

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 8, 2016

SUBJECT: BZA Case No. 19218 - Request pursuant to DCMR 11 § 3104.1 for a special exception per § 202.10 to allow an accessory apartment at 1511 Lawrence Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 202.10:

- § 202.10 (c), accessory apartment unit size, (25% of the gross floor area (GFA) permitted; 31% of the GFA proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1511 Lawrence Street NE
Legal Description:	Square 4010, Lot 38
Ward/ANC:	5/5B
Lot Characteristics:	The regularly shaped lot measures 6,400 square feet in area and fronts on Lawrence Street NE to the north and a fifteen foot improved public alley to the south. One-family detached dwellings in the R-1-B zone are to the east and west.
Zoning:	R-1-B – One-family detached dwellings.
Existing Development:	One-family detached dwelling, which is permitted in this zone.
Historic District:	None
Adjacent Properties:	Primarily one-family detached dwellings. There is a church to the north and east of the subject property, across Lawrence Street NE.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Thomas Manion, architect on behalf of Sujatha Jahagirdar, Owner
Proposal:	Conversion of existing basement to an accessory apartment.
Relief Sought:	§202.10- Accessory Uses (R-1), Accessory Apartment per §3104

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Single Family Residence § 202.10	One-family detached	One-family detached	One-family detached	None required
Minimum Lot Area § 202.10(a)(2)	5,000 sq. ft. min.	6,400 sq. ft.	6,400 sq. ft.	None required
House Gross Floor Area § 202.10(b)	2,000 sq. ft. min.	2,072 sq. ft.	2,588 sq. ft.	None required
Accessory Apartment Gross Floor Area § 202.10(c)	25% of GFA of dwelling	N/A	31% (816 sq. ft.)	Relief requested

V. OP ANALYSIS:

Per § 202 Accessory Uses, certain uses may be permitted as accessory uses in R-1 Districts, including accessory apartments so long as the apartment meets the following criteria of the Zoning Regulations.

- *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:*
 - (1) *Seven thousand, five hundred square feet (7,500 ft.²) for R-1-A;*
 - (2) *Five thousand square feet (5,000 ft.²) for R-1-B; and*
 - (3) *Four thousand square feet (4,000 ft.²) for R-2 and R-3;*

The existing lot is located in the R-1-B District and has an area of 6,400 square feet.

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

The Applicant states that the gross floor area of the one-family dwelling is 2,072 square feet, which exceeds the 2,000 square foot minimum required.

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

The accessory apartment, which is proposed to be located in the existing basement of the dwelling, would comprise 816 square feet, which is 34% of the existing GFA of the existing one-family dwelling (2,072 square feet). The Applicant is proposing to complete attic renovations to bring the property up to code¹, which would result in an increase in the GFA (2,588 square feet). Upon completion of the proposed renovation, the apartment would be 31% of the GFA. The Applicant is requesting relief from this provision to allow the proposed apartment to exceed the 25% of GFA limit.

¹ See Exhibit 23, February 11, 2016.

- (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 new apartment would be created through conversion of the existing basement space.

- (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;*

The entrance to the proposed apartment is located on the south elevation of the dwelling and is not on a wall that faces a street

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

According to the Applicant, 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 Applicant anticipates that no more than six people would reside at the property as permanent residents.

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

A home occupation is not located 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 applicant has requested that the requirement of § 202.10(c) be waived for the accessory apartment. The proposed apartment would comprise 31% of the GFA, which would exceed the 25% permitted.

The Board's granting of a waiver from the GFA requirement would allow the applicant to establish an accessory unit which would for the most part satisfy all other provisions and which would not change the principal use of the property as a one-family dwelling. It would not permit the

conversion to a flat, which is a different principal use from a one-family residential, and would not be permitted in the R-1-B District.²

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

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The accessory apartment would result from the conversion of existing internal basement square footage and complies with most requirements of § 202.10. The requested waiver represents minimal relief, which would not change the principal use as a single-family residential structure as permitted in the R-1-B District.

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

The proposal would not adversely impact the use of neighboring properties. The accessory apartment would not alter the character of the neighborhood, as the primary use would still be that of a one-family dwelling.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing, no other District Agencies have provided comments to OP.

VII. COMMUNITY COMMENTS

Comments from ANC 5B had not been received at the time this report was written.

Attachment: Location Map

² See Order 18232, page 5.

