

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 15, 2018
SUBJECT: BZA Case 19760 (4017 Davis Place, N.W.)

I. OFFICE OF PLANNING RECOMMENDATION

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

- C § 1500.3(b), Penthouse General Regulations to permit habitable penthouse space.

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

- U § 421, New Residential Developments, to add five units to an existing apartment building.

II. LOCATION AND SITE DESCRIPTION

Address	4017 Davis Place, N.W.
Applicant	Rhode Island Condos LLC
Legal Description	Square 1807, Lot 32
Ward, ANC	Ward 3, ANC 3B
Zone	RA-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Three-unit semi-detached apartment building
Adjacent Properties	North: Across the public alley, similar semi-detached apartment buildings East and West: Similar semi-detached apartment buildings, some of which have been expanded with rear yard and third-floor additions South: Across Davis Place, Stoddert Elementary and Recreation Center
Surrounding Neighborhood Character	Moderate to medium density residential
Proposed Development	Building addition to add five apartment units to create an eight-unit building

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RA-1	Regulation	Existing	Proposed	Relief
Height F § 303.1	40-foot max.	22 feet	35.8 feet	None Required
Penthouse Use C 1500.3(b)	Mechanical & ancillary rooftop deck space only	N/A	Habitable space	REQUIRED
Lot Width	None prescribed	43.3 feet	43.3 feet	None Required
Lot Area	None prescribed	6,859 sq. ft.	6,859.	None Required
Floor Area Ratio F § 301.1	0.90 max.	0.51	0.90	None Required
Lot Occupancy F § 304.1	40% max.	25.7%	40%	None Required
Rear Yard F § 305.1	20-foot min.	93 feet	78 feet	None Required
Side Yard F § 306.2	8-foot min.	8.3 feet	8.3 feet	None Required
Parking C § 701.5	1 standard space	None	1 standard and 3 compact spaces	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from C § 1500.3(b), Penthouse General Regulations

i. Exceptional Situation Resulting in a Practical Difficulty

In the R-1 zone penthouse space is limited to of mechanical or ancillary space associated with a rooftop deck. Habitable space not permitted. The applicant is requesting relief to permit habitable penthouse space to provide space for additional bedrooms for the third-floor units in the new penthouse.

The application states that the subject property is developed with a semi-detached structure, as are most of the lots on the north side of Davis Place within the subject square. Although the existence of the building as a semi-detached structure prevents the applicant from providing windows on one side of the building, this is not an exceptional situation resulting in a practical difficulty, as this is a feature of semi-detached structures.

Topography of the site slopes downward from the front of the lot to rear, and the application indicates that the slope is more severe on the subject property than on those around it, resulting in a hardship to the applicant in the provision of larger units within the building. However, a more exposed basement level would increase the opportunity to provide units with windows in the basement than if the lower level were subterranean. Therefore, the uniqueness of the lot and the building constructed upon it do not prevent the applicant from using the site as an apartment building, as it is currently developed, or from expanding the existing building in conformance with the regulations. The applicant has not demonstrated that there is a unique

circumstance resulting in a practical difficulty resulting in the need to provide habitable penthouse space.

ii. No Substantial Detriment to the Public Good

Although the proposed penthouse would conform with height and setback requirements for penthouses, it would increase the appearance of building bulk as viewed from the street and alley, adversely affecting the streetscape.

iii. No Substantial Harm to the Zoning Regulations

OP is generally supportive of the addition of habitable penthouse space. However, the addition of a habitable penthouse in the RA-1 zone above the forty-foot height limit imposed by the zone would be inconsistent with the intent of the penthouse provisions, which anticipates smaller penthouses with mechanical space, or space ancillary to a roof deck. However, should the Board approve this variance request, the applicant would need to demonstrate compliance with the affordable housing requirement of Subtitle C § 1505.

b. Special Exception Relief pursuant to U § 421, New Residential Developments

421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.

The subject property is located within the RA-1 zone and the applicant proposes to increase the number of units within an existing apartment building from three to eight. As this is a substantial increase the proposal is subject to the provisions of this section.

421.1 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

No comments were received from DC Public Schools (DCPS), whose website indicates that although Stoddard Elementary (136% of capacity) and Wilson High (103% of capacity) Schools permanent structures are overcrowded, trailers are utilized at Stoddard to address the situation. Although only five additional units are proposed, OP encourages the applicant to follow up with DCPS.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

DDOT, in a memorandum dated June 8, 2018 that reported that it has no objection to the approval of the application.

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The applicant proposes to construct an addition onto the rear of the existing structure. Except for the penthouse, no area relief is necessary for the construction of this building addition. The exterior façade of the third floor would be similar in style to third floor additions already constructed within the same square and on the same side of the street, including the use of matching brick. There would be no windows or other openings facing into the rear yard of the attached apartment building to the east, as shown on the floor plans. The owner of the building to the east submitted a letter to the file in support of the application.

Four parking spaces, one standard, as required, plus three compact, would be provided within the rear yard directly accessible from the public alley. The rear yard, which slopes downward from the street to the alley, would be terraced, providing more usable area for residents, and would be improved with a walkway with stairs along the west side lot line to provide pedestrian access to the off-street parking and the alley.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The application includes a site plan, all proposed floor plans, grading plans and a landscaping (GAR) plan. Elevation drawing submitted to the file depict the bulk of the proposed building addition. The applicant should submit revised elevation drawings better depicting those proposed facades.

No new rights-of-way or easements are proposed.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated June 8, 2018, stated it had no objection to the application.

No comments were received from other District agencies as of the filing of this report.

VI. COMMUNITY COMMENTS

ANC 3B was scheduled to review this application at its regularly scheduled meeting of June 14, 2018.

The owner of the adjoining building to the east submitted a letter to the file in support of the application.

No other community comments were received as of the date of the filing of this report.

Attachment: Location Map

