

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 7, 2017

**SUBJECT:** BZA Case 19521 (3520 S Street, N.W.) for a special exception to permit a detached garage with an accessory dwelling

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- U § 253, Accessory Apartment

**II. LOCATION AND SITE DESCRIPTION**

Address	3520 S Street, N.W.
Applicant	David Hunter Smith
Legal Description	Square 1303, Lot 29
Ward, ANC	Ward 2, ANC 2E
Zone	R-20
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	One-family row house with a detached one-story garage
Adjacent Properties	Row houses with detached garages
Surrounding Neighborhood Character	Residential
Proposed Development	Construction of new two story accessory building with parking for one car on the ground floor and an accessory apartment above

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone: R-20</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Accessory Building Height E § 5002.1	20 feet and 2 stories	1-story	20 feet and 2-stories	None
Lot Width E § 201.1	18 feet	18.25 feet	18.25 feet	None
Lot Area E § 201.1	1,800 sq. ft. min.	2,281 sq. ft.	2,281 sq. ft.	None
Lot Occupancy § 403	60% max.	42%	51%	None
Accessory Bldg. Lot Occupancy E § 5003.1	30% of required rear yard or 450 SF	N/A	412 SF	None
Accessory Building Rear Yard E § 5004.1	12 feet from alley centerline. min.	N/A	15 feet from alley centerline	None
Accessory Apartment U § 253	Accessory apartment permitted by SE	None	One accessory apartment unit	Requested

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to U § 253, Accessory Apartment**

*253.1 One (1) accessory apartment may be established in an R zone, subject to the provisions of this section.*

The application proposes one accessory apartment on the subject property.

*253.4 In the R-19 or R-20 zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.*

The accessory apartment is proposed to be located within an accessory building.

*253.5 Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.*

The applicant proposes to reside within either the principal dwelling or the accessory apartment.

*253.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-19 or R-20 zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).*

Not more than three persons would occupy the accessory apartment and no more six would occupy both the accessory apartment and principal dwelling combined.

*253.9 An accessory apartment proposed in the R-19 and R-20 zones shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following conditions:*

- (a) It shall only be permitted on the second story of a detached accessory building;*
- and*

*(b) Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building.*

The accessory apartment would be located on the second story of a detached accessory building, with no balconies or projecting windows.

*253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:*

*(a) The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;*

*(b) Subtitle U § 253.6 shall not be modified or waived in the R-19 or R-20 zone; and*

*(c) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.*

No requests have been made to modify or waive the requirements.

*253.11 In addition to Subtitle U § 253.10, the Board of Zoning Adjustment may approve as a special exception the inclusion of a balcony or projecting windows for the accessory apartment.*

No balconies or projecting windows are proposed for the accessory apartment.

*253.12 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.*

No modifications have been requested.

*253.13 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and the property shall be inspected for relevant housing code compliance.*

The applicant agrees to abide by this provision.

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The R-20 is a moderate density zone that permits two units per lot. The proposed accessory apartment would be the second unit on the subject property and would be provided within an accessory structure at the rear of the lot with direct access from a public alley as permitted by the R-20 zone.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed accessory apartment is in conformance with the provisions of the Zoning Regulations, with no requests for waivers or modifications to the accessory apartment regulations. The proposed unit would have no doors or windows facing into the yards of adjoining properties, have no balconies or projecting windows and would not exceed the maximum building height permitted. It would be located between two other accessory structures on the adjoining properties to the east and west, minimizing its effect on those adjacent properties.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

No comments were filed by ANC 2E as of the date of this report.

One adjacent neighbor submitted indicating reservations. (Exhibit 27)

One community resident submitted a letter in support. (Exhibit 28)

One community resident submitted a letter in opposition. (Exhibit 42)

Attachment: Location Map

