

**MEMORANDUM**

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

**FROM:** Elisa Vitale, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** February 10, 2017

**SUBJECT:** BZA 19418 319 Varnum Street NW – Special Exception relief to permit the conversion of a single-family residential dwelling to a three-unit apartment building

**I. RECOMMENDATION**

With regard to this proposal to convert an existing flat to a three-unit apartment building, the Office of Planning (OP) recommends **approval** of the following special exception relief:

- U § 320.2 Conversions, special exception required to convert a residential building to an apartment house in the RF-1 zone.

OP **does not support** the requested waiver of the following condition:

- U § 320.2(e) Addition (10 feet maximum permitted; 20 feet proposed).

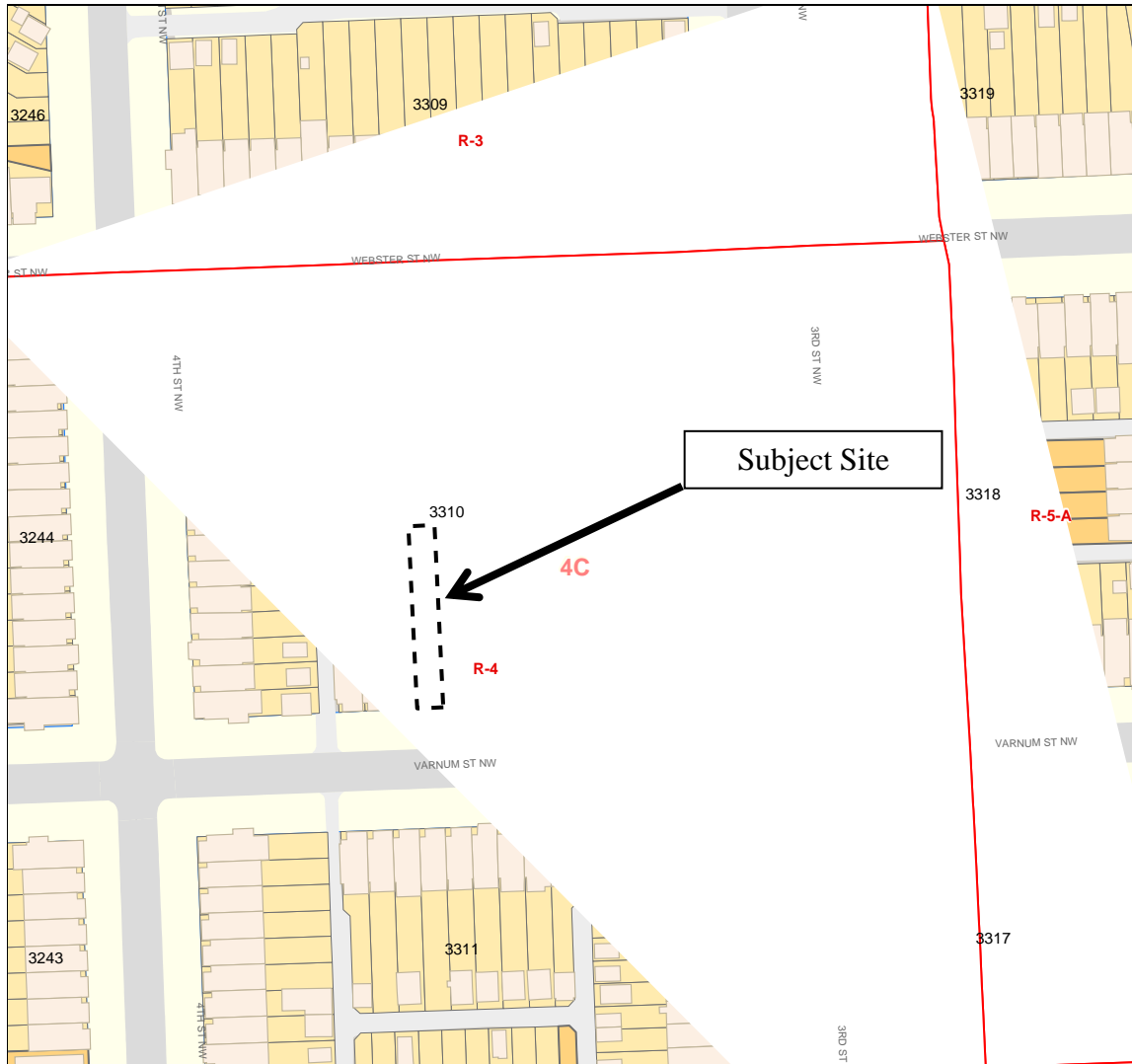
Although the Applicant did not request a waiver of U § 320.2(h), Rooftop Architectural Element, OP believes a waiver would be necessary as the rooftop is being significantly altered; and **would not support** approval of a waiver request for the proposed design.

**II. LOCATION AND SITE DESCRIPTION**

Address	319 Varnum Street NW
Legal Description	Square 3310, Lot 47
Zoning	RF-1 (Attached One Family Dwelling and Flat)
Ward and ANC	4, 4C
Historic District	None
Lot Characteristics and Existing Development	The subject property is improved with a two-story rowhouse that is being used as a single-family dwelling. The lot measures 20 feet in width by 140 feet in depth with a lot area of 2,800 square feet. The property is bounded by adjoining rowhouse lots to the east and west, Varnum Street to the south, and an improved 20-foot public alley to the north.
Adjacent Properties and Neighborhood Character	Adjacent properties are improved with two-story residential rowhomes. The surrounding neighborhood is residential in character with religious and institutional uses to the east.

### III. PROJECT DESCRIPTION IN BRIEF

The Applicant seeks to convert the existing single-family rowhouse to a three unit apartment house, including the construction of a third floor over the existing structure and a three story addition. The third story would be set back five feet from the front façade and the existing second story dormer would be maintained and restored. The three story addition at the rear would measure 20 feet in depth and fourteen feet in width.



### IV. ZONING REQUIREMENTS AND ANALYSIS

#### Special Exception Analysis

U § 320.2 allows the conversion of an existing residential building to an apartment, subject to conditions. The following is OP's analysis of U § 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 building height is 28 feet 11 inches and the Applicant is proposing to increase the height by 6 feet to 35 feet, which would not exceed the maximum permitted height.

- (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 project would have three dwelling units, and therefore this subsection does not apply.

- (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 single family residential dwelling on the property.

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

The total lot size is 2,800 square feet, which would result in 933.33 square feet per unit.

- (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 proposed addition would extend 20 feet beyond the furthest rear wall of the adjoining properties and the Applicant is requesting a waiver of this section pursuant to U §320.2(l). OP does not support the waiver request, as it would permit an addition that is not in keeping with the scale and character of other properties in the square. While the lots in the square are relatively deep at 140 feet, the properties have generally maintained a consistent depth of rear wall. The proposed addition would introduce a three-story volume at the rear of the property that would not be consistent with the sleeping porches and open decks found at other properties in the square.

- (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;*

There is an existing chimney at 321 Varnum Street NW and the Applicant has proposed to maintain a 10-foot clear area around the chimney by reducing the footprint of the third floor addition. The Applicant should continue to attempt to reach the adjacent property owners to ensure the proposed construction would not impede the functioning of the chimney.

- (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;*

The Applicant states that there is no known existing or permitted solar energy systems 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;*

Although the Applicant is proposing to maintain the existing dormer and has not requested a waiver of this subsection, the proposed third floor addition would begin 5 feet behind the front façade and would alter rooftop architectural elements original to the house. The proposed addition also would result in a material change to the rear elevation and roofline of the property. OP, therefore, does not support a waiver of this subsection for the design as currently proposed.

- (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;*

The proposed addition would cast additional shadow in the morning and evening on the rear yards of the properties at 321 and 317 Varnum Street NW, respectively.

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

The proposed addition could affect the privacy of use and enjoyment of neighboring properties. The Applicant has proposed four windows opening to the third floor roof deck, which could provide views to 321 Varnum Street NW.

- (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 third floor addition would be visible from both Varnum Street NW and the alley at the rear of the property. With respect to the Varnum Street elevation, OP finds that the project would intrude upon the character, scale and pattern of the immediate grouping of houses. The proposed design, including the minimal setback from the mansard roof and dormer, would result in an unnecessarily visible third floor addition that would result in a change in the character, scale, and pattern of houses along Varnum Street NW. To rectify this, the applicant could make relatively minor changes to the top floor, such as to set the upper floor further back from the front face of the building and/or redesign the front façade of the upper floor to minimize its visibility and impact.

The proposed additions would significantly alter the rear façade of the house and the height would be noticeable at the rear of the property. The homes in the square are characterized by two-story rear sleeping porches, some of which have been enclosed. The proposed addition extends 20 feet beyond the rear wall of the adjoining properties and introduces a three-story volume at the rear façade.

- (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 and photographs.

- (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;*

OP encourages the Applicant to reduce further the depth of the proposed addition and to modify the design to be more in keeping with the scale and character of adjoining properties.

- (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*

The applicant has requested a waiver from subsection (e), governing the depth of additions. As noted, the Applicant has not requested a waiver from subsection (h), but the proposed design results in a change to the shape, height, elevation, and size of rooftop architectural elements. OP does not recommend approval of these waivers for the addition as currently designed.

- (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.*

Not applicable.

## **V. COMMENTS FROM OTHER DISTRICT AGENCIES**

By Memo dated January 18, 2017 DDOT indicated that the proposed project would have no adverse impact on the District's transportation network.

## **VI. COMMUNITY COMMENTS**

ANC 4C voted to support the application at its February 8, 2017 regular meeting.