartment building, including approximately 2,000 square feet for IZ with a minimum of one two-bedroom apartment.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RF-1	Regulation	Existing	Proposed	Relief
Height E § 303	35 ft. max.; 40 ft. by sp.ex.	37 feet	37 feet for rear addition and 36.5 feet for side building additions	REQUESTED, sp.ex.
Number of Stories E § 303	3 max.	4	4 for new construction	REQUESTED, area var.
Lot Width E § 201	30 ft. min.	80 ft.	80 ft.	None Required
Lot Area E § 201	11,400 sq. ft. min.	11,400 sq. ft.	11,400 sq. ft.	None Required
Side Yard E § 207.3	If existing, must be retained	37 ft. total	None	REQUESTED, sp.ex.
Lot Occupancy E § 304	60% max.	29%	56%	None Required
Rear Yard E § 306	20 ft. min.	32 ft.	20 ft.	None Required
Rear Wall Extension E § 205.4	10 ft. max.		42 feet (west side)	REQUESTED, sp.ex.
Parking C § 701	6 spaces	--	8 spaces	None Required

V. OFFICE OF PLANNING ANALYSIS

a. Area Variance Relief from E § 303, Increase in Number of Stories from 3 to 4

i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties/Exceptional or Undue Hardship To the Property Owner

a. Extraordinary or Exceptional Situation

The existing structure on the property is a historic landmark constructed in 1879, with four levels, including the basement. The applicant proposes to expand the building with new additions and convert it into a twelve-unit apartment building.

b. Exceptional Practical Difficulties/Exceptional or Undue Hardship

Although the applicant could potentially create a new cellar level and lower the elevation of each successive floor level above, resulting in the additions being a conforming three stories in height, the result would be apartment units with floor levels at more than one elevation. This would also result in exterior windows and treatments reflecting this variation, adversely affect the façade of the building, contrary to the direction of the HPRB that any additions reflect the overall character of the existing, landmarked structure.

ii. No Substantial Detriment to the Public Good

The proposed fourth floor would be constructed at the rear and at the sides of the structure. The side additions are set well back from the street, so although they would be visible, should not result in a substantial detriment, since they are no higher than the

existing building and are consistent with the height permitted by special exception in this zone. The rear and side additions would be visible from the public alley at the rear, but, again, the increase in the number of floors would be consistent with the existing situation of the landmarked building. The relief is also consistent with HPRB direction, so help to facilitate the retention and re-use of the existing building which is also in the public good.

iii. *No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations*

The applicant's request for an additional floor should not result in a substantial impairment to the intent, purpose and integrity of the Zoning Regulations. It would allow, generally, for the continuation of the existing historic situation predating the Zoning Regulations. In this case, the relief would not result in a building form significantly inconsistent with the intent of the zoning, as the proposed additions would be within the height permitted by special exception, and within the permitted lot occupancy.

b. *Special Exception Relief from Subtitle E Chapter 5201, Addition to a Building or Accessory Structure*

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 applicant proposes building additions onto the existing residential structure on a non-alley lot to:

1. Eliminate both of the existing conforming side yards; and
2. Extend the rear building wall more than 10 feet beyond the rear wall of the adjacent residential structure to the west, or 42 feet.

The proposed lot occupancy is 56 percent, less than the maximum of 60 percent permitted as a matter-of-right, or 70 percent permitted by this section.

5201.2 & 5201.3 not relevant to this application

5201.4 An applicant for special exception 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, in particular:

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

The requested relief for the proposed building additions should not unduly affect neighboring

properties. A shadow study submitted by the applicant indicates that only a small portion of the adjacent property to the west would be affected by the proposed building additions during the morning hours of the summer solstice, and the spring and fall equinoxes. The owner of the property to the west submitted a letter to the record in support of the application.

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

No windows are proposed along the sides of the building additions that would face into either the yards or windows of the adjoining neighboring properties. Instead, any windows on the additions would face towards the alley and the rear yards of the property and adjacent lots, which is an expected situation in rowhouse areas. Therefore, privacy of use and enjoyment of neighboring properties should not be compromised.

- (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 building additions would be set back further from the street than the existing historic landmarked structure, preserving the prominence of the original building as viewed from the street and consistent with HPRB requirements. The conversion of the structure on the subject property into a row structure would result in the building that is consistent with the predominant rowhouse building typology along the north side of this block of Euclid Street.

- (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 applicant submitted plans, photographs and elevation drawings sufficient to represent the proposed additions to adjacent buildings and views from public ways.

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 makes no recommendations for special treatment.

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.

This special exception request would not result in the introduction or expansion of a nonconforming use, lot occupancy beyond what is permitted, or building height or number of stories as a special exception. Area variance relief is separately requested to permit an increase in the number of stories and building height.

c. Special Exception Relief from Subtitle E Chapter 303, Building Height

While the regulations limit permitted building height to 35 feet by-right, they also permit a height of 40 feet by special exception (E § 303.3), pursuant to the criteria of E § 5203. In this case,

the existing grandfathered building is 37 feet in height and additions are proposed to also be at 37 feet in height, consistent with HPRB direction.

5203.1 *The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) for a principal residential building and any additions thereto located on a non-alley lot 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:*

(1) *The light and air available to neighboring properties shall not be unduly affected;*

The applicant submitted shadow studies depicting the difference between a matter-of-right construction and the proposed additional building height. The only property that would be affected is the adjacent lot to the west, but then only in the mornings during the winter solstice and the spring and fall equinoxes. The owner of that property submitted a letter to the record in support of the application. There should not be an undue impact on the flow of air through the block.

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

Privacy and use and enjoyment of neighboring properties should not be unduly compromised. No windows or doors are proposed that would face the adjoining properties to the east or west, maintaining the privacy of those properties.

(2) *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 subject street or alley;*

The building additions would convert the existing detached structure on the subject property to a row structure, the same as the majority of the structures existing along the north side of the 700 block of Euclid Street where the subject property is located. The proposed additions would be set well back from the street and from the alley to the rear, and would be at the same height as the existing heritage building on the site. The additions are specifically designed to complement, but not duplicate or mimic, the design of the existing structure. As such, the proposed construction, as viewed from the street or the alley, would not substantially intrude upon the character, scale or pattern of houses.

(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's height to adjacent buildings and views from public ways; and*

The applicant submitted plans, photographs and elevation drawings sufficient to represent the proposed additions to adjacent buildings and views from public ways.

- (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 makes no recommendations for special treatment.

- 5203.2 *The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5203.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5203.1(e).*

The applicant is not requesting the waiver of any of the requirements above.

VI. Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

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

The requested special exceptions and area variances would be in harmony with the Zoning Regulations and Zoning Maps. They are in generally conformance with the specific criteria necessary for each area of relief, and the relief requested for the proposed additions would not result in a form or character of building inconsistent with the intent of the zoning, particularly of a building on an unusually large lot with a historic structure.

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

The proposal should not adversely affect the use of neighboring properties, as described above for to each area of relief requested.

- (c) *Subject in specific cases to the special conditions specified in this title.*

As described above, the subject application is in conformance with the special conditions specified for the areas of relief requested.

The applicant submitted revised plans to the HPRB, scheduled to be reviewed at the September 2022 meeting.

VII. OTHER DISTRICT AGENCIES

DDOT, in a memorandum to the record dated June 3, 2022, stated that it had no objection to the application.

No comments from other District agencies were submitted to the record at the time of the filing of this report.

VIII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 1B, at its regularly scheduled meeting on September 1, 2022, voted to support the application. (Exhibit 29)

IX. COMMUNITY COMMENTS TO DATE

One letter (Exhibit 18) was submitted to the record in support of the application as of the date of filing of this report.

Location Map

