


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: September 28, 2018

SUBJECT: BZA Case 19820 1128 Buchanan Street NW to permit conversion of an existing non-residential building to a three-unit apartment house in the RF-1 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot make a recommendation at this time** for the following special exception relief pursuant to X § 901.1:

- Subtitle U § 320.2, Conversion of an Existing Non-Residential Building to an Apartment House.

OP has requested and the Applicant should provide the following:

- East and west elevations showing proposed building materials and the outline of adjoining buildings; and
- Revised plans demonstrating how stairwell access to the cellar relates to the stairwell access to the first floor.

While the property meets the lot area requirement for conversion by special exception, additional information is needed to adequately address the proposal against the established criteria for this special exception review. OP has also suggested to the applicant changes to the proposal, specifically the removal of the proposed roof deck and access stairs, to lessen potential visual and privacy impacts. Some setback from the side walls of the rear decks, to provide a greater separation from adjacent lots, would also lessen potential impacts.

II. LOCATION AND SITE DESCRIPTION

Address	1128 Buchanan Street NW
Applicant	Ike Agbim on behalf of Cambridge Holdings LLC
Legal Description	Square 2918, Lot 0113
Ward, ANC	4 / 4C
Zone	RF-1 - The purpose of the RF-1 zone is to allow for detached, attached, semi-detached, single-family dwellings and flats. Conversions to apartment are permitted by special exception, subject to conditions.

Lot Characteristics	The property is a rectangular lot that measures 20 feet in width and 156.3 feet in depth. The property is bounded by adjoining lots to the east and west; a 15-foot wide, improved public alley to the south, and Buchanan Street NW to the north.
Existing Development	The property is improved with a two-story row building that was most recently used as a single-family residence.
Adjacent Properties	The adjoining properties to the east and west are improved with two-story buildings in single-family residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential in character with commercial uses in mixed-use zones to the east along Georgia Avenue NW.
Proposed Development	The Applicant is proposing to convert the existing residential row building to an apartment house with three units, including rear and third story additions. No additional relief or waivers from the conditions are requested.

III. ZONING REQUIREMENTS and RELIEF REQUESTED¹

Zone – RF-1	Regulation	Existing	Proposed	Relief
Height (ft.) E § 303	35 ft./3 stories	23 ft./2 st.	35 ft./3 st.	None Required
Lot Width (ft.) E § 201	18 ft.	20 ft.	Unchanged	None Required
Lot Area (sq. ft.) E § 201	1,800 sq. ft.	3,126 sq. ft.	Unchanged	None Required
Lot Occupancy E § 304	60%	40%	53%	None Required
Rear Yard (ft.) E § 306	20 ft.	103 ft.	73.17 ft.	None Required
Side Yard (ft.) E § 307	Not required, but 5 ft. minimum if provided	0 ft.	0 ft.	None Required
Parking C § 701	1 space/2 du	1 space	2 spaces	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle U § 320.3

U 320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house 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

¹ Information provided by Applicant, Exhibit 4, dated June 9, 2018.

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 Applicant is proposing a third-floor addition that would increase the height of the building from 23 feet to the maximum permitted height of 35 feet.²

(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 Applicant is proposing three units and the project would not be subject to the Inclusionary Zoning requirements.

(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 two-story row building on the property that was being used as a single-family residence.

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

The land area of the property at 3,126 square feet exceeds the 2,700 square feet of land area required for the proposed three-unit apartment building. The project would provide 1,042 square feet of land area per dwelling 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 Applicant is proposing an addition; however, the proposed addition would not extend further than ten feet past the furthest rear wall of any adjoining property.³

(f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;

The proposed third story addition would not appear to block or impede the functioning of a chimney or external vent on an adjacent property.

(g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. ...

The proposed third story addition should not significantly interfere with the operation of an existing solar energy system on an adjacent property. No record of solar permit applications were found for 1126 or 1130 Buchanan Street NW.

² See Exhibit 29, September 5, 2018, sheet 10.

³ See Exhibit 29, September 5, 2018, sheet 2.

- (h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

The proposed addition would be set back three feet from the front façade; therefore, the proposed addition should not significantly impact a roof top architectural element original to the house.

- (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;*

While the proposed addition would not extend more than ten feet beyond the rear wall of the adjoining properties, the Applicant is proposing covered porches on the rear façade at the first and second story, as well as a third story deck and roof deck. The decks would run the full width of the rear of the building, and the proposed roof deck is located at the rear of the house, over the proposed rear addition. As such, the deck would extend ten feet past the current rear wall, and the porches and deck would extend ten feet beyond the proposed rear addition and could affect the light and air available to adjacent properties.

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

While the proposed conversion to three units, in itself, should not result in an undue impact on adjacent properties, the placement and size of the rear porches and deck could result in impacts on the privacy of use and enjoyment of neighboring properties. Furthermore, while it does not appear that the Applicant is proposing any windows on the side elevations of the rear addition, the Applicant should provide elevations that clearly depict the proposed additions as they relate to the adjoining properties.

- (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 conversion and associated additions should not substantially visually intrude upon the character scale and pattern of houses on Buchanan Street NW, as viewed from the street. However, the homes in the 1100 block of Buchanan Street NW exhibit a uniform rear wall of enclosed sleeping porches, as viewed from the alley. The introduction of the three-story addition, covered porches, decks, and access stairs would not be in character, scale, and pattern with the other houses in Square 2918 on Buchanan Street NW.

- (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 Applicant has provided plans, photographs, front and rear elevations, and a building section (not dimensioned).⁴ OP has requested that the Applicant provide dimensioned side elevations for the project to help assess its potential impact on adjacent properties.

(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 has suggested to the applicant that the roof deck be eliminated, as well as the spiral stair that provides access from the third-floor rear deck to the roof deck, to lessen potential visual and privacy issues. The applicant should also consider diminishing the length of the rear decks as well. At 20 feet long by 10 feet wide, the decks are extensive, and on each floor. Providing some setback from the side walls could lessen privacy, light, and air impacts.

(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 not requested that the Board modify or waive any of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h).

(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 OF OTHER DISTRICT AGENCIES

The District Department of Transportation has no objection to the approval of the requested special exception (Exhibit 33).

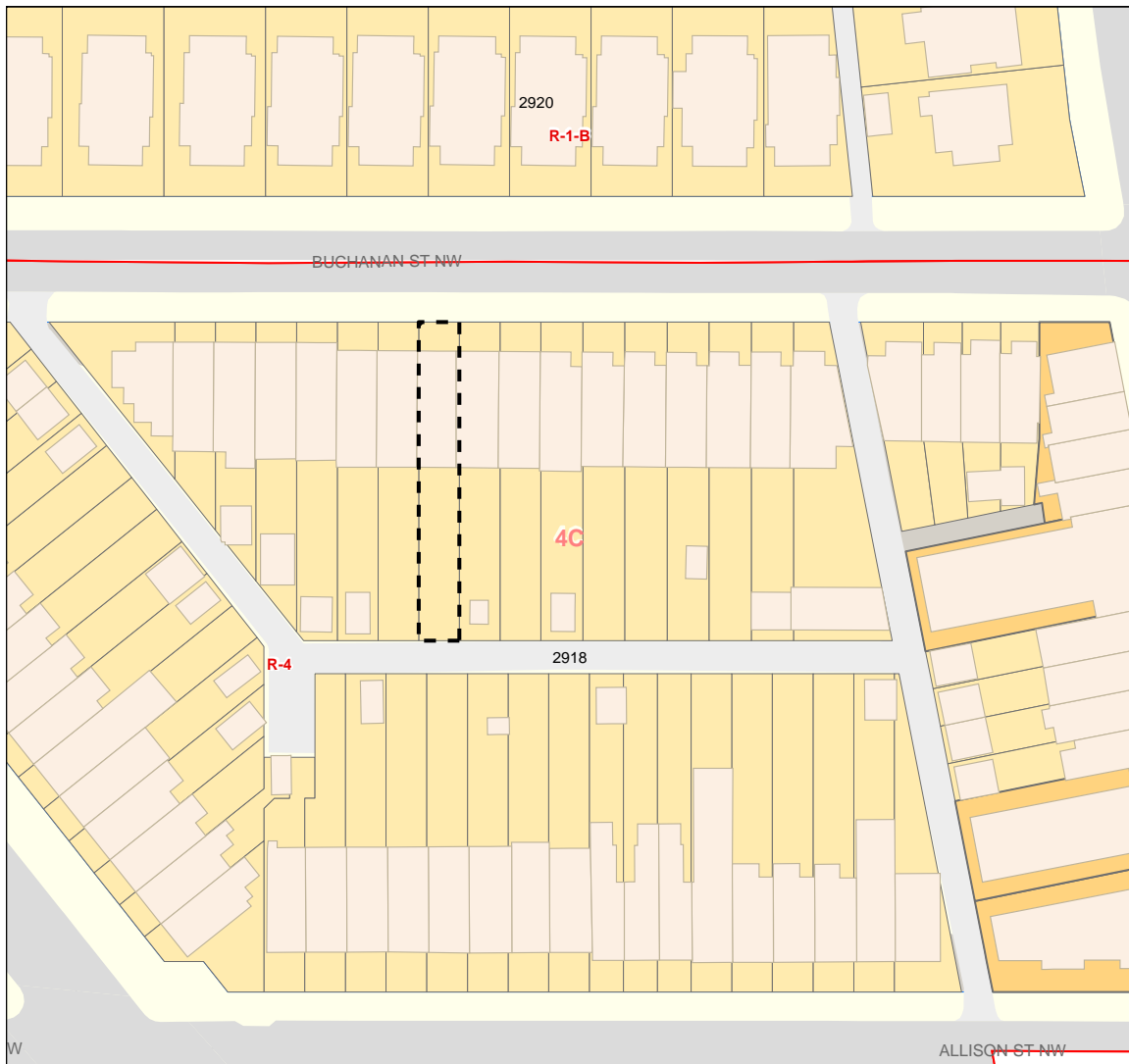
VI. COMMUNITY COMMENTS

Two letters in opposition were entered in the record at Exhibits 10 and 12.

ANC 4C voted to oppose the subject application at its September 12, 2018, duly noticed public meeting (Exhibit 32).

Attachment: Location Map

⁴ See Exhibit 29, September 5, 2018.



Location Map: 1128 Buchanan Street NW