



**Proposed conversion to a Single-family with an accessory apartment
2113 Bancroft Place NW Washington DC 20008
Lot 0802 in Square 2531
Zoned R-3
DCRA File Job #B1400376 DCRA
BZA Case #FY -14-24-Z
July 20, 2015**

Board of Zoning Adjustment
District of Columbia
CASE NO.19105
EXHIBIT NO.10

STATEMENT OF EXISTING AND INTENDED USE, STATEMENT OF THE BURDEN OF PROOF, STATEMENT EXPLAINING HOW THE APPLICATION MEETS THE SPECIFIC TESTS IDENTIFIED IN THE ZONING REGULATIONS FOR A SPECIAL EXCEPTION. APPLICATION SHOW THAT REQUESTED SPECIAL EXCEPTION WILL BE IN CONFORMANCE WITH THE OVERALL FABRIC OF THE NEIGHBORHOOD

Application of Yolanda Garay and Francisco Ruiz, requesting special exception relief to add a new accessory apartment within an existing one-family detached dwelling under § 3104 according to Sec. 11-321.1 which provides reference to Sec. 11-202.10 at 2113 Bancroft Place N.W. (Square 2531, Lot 0802) (the "Property"). The Property is zoned R-3 and located within ANC- 2D02.

The existing structure is a single family dwelling, three stories plus an unfinished basement. The proposed structure will be a two family dwelling, with the primary residence on the top 3 floors and part of the basement, and a one bedroom accessory apartment in the balance of the basement.

The criteria listed in the DC Zoning Ordinance section 202.10 is addressed as follows:

Summary:

- (a) The lot area is 2,137 sf, which is under the 4,000 sf required for a R-3 zone
- (b) The gross area of the house is 3,375sf, with a 1,147 sf basement. This exceeds the 2,000 sf minimum gross area.
- (c) The accessory apartment will be 916 sf, which is 20% of 4,522 sf of the entire structure.
- (d) The accessory apartment will be created in the existing unfinished basement.
- (e) The accessory apartment will use the existing basement door at the front of the house. No new entrance will be created.
- (f) The principal dwelling will be owner occupied.
- (g) No more than 6 people will occupy the structure.
- (h) There is no home occupation on the premises.
- (i) The Applicant seeks a waiver of only one requirement
 - (1) The application will be in compliance with items (b)-(h). The applicant seeks a waiver from item (a), which is a pre-existing condition.
 - (2) The waiver does not conflict with the intent of the zoning ordinance to maintain a single family residential appearance and character in the R-3 Zone.

The applicant requires a waiver from item (a). All other criteria will be in compliance.

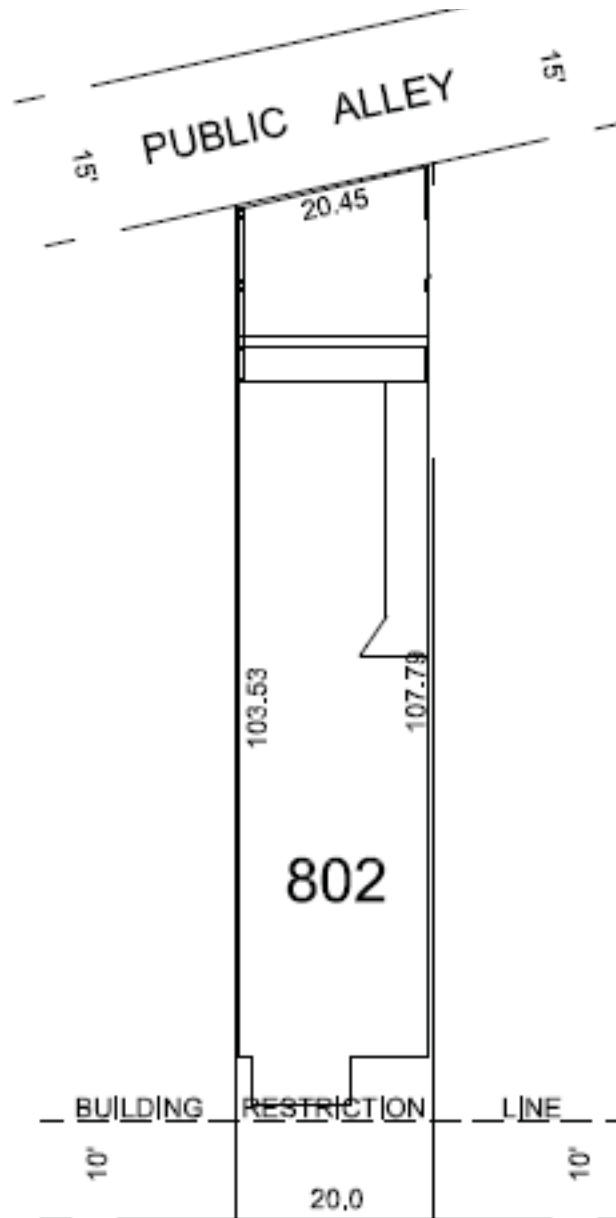
Note: The introductory language to Section 202.10 indicates that an accessory apartment may be added to a one-family detached dwelling. This is logical given that this Section is first intended to identify the uses permitted in the R-1 District, a district which only permits single family detached residences. However, this restriction of applying only to single family detached dwellings is not applicable when Section 202.10 is applied via Section 320.1, which provides that all uses permitted in the R-1 District, are also permitted in the R-3 District, a district intended for row dwellings

The criteria listed in the DC Zoning Ordinance section 202.10 is addressed as follows:

(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;

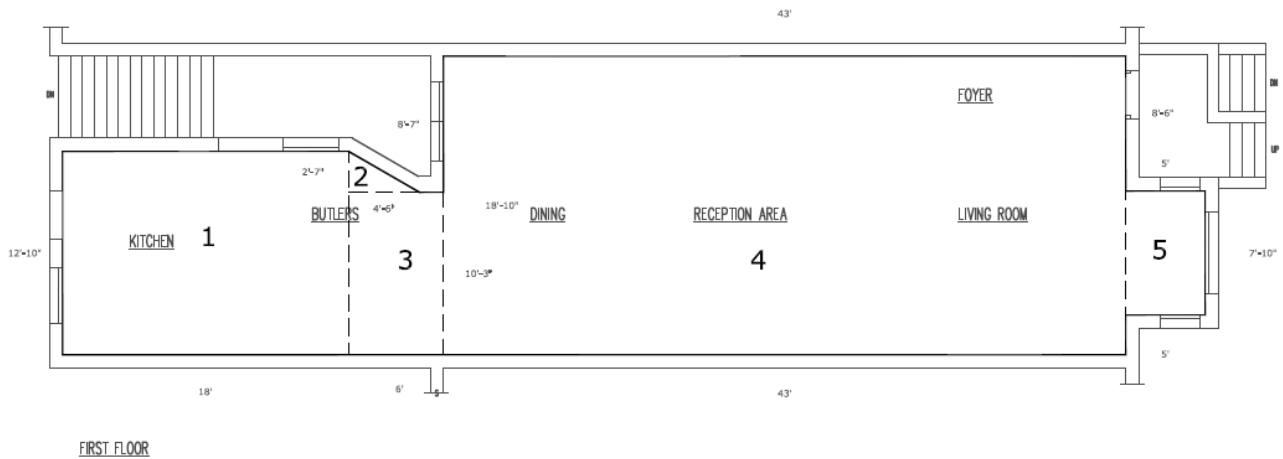
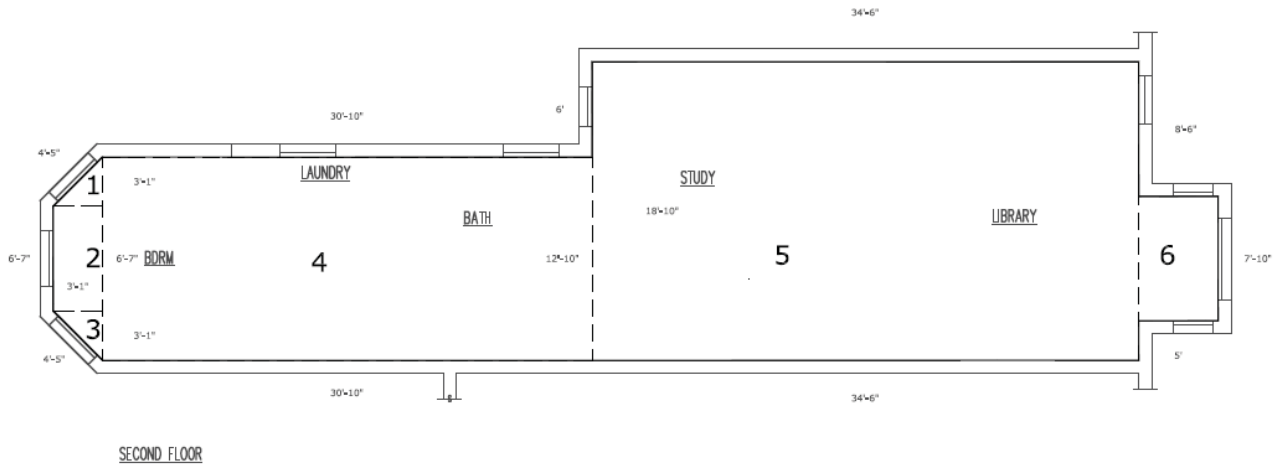
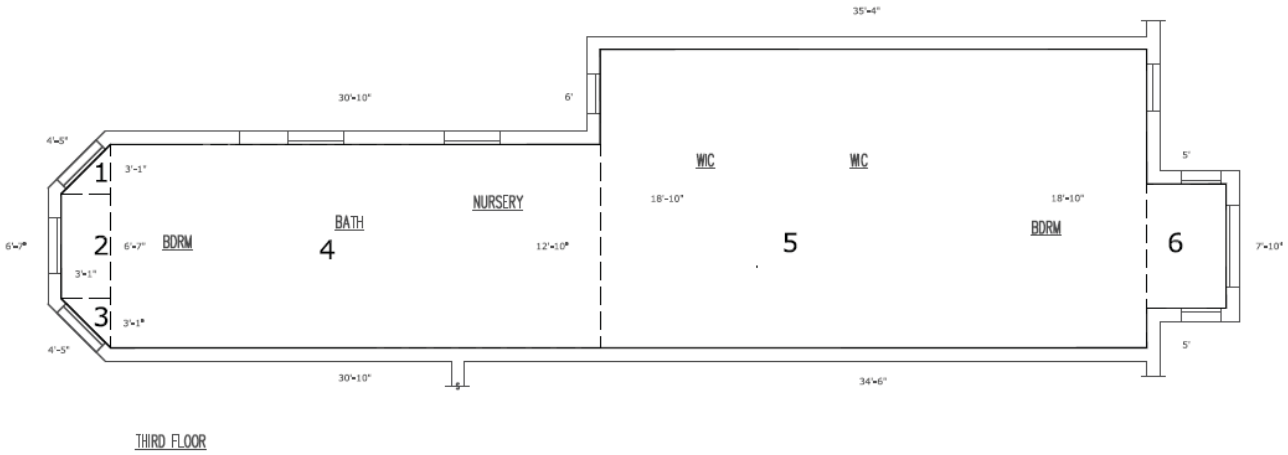
The existing lot area is 2,137 sf, which is under the 4,000 sf required for a R-3 zone. As such, the Applicant requests that the Board waive this one requirement.



BANCROFT PLACE, N.W.

Lot Area Calculation	20	20	104	108
	20		106	
				2,137 ft.2

(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 area of the house is 3,375sf, with a 1,147 sf basement. This exceeds the 2,000 sf minimum gross area.**



Area Calculation Summary

Gross area / Owner Occupy

THIRD FLOOR

1	3.08	3.083	2	5
2	3.08	6.58		20
3	3.08	3.083	2	5
4	12.83	30.83		396
5	18.83	34.5		650
6	7.83	5		39

1,114

SECOND FLOOR

1	3.08	3.083	2	5
2	3.08	6.58		20
3	3.08	3.083	2	5
4	12.83	30.83		396
5	18.83	34.5		650
6	7.83	5		39

1,114

FIRST FLOOR

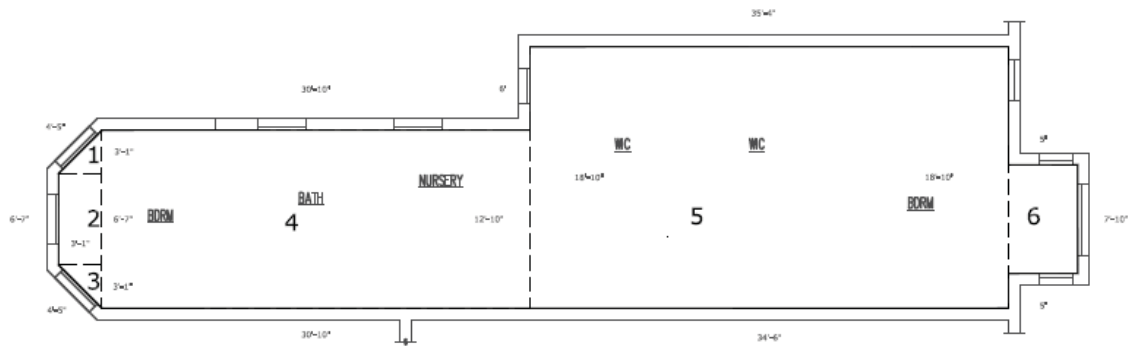
1	12.83	18		231
2	2.58	4.5	2	6
3	10.25	6		62
4	18.83	43		810
5	7.83	5		39

1,147

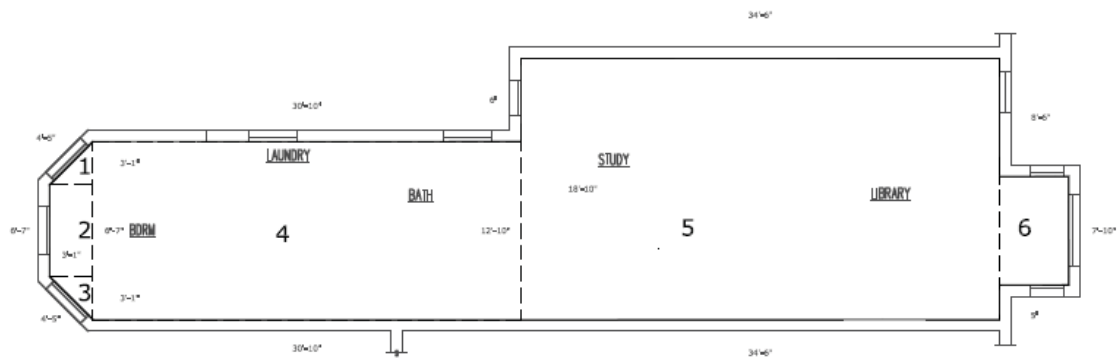
Gross area of the house is

3,375

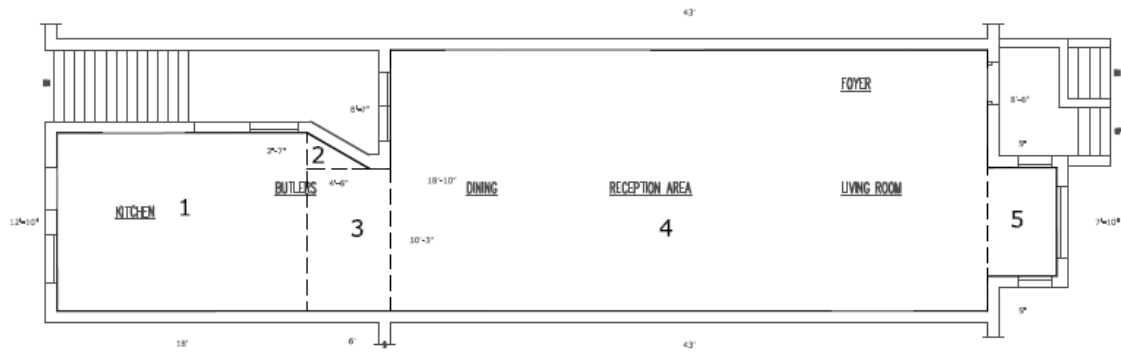
(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house; **The accessory apartment will be 916 sf, which is 20% of 4,522 sf of the entire structure. See calculation below**



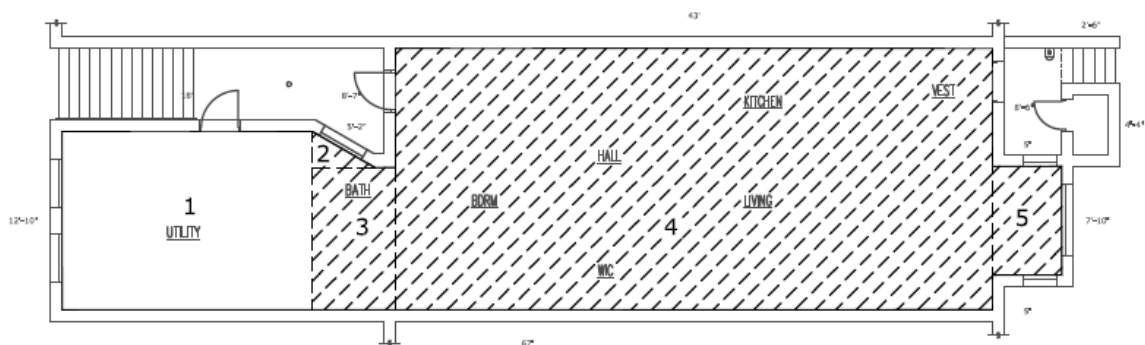
THIRD FLOOR



SECOND FLOOR



FIRST FLOOR



BASEMENT LEVEL

Accessory Apartment area

Area Calculation Summary w/ Basement

Gross Floor Area

THIRD FLOOR

1	3.08	3.083	2	5
2	3.08	6.58		20
3	3.08	3.083	2	5
4	12.83	30.83		396
5	18.83	34.5		650
6	7.83	5		39
				1,114

SECOND FLOOR

1	3.08	3.083	2	5
2	3.08	6.58		20
3	3.08	3.083	2	5
4	12.83	30.83		396
5	18.83	34.5		650
6	7.83	5		39
				1,114

FIRST FLOOR

1	12.83	18		231
2	2.58	4.5	2	6
3	10.25	6		62
4	18.83	43		810
5	7.83	5		39
				1,147

BASEMENT LEVEL

1	12.83	18		231
2	2.58	4.5	2	6
3	10.25	6		62
4	18.83	43		810
5	7.83	5		39
				1,147

Gross Floor Area

4,522

Accessory Apartment

BASEMENT LEVEL

2	2.58	4.5	2	6
3	10.25	6		62
4	18.83	43		810
5	7.83	5		39

Accessory Apartment area

916

Accessory Apartment area
Gross area / Owner Occupy

916.15

=

20%

4522.36

The accessory apartment will be 916 sf, which is 20% of 4,522 sf 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 will 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 will use the existing basement door at the front of the house. No new entrance will be created.**



Existing front entrance to basement

Existing rear entrances to basement

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

No more than 6 people will occupy the structure.

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

There is no home occupation 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:

An accessory apartment on this property would be consistent with the intent of the zoning map.

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

The application will be in compliance with item (f).

(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

There will be no changes to the existing single family residential appearance and character and thus the application does not conflict with the intent of the zoning ordinance.

(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 applicant requires a waiver from item (a). All other criteria will be in compliance.