

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: March 10, 2017

SUBJECT: BZA #19396 – 417 4th Street, SE – Special Exception relief to permit the expansion of an existing apartment building

I. RECOMMENDATION

With regard to this proposal to expand an existing apartment building, the Office of Planning (OP) recommends **approval** of the following special exception relief:

- U § 320.2(m) (Special Exception Necessary to Expand an Existing Apartment House).

II. LOCATION AND SITE DESCRIPTION

Address	417 4 th Street, SE
Legal Description	Square 793, Lot 828
Zoning	RF-3 (Capitol Interest Attached Single Family and Flat)
Ward and ANC	6, 6B
Historic District	Capitol Hill
Lot Characteristics and Existing Development	Lot is mostly rectangular in shape and flat, though the grade is raised above the level of 4 th Street; 26’6” wide X ~100’ deep; Lot area = 2,568 sf; No alley access; Existing three-unit apartment building converted from a rowhouse prior to 1958.
Adjacent Properties and Neighborhood Character	The surrounding neighborhood is mostly rowhouses with some educational, government and institutional uses nearby. Adjacent properties are residential rowhouse structures.

III. PROJECT DESCRIPTION IN BRIEF

The subject property is improved with a three unit apartment building, converted from a rowhouse prior to 1958. The applicant proposes to expand the building to the rear, but not to expand the number of units. The 45’ deep building would be expanded to a depth of 63’, and the addition would be three stories tall. The height of the building would be 31’ tall, slightly more than the existing height of 30’2”.



IV. ZONING REQUIREMENTS AND ANALYSIS

The following table provides the basic parameters of the property and proposal.

Item	Requirement	Existing	Proposed	Relief
Lot Area E § 201	4,000 sf	2,568 sf	No change	Existing Nonconforming
Lot Width E § 201	40'	26.5'	No change	Existing Nonconforming
Lot Depth	n/a	95' – 100'	No change	n/a
Height E § 303	35', 3 stories	30'2", 3 stories	31', 3 stories	Conforming
Lot Occupancy E § 304	60% 1,540.8 sf	38% 975.8 sf	56% 1,438.1 sf	Conforming
Rear Yard	20'	45.2'	27'	Conforming

Expansion of an Existing Apartment

Subtitle U § 320.2(m) states that an existing apartment building may be expanded pursuant to the special exception criteria of Subtitle X Chapter 9, and the provisions of “this section”, U § 320.2. The following is OP’s analysis of 320.2.

320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:

- (a) 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 to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);**

The existing height of the building is 30’2”, and the proposed height is 31’.

- (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;**

The proposal would not increase the number of units above the three that are already located in the building.

- (c) There must be an existing residential building on the property at the time of filing an application for a building permit;**

There is an existing residential building on the property.

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

The original application included a request for variance relief from this section. But because the number of units is not increasing, OP, in consultation with OAG, believes that relief is not necessary. This was also the case in application 19373, in which a four unit building was expanded structurally, but not in the number of units.

- (e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;**

The addition would extend to a depth equal to the property to the south, and would be nine feet farther back than the property to the north.

- (f) 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 addition could have an impact on a chimney on property to the south. According to page 6 of Exhibit 43, the applicant is seeking an agreement from the neighbor to extend their chimney up. In lieu of an agreement, the applicant proposes to cut out a ten foot radius of their third floor around the chimney, though those plans have not yet been submitted to the record. OP does not object to that dual-pronged approach to resolving the chimney issue.

- (g) 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 or shade study, or other reputable study acceptable to the Board of Zoning Adjustment;**

OP has found no evidence of an existing or permitted solar energy system on adjacent properties.

- (h) 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 applicant proposes to replace the existing, plain cornice with a slightly larger, more decorative cornice. Please refer to Sheet A200 of Exhibit 40. It is unclear if the present cornice is “original” to the house, or added at a later date. Therefore, OP feels that the application conforms with this subsection. If, however, the Board determines that a waiver to this subsection is warranted, pursuant to § 320.2(l), OP would support that waiver, which would not be in conflict with § 320.2(i).



Existing cornice

In addition, the proposal has been given conceptual approval by the Historic Preservation Review Board (HPRB), who had no objections to the slight changes to the front of the building.

- (i) **Any addition 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;**

According to the shadow study submitted by the applicant (Exhibit 41), the amount of shadow on the property to the north would increase. However, the amount of available light should not be unduly impacted, and not beyond levels to be expected in a dense urban neighborhood.

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

Privacy should not be unduly impacted. Residential units would have windows facing the rear yard, and some windows facing north. There would also be a third floor terrace at the rear of the building. While the windows and terrace could allow views onto adjacent properties, they would not result in a substantially adverse effect or an effect not to be expected in a dense urban neighborhood. Nor would the addition result in an effect that is substantially greater than the existing condition, where the property at 419 4th Street also has rear windows and a third floor terrace.

- (3) **The conversion and any associated additions, 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 proposed addition might be very slightly visible from 4th Street or E Street, but would not intrude upon the character of those streets.

- (j) **In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations 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 application materials include floorplans, elevations, photographs and renderings.

- (k) **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;**

The Office of Planning recommends no special treatments or conditions.

- (l) **The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and**

No waivers have been requested.

- (m) **An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.**

The applicant seeks special exception relief pursuant to this subsection in order to expand the building structurally, but not in the number of units.

V. HISTORIC PRESERVATION

The subject property is within the Capitol Hill Historic District and the project has received conceptual approval from the HPRB.

VI. COMMUNITY COMMENTS

As of this writing OP has received no comments from the community. The ANC submitted a letter to the record recommending approval of the application. Since the time of the ANC letter, the proposal has been reduced in size.