



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historical Preservation  
**DATE:** July 1, 2011  
**SUBJECT:** **BZA Case 18232** – 1679 35<sup>th</sup> Street NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the special exception requested pursuant to § 202.10 to establish a 450-square foot apartment on the second floor of the existed dwelling on the subject property, subject to the condition that the applicant secure a building permit for this accessory use in accordance with all the applicable Building Code requirements.

### II. AREA AND SITE DESCRIPTION

Address:	1679 35 <sup>th</sup> Street NW
Legal Description:	Square 1294 Lot 0805
Ward:	2E
Lot Characteristics:	A rectangular interior lot with an area of 4,635 square feet (0.11 acre) and frontages along 35 <sup>th</sup> Street NW, and sections of public alley that are 10- and 20-feet wide.
Existing Development:	A one-family two-story semi-detached dwelling and an accessory building that is currently used as an artist studio. The rear yard is surrounded by a wooden stockade fence approximately six feet in height. There is also a parking pad for one vehicle behind the studio with direct access to the alley (refer to Figure 1).
Zoning:	R-3 – one-family semi-detached dwellings are allowed as a matter of right.
Historic District:	Georgetown
Adjacent Properties:	Two- and three-story detached, semi-detached and row dwellings to the north and south along the same street frontage; a single large two-story detached dwelling on the large lot across the alley to the east; and the Duke Ellington School of the Arts to the west across 35 <sup>th</sup> Street, all in a R-3 district.
Surrounding Neighborhood Character:	Predominantly moderate-density residential uses.

### III. APPLICATION IN BRIEF

**Applicant:** Herbert S. Sanborn, the owner of record  
**Proposal:** To convert a 450 square-foot area on the dwelling second floor into a single

accessory apartment. No external changes to the dwelling are proposed.

The application stated that, prior to being purchased by the current owner, the dwelling on the subject property was rented to students and not owner occupied.

The applicant initially submitted an application for a Certification of Occupancy for the proposed use to the Department of Consumer and Regulatory Affairs. The Office of Zoning Administrator responded, in a letter dated March 23, 2011, that an accessory apartment in the R-3 district requires special exception approval by the Board of Zoning Adjustment (BZA) in accordance § 202.10 (a) (3) of the Zoning Regulations.

Previously the BZA approved a variance application from the same applicant to replace the accessory garage onsite with the existing artist studio in 1998 (Order No. 16391). This studio is currently used by the applicant.

Figure 1



**Relief and Zoning:** Accordingly, this application was submitted for special exception approval of the proposed accessory apartment use.

#### IV. OFFICE OF PLANNING ANALYSIS

##### Compliance with § 202.10

*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 for the following zone Districts: ...*

(3) *Four thousand square feet (4,000 ft.<sup>2</sup>) for R-2 and R-3;*

The lot size of 4,635 square feet exceeds the required minimum.

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

According to the DC land records, the gross dwelling floor area is 2,688 square feet which exceeds the required minimum.

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

The proposed 450 square-foot apartment would occupy approximately 18% of the dwelling 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;*

According to the submitted plans the new apartment would be created entirely through internal renovations.

- (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 to the dwelling in proposed.

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

The application stated that the property owner would continue to occupy this dwelling.

- (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 indicated that the applicant understands this limitation.

- (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 other home occupation onsite.

- (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: ...*

The application did not request any modifications or waivers. However, if the BZA considers the applicant's use of the artist studio on the property to be a "home occupation," the proposed apartment use would require waiver of provision (h) above.

Based on this review, the application meets the standards for special exception approval. The one recommended condition of approval would require the applicant to secure a building permit for this accessory use in accordance with all the applicable Building Code requirements.

## **V. AGENCY COMMENTS**

The Historic Preservation Office advised that interior renovations to the existing dwelling would not require its review.

## **VI. COMMUNITY COMMENTS**

On May 31, 2011, Advisory Neighborhood Commission (ANC) 2E voted to oppose this request in light on these ongoing planning studies:

- the Zoning Regulation Review (ZRR) that is anticipated to result in the creation of neighborhood zoning which would allow residents living in the Georgetown Historic District to tailor zoning regulations to specifically deal with accessory apartments in the area; and
- the Zoning Commission review of the Georgetown University Campus Plan, which includes discussion of the impact of college students living in the community, particularly in student group homes.

OP notes that this application is not for a student group home, but rather would potentially facilitate the continuation of an owner-occupied residence. The Zoning Commission action in this case also would not directly impact zoning regulations outside the campus. So while OP appreciates the potential significance of these efforts, this application must be reviewed in accordance with the standards and requirements of the current Zoning Regulations.

The case file includes another letter in opposition from the owner of a neighboring dwelling at 1686 35<sup>th</sup> Street NW, who apparently does not reside on the property.

Arthur Jackson, Case Manager  
JS/afj