

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 3, 2015

**SUBJECT:** BZA Case 19105, 2113 Bancroft Pl. NW – addition of an accessory apartment to an existing one family dwelling

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

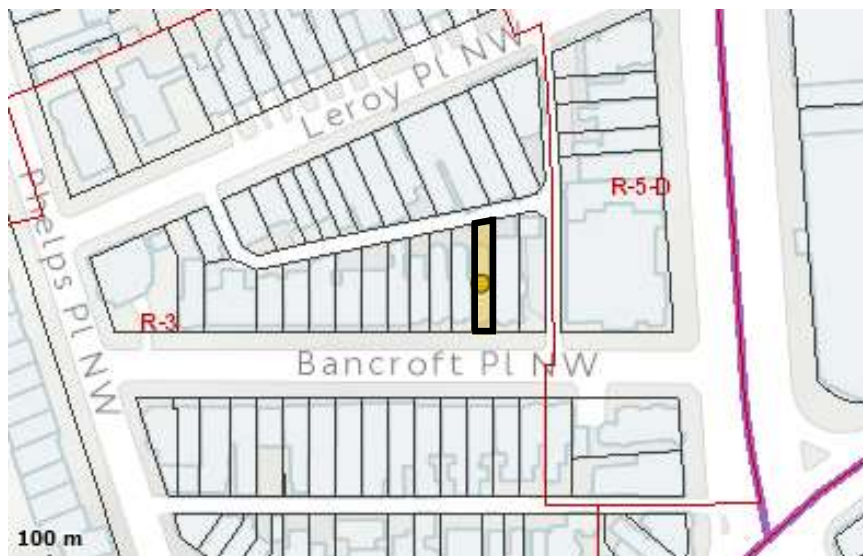
- § 320.3 Accessory Uses and Buildings (4,000 square foot lot area required; 2,137 square feet existing; 2,137 square feet proposed).

### **II. LOCATION AND SITE DESCRIPTION**

Address	2113 Bancroft Pl. NW (the “Subject Property”)
Applicant	Yolanda Garay and Francisco Ruiz (the “Applicant”)
Legal Description	Square 2531, Lot 802
Ward	2
Lot Characteristics	The rectangular lot is 20 feet wide along the Bancroft Place NW frontage. The lot is 107 feet deep. A 15 foot wide alley is located to the rear.
Zoning	R-3 – Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings), churches and public schools.
Existing Development	Row dwelling, permitted in this zone.
Historic District	Sheridan-Kalorama Historic District
Adjacent Properties	The adjacent properties include rowhouses.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by rowhouses and institutional uses.

### III. APPLICATION IN BRIEF

The Applicant proposes to add an accessory unit to the lower level of a one-family dwelling. The unit would be fully contained within the existing footprint of the basement, and the Applicant has not proposed any alterations or additions to the dwelling.



#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	NA	NA	None required
Lot Width § 401	20 ft. min.	20 ft.	20 ft.	None required
Lot Area § 401	4,000 sf.	2,137 sf.	2,137 sf.	<b>Existing nonconforming</b>
Floor Area Ratio § 402	None prescribed	1.59	2.14	None required
Lot Occupancy § 403	60% max.	59%	59%	None required
Rear Yard § 404	20 ft. min.	18 ft.	18 ft.	<b>Existing nonconforming</b>

#### V. OFFICE OF PLANNING ANALYSIS

§ 321.1 *The following accessory uses or accessory buildings incidental to the uses permitted in § 320.3 shall be permitted in R-3 Districts:*

- (a) *Any accessory use or accessory building permitted in R-1 Districts under §§ 202 and 204; and*
- (b) *Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-3 Districts under this chapter.*

§ 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.<sup>2</sup>) for R-1-A;*
  - (2) *Five thousand square feet (5,000 ft.<sup>2</sup>) for R-1-B; and*
  - (3) *Four thousand square feet (4,000 ft.<sup>2</sup>) for R-2 and R-3;*

The lot area is 2,137 square feet, which is under the 4,000 square feet required for the R-3 zone. The Subject Property is an attached rowhouse in the R-3 zone.

- (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;*

The gross area of the house is 3,375 square feet, with a 1,147 square feet basement. This would exceed the 2,000 square feet of minimum gross area.

- (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 would be 916 square feet, which would be 20% of the entire structure.

- (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 in the existing unfinished basement.

- (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 accessory apartment would use the existing basement door at the front of the house. No new entrance would be created.

- (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);*

According to the Applicant, no more than six people would occupy the structure.

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

The Subject Property does not include a home occupation.

- (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 proposal necessitates that two requirements be waived for the accessory apartment. First, § 202.10 requires the apartment to be located within an existing one-family detached dwelling. The existing dwelling is a row dwelling. Second, § 202.10(a)(2) requires the lot to have a minimum area of 5,000 square feet; the area of the lot is 2,137 square feet.

The Board's granting of a waiver from the first requirement of the subsection, which requires accessory apartments to be located in an existing one-family detached dwelling, would allow the applicant to establish an accessory unit which would not change the principal use of the property as a one-family residence.

**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 requires no alterations to the dwelling and complies with most requirements of § 202.10. The requested waivers would not result in a change to the principal use as a single-family residential structure as permitted in the R-3 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 single family dwelling, and no exterior alterations would be made to the dwelling.

## **VI. COMMUNITY COMMENTS**

At its regularly scheduled meeting held on October 19, 2015, ANC 2D voted 2-0 to support the proposed relief.

As of this writing, no comments from the immediate neighbors have been submitted to the record.