

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** September 9, 2014

**SUBJECT:** BZA Case 18816, 3307 Cleveland Ave NW - special exception to allow an accessory basement apartment within an existing one-family semi-detached dwelling.

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

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

- § 202.10(a)(2) special exception relief for an accessory apartment. The proposal meets all conditions, except minimum lot size (5,000 square feet required, 3,712 square feet existing).

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

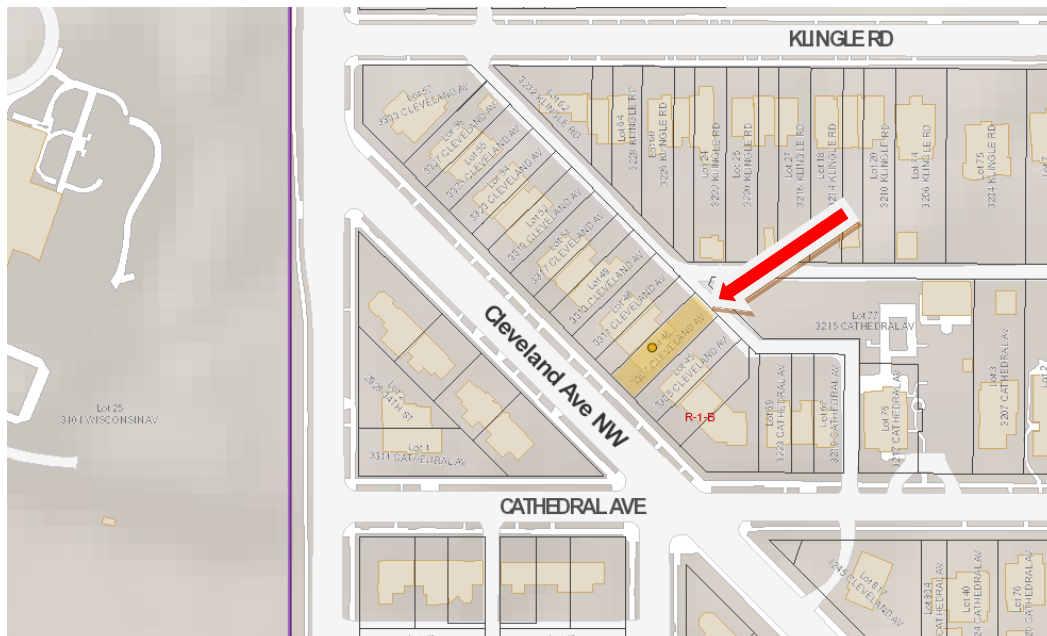
Address	3307 Cleveland Ave NW (the "Subject Property")
Applicant	Lawrence Hirsh (the "Applicant")
Legal Description	Square 2101, Lot 46
Ward	3
Lot Characteristics	The rectangular lot is 116 feet deep and 32 feet wide along the Cleveland Ave NW frontage. A fifteen foot public alley is located to the rear. The lot totals 3,712 square feet.
Zoning	R-1-B
Existing Development	Semi-detached dwelling, permitted in this zone. The existing structure totals 4,290 square feet.
Historic District	NA
Adjacent Properties	Adjacent properties include semi-detached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by semi-detached and detached single-family dwellings.

### III. APPLICATION IN BRIEF

Proposal:	The Applicant proposes to convert an existing basement space into an accessory apartment. The apartment would be approximately 600-650 square feet. The unit would be accessed from a separate entrance through a new excavated stairway and stair at the side of the existing structure. The accessory apartment would be separated from the property to the southeast by a 4 foot side yard and a wrought iron fence, and would share a party wall with the property to the northwest. The existing basement windows would be enlarged.
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#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-1-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Accessory Apartment §202.10(a)(2) Min. Lot Area	5,000 sf.	3,712 sf.	3,712 sf.	<b>Existing non-conforming</b>
Lot Width § 401	NA	32 ft.	32 ft.	None required
Lot Area § 401	5,000 sf. min.	3,712 sf.	3,712 sf.	None required
Lot Occupancy § 403	40% max.	37%	37%	None required
Rear Yard § 404	25 ft. min.	30 ft.	30 ft.	None required
Side Yard § 405	8 ft. min.	9.9 ft.	9.9 ft.	None required
Court § 406	NA	NA	NA	None required





## V. OFFICE OF PLANNING ANALYSIS

### a. Special Exception Relief pursuant to § 202.10(a)(2) Accessory Uses

*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 existing lot is located in the R-1-B zone and has an area of 3,712 square feet.

*(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 house has a gross floor area of 4,290 square feet exclusive of garage space and complies with this provision.

*(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 is approximately 600-650 square feet, or about 14-15% of the gross floor area 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;*

The new apartment would be accessed through an external below-grade stairway, and would not contribute to an increase in lot occupancy or gross floor area.

- (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 new apartment would be accessed through a stairway on the southeastern side of the property and 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);*

According to the Applicant, the principal dwelling currently includes two persons, and the accessory apartment would include either one or two persons. At 600-650 square feet, it would be unlikely to reasonably house more than two people.

- (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 application conforms to all of the conditions except one - the minimum lot area requirements of § 202.10(a)(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 Applicant would be making only limited alterations to the exterior of the semi-detached dwelling and the proposal would largely be in compliance with the requirements of § 202.10.

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

The proposed accessory unit should not compromise privacy for neighboring properties beyond which currently exists. The proposed accessory apartment would largely be located below grade, and would be separated from the property to the east by a walkway, wrought iron fence, and a four foot side yard. According to the Applicant, the additional resident(s) would use the apartment as a residence and would not be utilized for a non-permitted use.

According to the Applicant, there are no objections from immediate neighbors to the proposed relief.

**VI. COMMUNITY COMMENTS**

Correspondence from the immediate neighbors indicates they are generally supportive of the application. As of this writing, OP has not received comments from ANC 3C.