

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: September 29, 2017

SUBJECT: BZA Case 19594: Request for special exception relief pursuant to Subtitle D § 5201.1 from F § 305.1, to reduce the rear yard to allow for a rear building addition to an apartment house.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- F § 305.1, Rear Yard (15 feet required, 10 feet, 10 inches existing; 4 feet, 2 inches proposed).

The applicant also requests the following:

“The Applicant shall have flexibility to make minor changes to the final design of the project in response to requests or instructions from the Historic Preservation Office and/or Historic Preservation Review Board.”

OP supports this request, provided it does not result in the need for new or expanded relief that would require the applicant to return to the Board.

The application includes a new penthouse on the roof of the building, permitted within the RA-2 zone. However, the walls of the penthouse would not be of equal height, as its roof is proposed to slope, resulting in walls varying from about 7.75 to 9 feet in height. Subtitle C Section 1500.9 states that *“Enclosing walls of the penthouse shall be of equal, uniform height as measured from roof level...”*. As part of the penthouse text amendment, the Zoning Commission debated this issue and deliberately retained this provision. As such, OP is clear that this relief is needed under the current regulations, and raised the need for this additional special exception relief with the applicant, who declined to revise the application to request it. As such, OP anticipates the penthouse design would have to be redesigned to remove the minor non-conformity, or the applicant will have to return to the Board for additional relief.

II. LOCATION AND SITE DESCRIPTION

Address	1469 Florida Avenue, N.W.
Applicant	1469 Florida LLC
Legal Description	Square 2660, Lot 864
Ward, ANC	Ward 3, ANC 3D
Zone	RA-2

Historic District	Greater U Street
Lot Characteristics	Unusually shaped lot with no alley access
Existing Development	Semi-detached building with three apartment units
Adjacent Properties	Row houses, flats and small apartment buildings
Surrounding Neighborhood Character	Row houses, flats and small apartment buildings. To the north is an undeveloped landlocked AT&T lot, beyond which is a row house.
Proposed Development	Rear building addition to expand from three to eight-unit building

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-2 Zone	Regulation	Existing	Proposed	Relief
Height F § 303	50-foot max.	35.5 feet	35.5 feet	None Required
Lot Width	None	30 feet	30 feet	None Required
Lot Area	None	2,813 sq.ft.	2,813 sq.ft.	None Required
Lot Occupancy F § 304	60% max.	36%	59.8%	None Required
Floor Area Ratio F § 302	1.80 max.	0.99	1.78	None Required
Rear Yard F § 305	15-foot min.	46 feet, 6.5 inches	10 feet, 10 inches	REQUIRED
Side Yard F § 306.2(b)	4-foot min.	6.75 feet	4 feet	None Required
Parking C § 704	1 space/ 3 units in excess of a requirement of 4	None	None	None Required ¹
GAR F § 307	0.4 min.	N/A	0.4	None Required

IV. OP ANALYSIS

Subtitle F Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X.

(a) Lot occupancy;

(b) Yards; and

(c) Green area ratio.

The applicant requests rear yard relief.

¹ C Sec, 704.2, Minimum Parking Requirements for Additions to Existing Buildings or Structures, requires parking for additions to historic resources when the resulting requirement is at least four spaces. In this case one space is required for every four apartments in the addition, or one (less than four.) Therefore, no parking is required.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to an existing residential building; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The proposed addition would be to an existing three-unit residential building.

5201.3 An application for special exception under this section shall demonstrate that the addition 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 compromised;*

To the rear is an undeveloped landlocked AT&T lot that is approximately 14 feet deep, separating the subject property from the row house to the north, up a steep incline of thirty feet. At a proposed building height of 35.5 feet against the incline, the addition would have minimal impact on light and air.

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

Privacy and use and enjoyment should not be unduly compromised. In combination with the change in grade, the proposed height of the addition and the fourteen-foot separation between the subject property and the row house to the north as a result of the undeveloped AT&T lot, the impact of the addition would be minimal.

- (c) The addition or accessory structure, together with the original 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 subject street frontage;*

The addition would only be visible between the buildings from Florida Avenue, as there is no rear alley. The design is consistent with the height and residential style of the existing structure and the other residential buildings along this block of Florida Avenue, which includes a variety of architectural styles.

- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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; and*

The applicant submitted plans, photographs, elevation and section drawings sufficient to represent the proposal.

- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The proposed lot occupancy is 59.8 percent, less than the maximum 60 percent permitted within the RA-2 zone.

5201.4 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.

The Office of Planning makes no recommendations for special treatment.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The applicant proposes to use the property as a multi-family residential building, a use permitted as a matter-of-right within the RA-2.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed building height is 35.5 feet, less than the maximum 50 feet permitted within the RA-2 zone. The RA-2 zone does not control the number of stories permitted.

The applicant received concept approval from HPRB (Case 17-245) on May 25, 2017.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

No comments were received from ANC 1B as of the filing of this report.

Attachment: Location Map

