

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: April 12, 2016

SUBJECT: BZA Case 19233 (824 Varnum Street, N.W.) for a special exception to allow the conversion of a residential building to an apartment house in the R-4 District.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 336, Conversion of a Residential Building Existing Prior to May 12, 1958, to Apartment Houses (R-4)

II. LOCATION AND SITE DESCRIPTION

Address	824 Varnum Street, N.W.
Applicant:	Cynthia Giordano
Legal Description	Square 3024, Lot 50
Ward / ANC	Ward 4; ANC 4C
Zone	R-4 – Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools. Conversion of an existing row dwelling to an apartment house is permitted by special exception, provided that the lot has 900 square feet of area per unit.
Historic District or Resource	Not applicable.
Lot Characteristics	The 3,295 square foot rectangular lot has a frontage of 23.13 feet along Varnum Street, and a width of 23.13 feet along the rear of the of the lot, which abuts a 15 foot wide public alley.
Existing Development	The lot is currently developed with a semi-detached dwelling.
Adjacent Properties	To the north, across Varnum Street, is an existing detached single family dwelling. To the south, across the public alley, are single-story commercial establishments, including personal services, restaurants, and retail. To the east and west are existing semi-detached dwellings.

Surrounding Neighborhood Character	The south side of Varnum Street generally consists of semi-detached dwellings; although, the neighborhood is primarily residential with a variety of housing types that include semi-detached and detached dwellings, row dwellings, and multifamily buildings. Upshur Street, located one block south of the project site, is the nearest commercial corridor.
Proposed Development	The applicant proposes to convert an existing residential building into an apartment house consisting of three units. A third story addition increasing the height from 31.75 feet to 34.5 feet would be included, as well as a 22 foot rear addition. The development would comply with development requirements.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-4	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max.	31.75 ft.	34.5 ft.	None required
Lot Width § 401	18 ft.	20 ft.	20 ft.	None required
Lot Area § 401	1,800 sq. ft. min.	3,295 sq. ft.	3,295 sq. ft.	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	39%	60%	None required
Rear Yard § 404	20 ft. min.	71.17 ft.	49 ft.	None required
Side Yard § 405	8.75 ft. min.	5.83 ft.	6 ft.	Existing nonconforming

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to § 336

336 Conversion of a Residential Building Existing Prior to May 12, 1958, to Apartment Houses (R-4)

336.1 *Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in the R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to §§ 336.2 through 336.11.*

336.2 *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 under § 3104, subject to §§ 336.3 through 336.11.*

The height of the proposed addition would be increased from 31.75 feet to 34.5 feet, which is under the 35 feet maximum permitted in the R-4 District.

336.3 *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.*

The proposed project consists of the development of three units, and would not be subject to the requirements of Inclusionary Zoning.

336.4 *There must be an existing residential building on the property at the time of filing an application for a building permit.*

The subject site is currently developed with a semi-detached residential building, which was originally constructed in 1908.

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

The subject site has a lot area of 3,295 square feet, allowing for the development of three units as proposed by the applicant.

336.6 *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.*

The applicant has indicated that the proposed third story and rear additions would not block or impede the functioning of a chimney or other external vent on the adjacent property. It appears that there is at least one chimney located on the semi-detached dwelling to the west along the side yard, which would not seem to be impacted by the proposed third story.

336.7 *Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.*

Based on resources available to OP, there appear to be no permits issued for solar energy systems, or existing solar energy systems, on adjacent properties. As such, the proposed third story addition should not interfere with existing solar energy systems.

336.8 *A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size.*

The architectural features of the existing dwelling include the gambrel roof, side dormer, and front porch. Although the height is being increased by 2.75 feet, the gambrel roof and side dormer would remain unchanged; only the roof slopes would be modified to create a greater floor to ceiling height. The additional height would not be flush with the front façade. Rather, the height would gradually increase to the maximum height a few feet behind the façade, resulting in reduced visibility of the additional height from the street. The existing front porch would also remain in place, as it is a consistent feature found on this block of Varnum Street. Chimneys located towards the rear of the dwelling would be removed, but they are currently not visible from the street and would not be considered an identifying feature of the dwelling. The applicant proposes to replace the existing stucco with hardie plank, which is consistent with materials used elsewhere on the block.

336.9 *Any addition 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;

Light and air available to neighboring properties should not be unduly affected by the proposed additions, particularly since the addition does not exceed by-right allowances within the R-4 District. The height of the structure would be increased by 2.75 feet and would be under the maximum of 35 feet permitted in this District. As a result of the slight increase, adjacent properties should not be burdened with significant shadowing. The 22 foot rear addition is substantial, but a

large 49 foot rear yard would still be provided, and the neighboring property owner to the west would continue to have an approximately 70 foot rear yard. Given the size of these lots and the amount of open space provided, the rear addition should not negatively impact adjacent properties.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The west elevation of the addition would not include windows, contributing to the privacy of the neighboring semi-detached dwelling. Side yards provided between the subject property and the property to the east result in an approximately 9.5 foot separation between the dwellings, minimizing the impact the addition would have on the privacy of this neighbor. Finally, a large rear yard of 49 feet and a 15 foot wide public alley ensures the privacy of property owners to the south.

(c) The conversion and any associated additions, as viewed from the street, alley, and other public ways, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley.

The proposed conversion should not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley. The front façade would remain unchanged, with the exception of minor changes that would be made to the roofline to provide a greater floor to ceiling height. The addition would be visible from the alley, but a large rear yard of about 50 feet would be maintained, providing a significant distance between the addition and public way.

336.10 In demonstrating compliance with § 336.9 the applicant shall use graphical representation 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, including plans, photographs, and elevations, sufficient to represent the relationship of the conversion and the proposed addition to adjacent buildings and views from public ways.

336.11 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 treatments for the proposed conversion and addition.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed conversion and addition is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Regulations permit the conversion of a dwelling in the R-4 District to an apartment house provided that there is a minimum of 900 square feet per unit; the proposed conversion would provide 1,098 square feet per unit. The use of the dwelling would continue to be residential, as anticipated by the Zoning Maps, and would be of a conforming density as regulated by the Zoning Regulations.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed conversion and addition would not appear to adversely affect the use of neighboring property. The property would continue to be used as residential and would maintain the residential character, as noted in previous sections in this report. Adequate parking to serve the residents would be provided on site, and open space would be maintained in the side and rear yards, consistent with the existing character.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District Agencies have not been received.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on April 13, 2016, ANC 4C voted to recommend approval of the requested relief.

Location Map

