



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: December 1, 2009

SUBJECT: BZA Case No. 18006, 3100 26th Street, N.E., Square 4289, Lot 15

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **A special exception pursuant to § 202.10 of Title 11 DCMR**, to permit an accessory apartment within a one-family detached dwelling.

II. AREA AND SITE DESCRIPTION

Address	3100 26 th Street, N.E.
Legal Description	Square 4289, Lot 15
Ward	5
Lot Characteristics	Rectangular corner lot with no alley access
Existing Development	Two-story one-family detached dwelling with basement and detached two-car garage
Zoning	R-1-B – high density one-family detached dwellings
Adjacent Properties	North, South and West: One-family detached dwellings East: Across 26 th Street, a public park
Surrounding Neighborhood Character	Residential, predominantly one-family detached dwellings

III. APPLICATION IN BRIEF:

The applicant proposes to establish an accessory apartment in her one-family detached dwelling. The apartment would be located in the basement level of the house, and would include four bedrooms, a kitchen and a full-bath. Access would be through an existing exterior door at the rear of the dwelling. The upper two floors of the house, consisting of six bedrooms, would be occupied by the owner of the property and her family, or six people. A two-car detached garage located on the north side of lot would provide one parking space for the owner and one for the tenant. No modifications are proposed to the exterior of the dwelling.

Currently, the applicant has a tenant interested in the accessory unit with 5 family members, should the application be approved by the Board.





Zoning and Vicinity Map

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Proposed	Relief
Gross Floor Area (min.)	2,000 SF	5,172 SF	None required
Percent Accessory Apartment (max.)	25 percent	32 percent	28 percent increase
Lot Area (min.)	5,000 SF	5,291 SF	None required
Parking (min.)	2 spaces	2 spaces	None required
Occupants (max.)	6	12	6

V. OFFICE OF PLANNING ANALYSIS

Special exception pursuant to § 202.10 - Accessory Apartment

An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:

(a) The lot shall have a minimum lot area...

(2) Five thousand square feet (5,000 ft.²) for R-1-B;

The subject property is 5,291 square feet in area, in excess of the minimum requirement.

(b) The house shall have at least two thousand square feet (2,000 ft.²) of gross floor area, exclusive of garage space;

The house has 5,172 square feet of gross floor area not including the garage, well in excess of the minimum requirement.

(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;

The application proposes that the accessory apartment would occupy 32 percent of the gross floor area (GFA) of the house, or the entire basement level. The applicant has requested modification to this requirement to permit the increase in gross floor area.

(d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;

The accessory apartment would be created through the internal conversion of the basement level of the house. No additional lot occupancy or gross floor area would be constructed. The existing garage would not be converted.

(e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;

No additional entrance would be created. Access to the accessory apartment would be via an existing entrance at the rear of the house.

(f) Either the principal dwelling or accessory apartment unit must be owner-occupied;

The principal dwelling would be owner-occupied.

(g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);

The application requests that the total number of persons that would be able to occupy the house be increased to 12. The applicant has requested modification to this requirement to permit the increase in occupants.

(h) An accessory apartment may not be added where a home occupation is already located on the premises; and

The application indicates that there is no home occupation on the premises.

(i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:

(1) The owner-occupancy requirement of paragraph (f) shall not be waived;

- (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and*
- (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.*

The application requests to modify two of the requirements of § 202.10, not including the owner-occupancy requirement contained in Paragraph (f).

The requested modification to Paragraph (c) would increase the percentage of the dwelling devoted to the accessory apartment from 25 percent to 32 percent, or an increase of only 356 square feet. This modest increase would not be visible from the exterior. It would permit the accessory apartment to occupy the entire basement level, physically separating the accessory apartment from the main dwelling by a floor and increasing the privacy provided to each of the units.

The requested modification to Paragraph (g) would increase the number of occupants permitted within the two units combined to 12. The principal dwelling currently houses a family of six, in a portion of the house with six bedrooms, leaving no additional persons to occupy the four-bedroom accessory apartment in the basement. The subject property, improved as a 10-bedroom house with 5,172 square feet of gross floor area, can easily accommodate six additional residents within the four bedrooms in the basement without resulting in overcrowding. A separate entrance would be provided for the accessory apartment, reducing the number of people that would enter the house through any one door and minimizing the appearance of 12 people living within the building. Therefore, modification of this requirement would not adversely affect the single-family residential appearance and character of the property.

The Office of Planning recommends that the Board modify the provisions of paragraphs (c) and (g), as requested.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 5B did not respond to a request for comments from the Office of Planning.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a special exception pursuant to § 202.10. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP