



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: May 3, 2011

SUBJECT: BZA Application #18206 – Request for special exception relief under §§ 202.10 and 3104 for an accessory apartment within an existing single-family dwelling at 5140 Linnean Terrace N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of this application to create an accessory apartment within an existing single-family dwelling at 5140 Linnean Terrace N.W. pursuant to §§ 202.10 and 3104.

II. AREA AND SITE DESCRIPTION

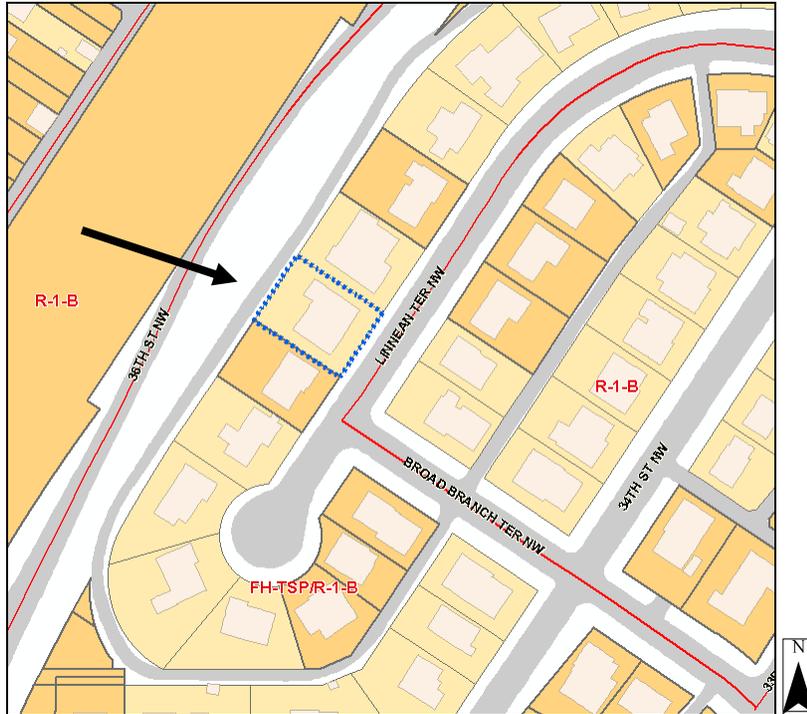
Address:	5140 Linnean Terrace N.W.
Legal Description:	Square 2032, Lot 69 (hereinafter, the “Property”)
Ward/ANC:	3/3F
Lot Characteristics:	The lot is rectangular in shape and measures 75' in width by 100' in length, totaling 7,500 square feet in lot area. The Property fronts Linnean Terrace to the east and an improved 16' wide public alley to the west. The Property slopes downward to the west.
Zoning:	FH-TSP/R-1-B R-1-B: single-family detached dwellings FH-TSP: Forest Hills Tree and Slope Protection Overlay District
Existing Development:	The Property is developed with a three-level pre-1958 single-family detached dwelling. An internal basement-level vehicular garage is accessed from a rear driveway.
Historic District:	N/A
Adjacent Properties:	To the Property’s north and south are detached dwellings.
Surrounding Neighborhood Character:	The immediate area is characterized by single-family detached dwellings. To the rear of the Property is a branch of Rock Creek Park.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Janet Fries
Proposal:	The application proposes to convert basement space in an existing detached dwelling into a one-bedroom accessory apartment measuring approximately 614 square feet in size. The apartment would incorporate an existing internal garage of about 250 square feet (which would become a kitchen and dining room for the apartment). The garage vehicle entrance at the rear of the dwelling would be replaced with a masonry wall with double windows, and the apartment would be accessed by an existing side door. The Property has an approximately 40' long rear driveway which can accommodate off-street parking. No physical expansion of the dwelling is proposed.
Relief Sought:	§ 202.10, accessory apartment special exception standards § 3401, general special exception standards



IV. IMAGES AND MAPS



Aerial view of the site (highlighted)



View of the Property (identified with arrow) looking west across Linnean Terrace

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project.

<i>R-1-B Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot area (sq. ft.)	5,000 min.	7,500	7,500	Conforms
Lot width (ft.)	50' min.	75'	75'	Conforms
Lot Occupancy (building area/lot) § 403.2	40% max.	35.7%	35.7%	Conforms
Parking § 2101	1 min	1	1	Conforms ¹

VI. RELIEF REQUESTED:

The proposal to construct an accessory apartment within a single-family dwelling requires special exception relief pursuant to §§ 202.10 and 3104.² The application also requests a waiver from § 202.10(e), a provision which the Board may waive subject to the terms of § 202.10(i).

Section 202.10

The requested accessory apartment use is permitted by special exception as outlined in § 202.10:

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 Property is located within the FH-TSP/R-1-B district which requires a minimum lot area of 5,000 square feet. The Property has a lot area of 7,500 square feet and therefore satisfies the minimum lot area 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 a gross floor area (gfa) of 4,921 square feet, an amount which includes an approximately 250 square foot internal garage. The house satisfies the minimum gfa requirement.

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

The proposed accessory apartment would occupy 614 gfa, which is less than 25% of the gfa of the house.

(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;*

¹ The zoning regulations do not require an additional parking space for the accessory apartment. A single parking space would be accommodated in the rear driveway.

² Since the Applicant only is proposing to convert space within an existing dwelling, it does not appear that any relief from the FH-TSP is needed.

The new apartment would be created through the internal conversion of the house. However, the proposal would require the conversion of garage space totaling about 250 square feet. The garage space would be renovated to become the accessory apartment's kitchen and dining room. The application therefore requests a waiver to this provision, which is addressed below in the § 202.10(i) analysis.

- (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;***

An existing doorway to the present garage would be retained as the entrance to the accessory apartment. The doorway does not face the street,

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

The application provides that the owner would continue to occupy the principal dwelling as her residence.

- (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 states that the aggregate number of persons who would occupy the house would not exceed the six person limit.

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

The application provides that no home occupation operates 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.***

Since the application proposes to convert an existing garage space for accessory apartment uses, a waiver of § 202.10(d) has been requested. The conversion of the rear internal garage would not impact the dwelling's appearance or character as a single-family residence. Off-street parking would still be accommodated in the rear driveway. The application also indicates that there is ample availability of on-street parking in the area.

Section 3104.1

The proposed accessory apartment is “in harmony with the general purpose and intent of the Zoning Regulations and Zoning map” because it is permitted in the R-1-B zone provided the requirements of § 202.10 are met. As demonstrated, the proposal generally satisfies the accessory apartment standards. Further, the proposal would not “tend to affect adversely, the use of neighboring property... .” No physical expansion of the house is proposed, and the removal of the garage should not cause any adverse impacts on the availability of on-street parking or traffic movements in the area.

VII. ANC/COMMUNITY COMMENTS

The application indicates that ANC 3F voted to support the proposal, although OP has not yet received an official submission. Additionally, the Applicant has provided OP with copies of 12 letters in support of the proposal, including letters from both adjacent neighbors.

VIII. CONCLUSION AND RECOMMENDATION

OP recommends **approval** of the requested special exception relief to create an accessory apartment within an existing single-family dwelling.

JLS/pg

Paul Goldstein, case manager