

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: June 16, 2015

SUBJECT: BZA Case #19022 - Request pursuant to DCMR 11 § 3104 for a special exception per § 202.10 to allow an accessory apartment at 2901 King Place 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, as it may not occupy more than 25% of the GFA of the house and 33% is requested; and
- § 202.10 (d), Garage space may not be converted to an accessory apartment, nor can GFA be added, and the inclusion of garage space/new is requested.

Since the Applicant requests the garage to be converted into apartment gross floor area, OP recommends the Applicant remove the Hamlin Street NE curb cut.

II. LOCATION AND SITE DESCRIPTION:

Address:	2901 King Place NE
Legal Description:	Square 4217 , Lot 801
Ward/ANC:	5/5C
Lot Characteristics:	The irregularly-shaped lot is 9,349 sf in area and has a frontage of 45.47 feet along a 20' public alley/King Place NE and is 105.72 feet in width along the rear, which abuts a residential property. To the south of the lot lies Hamlin Street NE.
Zoning:	R-1-B – One-family detached dwellings.
Existing Development:	One-family detached dwellings, permitted in this zone. There is an internal garage accessed from Hamlin Street NE as well as parking pad accessed from the alley/King Place NE.
Historic District:	None
Adjacent Properties:	Primarily one-family dwelling units; however the Property is located one block from commercial/C-2-A uses on Rhode Island Ave. NE to the north. Langdon Park Community Center is located immediately to the south, across Hamlin Street NE.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Lerone Reid, Owner
Proposal:	Conversion of existing basement and garage space to an accessory apartment. The parking pad accessible from alley/King Place NE would remain.
Relief Sought:	§202.10- Accessory Uses (R-1), Accessory Apartment per §3104

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	< 40 ft.	No change	None required
Lot Width (ft.) § 401	50 ft. min.	45.47 ft.	No change	None required; existing nonconformity
Lot Area (sq.ft.) § 401	5,000 sf min.	9,349 sf	No change	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	40% max.	Unknown	No change	None required
Rear Yard (ft.) § 404.1	25 ft. min.	~50 ft.	No change	None Required
Side Yard (ft.) § 405.9	8 ft. min.	9'+	No change	None Required
Parking § 2101	1 space min.	2 spaces	1	None required

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;*

¹ Information provided by the Applicant.

There exists an one-family detached dwelling on the lot and it is within the R-1-B Zone. The existing lot area is 9,349 square feet, which meets and exceeds the applicable 5,000 sf minimum lot size requirement above.

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

The gross floor area of the house is 2,802 square feet exclusive of the existing garage space and thus 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, comprised of both existing basement and garage space, is proposed to be 906 sf, which is 32.33 % of the existing GFA of the house and basement (2,802 sf). Upon the conversion of garage space to GFA, the 906 sf apartment would be 29% of the GFA (3,122 sf). The Applicant requests relief from this provision to allow for an additional 7.33% increase or a 205.5 sf increase in the permitted size of the accessory apartment. Upon conversion of the garage to GFA, it would be an 125.5 sf increase or 4% increase in the allowable size.

- (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 Applicant proposes an internal conversion of existing basement and garage space without additional lot occupancy; however the Applicant does request relief from this provision to allow for additional GFA and the conversion of garage space. Conversion of the garage to living space would otherwise be permitted by right, as separate, conforming parking would be retained.

- (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 additional entrance will not be created, as one exists adjacent to the garage door facing Hamlin Street NE.

- (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 principle dwelling currently includes four persons and five bedrooms. The Applicant and his family of four would live in the principle dwelling. The accessory apartment of up to two bedrooms would be rented to a maximum of two 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 application conforms to all of the above conditions except for two criteria, the size requirement and conversion of the garage space into GFA.

3104 Special Exception Criteria

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

Yes. The Applicant would be making only limited alterations to the exterior of the dwelling (enlargement of a window and removal of a garage door with replacement of a window) and the proposal would largely be in compliance with the requirements of § 202.10. The lot includes a separate parking pad for private, off-street vehicular parking (accessible from the public alley) that would allow for parking, as required per the Zoning Regulations. Additionally, the additional GFA of 206 sf that exceeds the zoning regulation limits likely will not noticeably contribute to perceived bulk, since the lot well exceeds the minimum lot size and appears to be among the largest lot sizes among Square 4217 and others to the east and west. Finally, a 906 sf apartment is a reasonable size for a two-bedroom apartment, so the 8% increase in allowable apartment size would seem in harmony with the general residential purposes of the Zoning Regulations and Map.

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. Since the principle dwelling and accessory apartment are located on a large lot, the accessory apartment entrance faces a street (and not a neighboring property), it would appear that the accessory apartment would not tend to adversely affect the use of neighboring residential properties.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided many signatures in support from residents within a 200-foot radius of the Property, including all adjacent neighbors (including those across Hamlin Street and the alley/King Place NE) except one.

ANC 5C: The Property is within ANC-5C. The Applicant has been in contact with the ANC, whose Chair supports the request, and those communications have been entered into the record.

Attachment: Location Map

