GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustments

FROM: Andrew Altman, Director
Office of Planning

DATE: June 7, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16718

The attached Final Report concerning the application for the Special Exception Request located at 6300 33rd Street, NW is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachments

AA/jm

BZA
Case No. 16718
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16718
EXHIBIT NO.22

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 12, 2001

SUBJECT: BZA Case # 16718 Special Exception Request

1APPLICATION-IN-BRIEF

Applicant: Grace Lopes
6300 33rd Street, N.W.
Square 2005, Lot 43

Relief Sought: Pursuant to 11 DCMR §3104.1, the applicant is requesting a special exception under subsection 202.10, to allow a stove and oven in an accessory apartment in the basement of an existing single-family detached dwelling, in the R-1-B District.

From Section: 11 DCMR §3104.1

Relief Sought Under: Subsection 202.10

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

The request is being made because the applicant's father, who is a senior citizen with disabilities, is moving in with the applicant and her family. The father needs assistance with every day living. The applicant is requesting Board authorization to allow the installation of an oven and stove in the basement of the premise, as part of the creation of an accessory apartment.

SITE AND AREA DESCRIPTION

The subject site is in the Chevy Chase neighborhood of Ward 3. Aberfoyle Place generally bounds the neighborhood to the north, the western boundary of Rock Creek Park is to the east, Military Road is to the south, Utah Avenue to the southwest, and Western Avenue is to the west. The subject premise is on the northwest corner of 33rd Street, at the intersection of Tennyson Street.

The Chevy Chase neighborhood is predominantly developed with low-density residential structures. There is a small town home community, south of Aberfoyle Place, between 31st Street and the western boundary of Rock Creek Park. Institutional uses in the Chevy Chase neighborhood include the Knollwood Retirement Home, the Episcopal Home for Children and St. Johns High School. The closest commercial area to the subject premise is along the Connecticut Avenue corridor, which is approximately eight blocks to the south.

AREA ZONING

The subject premise is in the R-1-B Zone District. The R-1 district is designed to protect quiet residential areas developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

APPLICANT'S PROPOSAL

The basement in the subject home has been renovated in order to create an apartment for the applicant's father. In order to provide cooking facilities in the basement unit, the applicant is seeking Board approval to allow the installation of an oven and stove. According to the applicant, the Department of Consumer and Regulatory Affairs (DCRA) has approved plans for the renovation of the basement. However, DCRA would not approve the installation of an oven and stove in the renovated kitchen area without authorization from the Board.

RELATIONSHIP OF APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the area around the subject premises as in the ***Low-Density Residential Land Use Category***. Single-family detached housing are the predominant uses in this land use category.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR §3104.1, the applicant is requesting a special exception under **subsection 202.10**, to allow a stove and oven in an accessory apartment in the basement of an existing single-family detached dwelling, in the R-1-B District.

AUTHORITY TO GRANT SPECIAL EXCEPTION

11 DCMR 3104.1 is the D.C Code provision that authorizes the Board of Zoning Adjustment to grant the requested special exception, as provided in this Title, "where by in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows: Commercial adjuncts to an apartment house, in any R-5 district, subsection 354."

DOES THE APPLICATION MEET THE SPECIAL EZCEPTION TEST?

Subsection 202.10 states that an accessory apartment may be added within an existing single family detached dwelling if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104.1 of chapter 31 of this title, subject to the following provisions:

(a) The lot shall have a minimum lot area of five thousand square feet (5000) for R-1-B.

The subject lot is 120 feet in depth and 60 feet in width. This computes into 7,200 feet in overall lot size for the subject property, which far exceeds the minimum lot size required in the R-1-B Zone.

(b) The house shall have at least two thousand square feet (2000 sq. ft.) of gross floor area, exclusive of garage space.

The subject house has approximately **5,490 square feet of gross floor area of space, excluding the garage space.**

© The accessory apartment unit may not occupy more than twenty-five per cent (25%) of the gross floor area of the house.

The accessory apartment will occupy approximately 19.5 percent or 970 square feet of the gross floor area in the subject house. The basement in the subject house contains approximately 1566 square feet of gross floor area space. The

accessory apartment will consume approximately 970 square feet of the basement space. There is a gymnasium/Laundry room in the basement, as well as spaces for the utilities. The utility areas contain approximately 596 square feet of the total gross floor area of the basement.

(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 will be created through internal conversion only, without any additional lot occupancy or gross floor area.

(e) **If any additional entrance to the house is created, it shall not be located on a wall of the house that faces the street.**

There are no new entrances planned for the subject house, which are being created as a result of the accessory apartment.

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

The applicants, Richard Seltzer and Grace Lopes, own the subject dwelling.

(g) **The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six.**

According to the applicant, there will be five (5) persons occupying the subject house, including the accessory apartment

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

According to the applicant, there is no other home occupation located on the subject premises.

11 DCMR 3104.1
Can the requested special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?

Yes. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

If granted, will the requested special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations?

No. If the Board grants the requested special exception, there should be no adverse affect, regarding the use of neighboring property. Occupancy of the accessory apartment will not exceed the number of persons permitted to inhabit a dwelling in the R-1-B Zone. Therefore, there will not be increased adverse activities that will disturb the quiet character of the neighborhood.

AGENCY COMMENTS

Fire Department

The D.C. Fire Department had no objections to a stove and an oven being added to the accessory apartment, as long as the applicant had 2A10BC Fire Extinguishers in the basement unit.

COMMUNITY COMMENTS

Advisory Neighborhood Commission, (ANC) at its publicly announced meeting of April 23, 2001, voted 6 – 0 to support the Special Exception application of Richard Seltzer and Grace Lopes. Ms. Lopes made a presentation at the meeting and presented a petition of neighbors, none of who objected to the application.

OP SUMMARY RECOMMENDATIONS

After having reviewed the application submitted by Richard Seltzer & Grace Lopes, seeking a Special Exception to permit a stove and an oven in an accessory apartment, the Office of Planning recommends that the Board of Zoning Adjustment approve the application. The Office of Planning finds that the subject application meets all the tests specified in Section 202.10 for accessory apartments, and will not adversely affect the use of neighboring property, and it is in harmony with the general purpose and intent of the Zoning Regulations.