

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: September 22, 2015
SUBJECT: BZA Case 19069, 4005 Anacostia Avenue, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

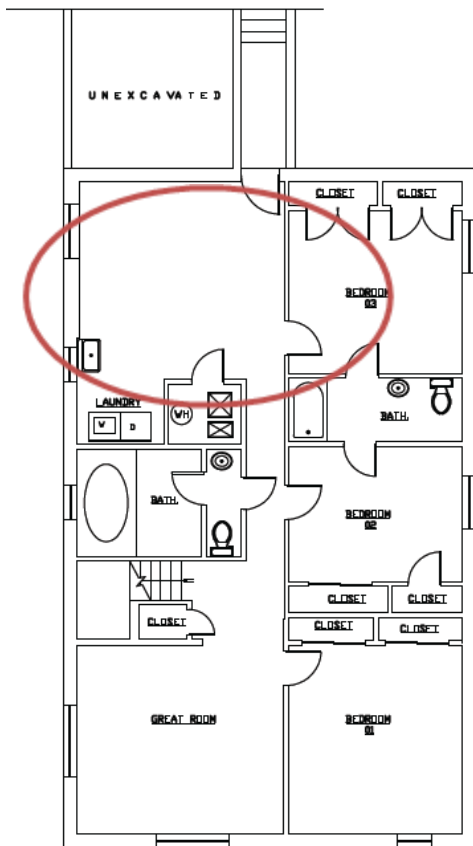
- An accessory apartment within the existing one-family detached dwelling at 4005 Anacostia Avenue, N.E., in the R-1-B District, including approval to:
 - Waiver the requirement of § 202.10 (c) (the accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house – required; 50% proposed);

II. LOCATION AND SITE DESCRIPTION

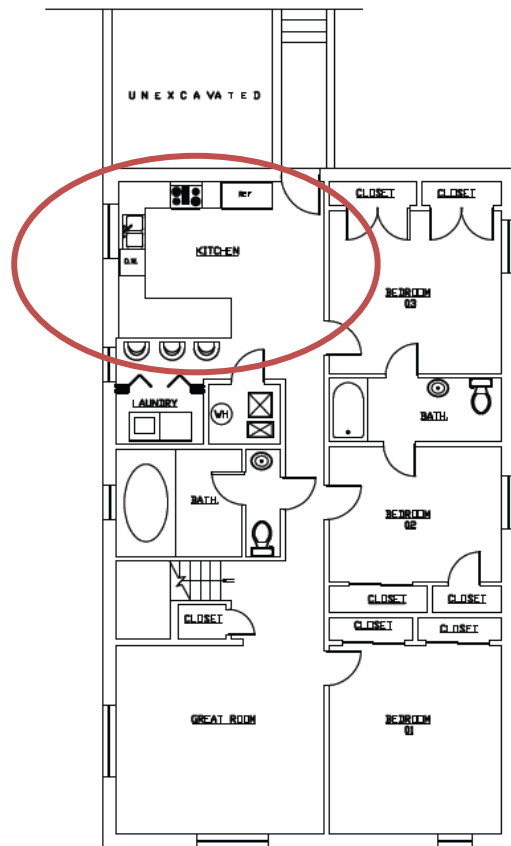
Address	4005 Anacostia Avenue, N.E.
Legal Description	Square 5071, Lot 0812
Ward	7/ANC 7 D02
Lot Characteristics	The lot is rectangular measuring 50 feet wide and 137.76 feet long. It abuts a 16-foot wide public alley, which exists onto 40 th Street NE.
Zoning	R-1-B – detached single-family dwellings are predominant.
Existing Development	The structure is a one-story plus basement, single-family detached dwelling, permitted in this zone.
Historic District	The property is not located within a historic district.
Adjacent Properties	The property abuts single family homes to the east and west and it fronts Anacostia Park, which is across Anacostia Avenue. It is located in the Eastland Gardens neighborhood, which abuts a Fort Circle Park to the west.
Surrounding Neighborhood Character	The immediate neighborhood is comprised of lots developed with single-family detached brick homes.

III. APPLICATION IN BRIEF

The applicant, Natalie and Jordan Wanamaker Javier proposes to convert the existing cellar of the single-family detached home to an accessory apartment. The existing laundry area would be enclosed and a kitchen would be installed in the remaining space, as shown in the submitted plan, reproduced in part below (Exhibit #5 – page A1- 2of 4).



EXISTING BASEMENT PLAN
SCALE: 1/4"=1'-0"



PROPOSED BASEMENT PLAN
SCALE: 1/4"=1'-0"

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max. 3 stories	1 story.	1 story	None required
Lot Width § 401	ft. min.	50ft.	50 ft.	None required
Lot Area § 401	5,000 SF min.	6,888 SF	6,888 SF.	None required
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	Not provided	Not provided	
Rear Yard § 404	20 ft. min.	32 ft.	32ft.	None required
Side Yard § 405	8 ft. min.	10 ft.	10 ft.	None required

V. OFFICE OF PLANNING ANALYSIS

Special exception relief pursuant to 11 DCMR § 3104.1, under § 202.10 is required to allow the conversion of an existing cellar to an accessory apartment within an existing one-family dwelling in the R-1-B District.

Special Exception Relief pursuant to § 202.10

(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 lot's area is 6,888 square feet, which exceeds the minimum lot area requirement for the R-1-B District. This requirement is satisfied.

(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 home is 3,648 square feet. This requirement is satisfied.

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

The finished cellar currently occupies the entire lower level, which is approximately 50% of the gross floor area. Since only a kitchen would be included in existing space to complete the requirements for the accessory apartment, the accessory apartment would occupy 50% of the gross floor area. A waiver from this requirement is requested by the applicant pursuant to § 202.10 (i).

(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 within the existing footprint of the home, without any additional lot occupancy or gross floor area being added.

- (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 basement area has an existing entrance at the rear of the home.

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

The principal dwelling is, and would continue to 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 no more than five persons would occupy the house in total, including the principal dwelling and accessory unit.

- (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:*

The applicant is requesting a waiver of the area requirement under §202.10 (c), since the basement area is already the full size of the entire floor at approximately 50% of the gross floor area. Without relief, un-usable basement space would result for the principal dwelling.

- (1) *The owner-occupancy requirement of paragraph (f) shall not be waived;*

The owner resides in the principal dwelling and will continue to do so.

- (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*

The home's residential appearance is not proposed to be modified. No additions are proposed.

- (3) *Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.*

No other requirement than previously discussed is requested to be waived.

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

The proposal is in harmony with the intent and general purpose of the Regulations and Map, as an accessory apartment is permitted within the low density residential districts subject to satisfaction of the conditions of § 202.10. The conditions have been satisfied and where a waiver is requested under § 202.10 (i), it would be impractical to have unusable habitable space, if a proposed accessory unit's area was limited to the 25% gross floor area limit.

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

The proposal would not adversely affect the use of neighboring property, due to light and air or parking. There is a parking pad at the rear, which the applicant stated to OP is able to accommodate up to three vehicles. No other changes would be made to the property's exterior to affect the neighborhood's character.

OP has no objections to the requested relief to permit an accessory apartment in the cellar/lower level of the single-family home. OP discussed minor changes or corrections that should be made to the submitted plan, prior to the public hearing or the building permit phase, including improving the labeling of the existing first floor plan to show the laundry room of the principal dwelling and to clarify the unlabeled area shown on the first floor. However, those recommendations are not conditions of the approval of the subject request.

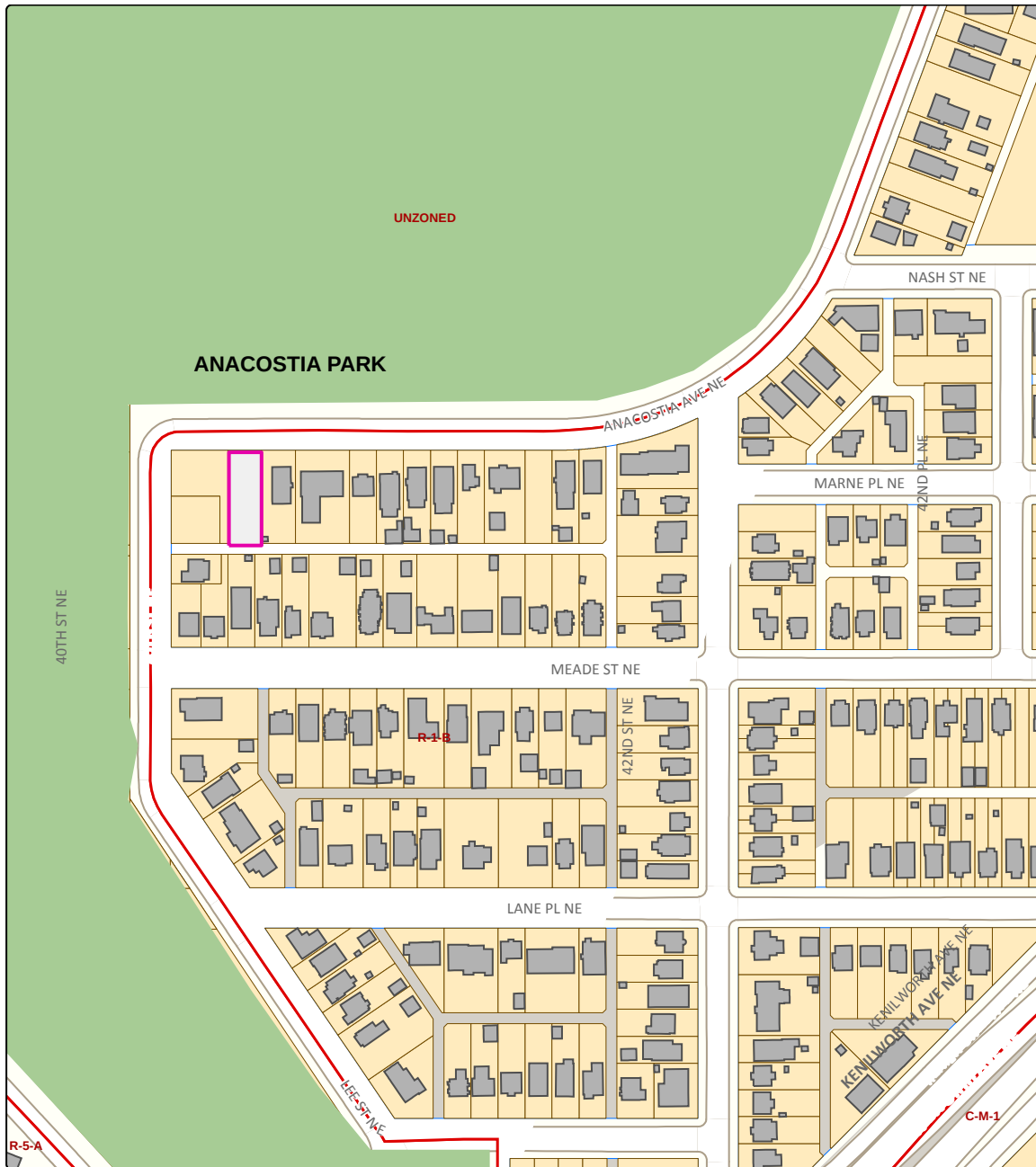
VI. COMMENTS OF OTHER DISTRICT AGENCIES

Agency reports have not been submitted to date.

VII. COMMUNITY COMMENTS

The ANC7D recommended approval of the applicant's request on September 8, 2015 at their regularly scheduled meeting. The ANC's report will be submitted separately to the record.

No other community comments have been filed to date at the writing of this report.



LOCATION and ZONING MAP