GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: May 14, 2002

SUBJECT: BZA Application 16872

BZA
Case No. 16872
Exhibit No. 23

APPLICATION

Alison T. Gray, the applicant, is requesting Board of Zoning Adjustment (BZA) approval of a Special Exception for an accessory apartment in a single-family dwelling in accordance with the provisions of Section 202.10, pursuant to Section 3104.1 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval subject to the following conditions:

- The property at 3633 Ellicott Street, N.W., shall continue to be occupied by the property owner for the duration of this Special Exception.
- Modification of the minimum lot area requirement for the proposed apartment use from 5,000 square feet to the current lot area of 4,747 square feet.
- No person residing on the subject property shall make application for a home occupation permit for the duration of this Special Exception use.
- The aggregate number of persons that occupy the principal dwelling and the accessory apartment combined shall not exceed six (6).

SITE AND AREA DESCRIPTION

The subject 0.11-acre property is located at 3633 Ellicott Street, N.W., immediately north of Ellicott Street near the intersection with Reno Road, N.W. (please refer to Exhibit 1). The property is developed with a two-story masonry single-family dwelling. The dwelling includes a basement that can be accessed directly through a door into the rear yard. The rear and side yards are bordered by wooden stockade screening fence approximately six-feet tall and a two-car garage along the rear alley.

Surrounding development consists primarily of two-story masonry single-family dwellings to the north, east and west. To the south across Ellicott Street, N.W., is the Ben W. Murch Elementary School site and further east, at the intersection with 36th Street, N.W., is St. Paul's Lutheran Church. All property in the immediate area is zoned R-1-B.

Board of Zoning Adjustment
District of Columbia
CASE NO.16872
EXHIBIT NO.23

APPLICANT'S PROPOSAL
The applicant would like to convert her basement into an accessory apartment. The existing stair from the first floor, and the basement mechanical room, would be walled off from the apartment use. Access to the apartment would be through the existing basement door from the rear yard, and through a new entrance from the side yard. Based on the applicant's submission, the apartment floor area would total 487 square feet, representing approximately 15.9 % of the total building floor area of 3,056 square feet (per D.C. Department of Tax & Revenue records).

In the Statement of Existing and Intended Uses, several reasons are listed for requesting this change:

- Creation of a basement apartment would "allow a tenant to be engaged that could provide periodic childcare for (Mrs. Gray's) daughter";
- The presence of an additional adult would provide more security; and
- The supplemental income (from the apartment lease).

EXISTING ZONING AND RELIEF REQUESTED
An accessory apartment to a single-family dwelling in R-1-B requires BZA approval of Special Exception (refer to Exhibit 2). According to information submitted by the applicant, the existing development and site conform to the Zoning Regulations, except that the lot area is 253 square feet less than the minimum 5,000 square feet required for an accessory apartment.

Two parking spaces in the existing garage are provided for the principal dwelling and new apartment, consistent the zoning requirement of one-space-per-dwelling. No other changes to the site are proposed. Based on this information, this application requires the following zoning relief:

- A Special Exception to establish the new apartment use, per the standards under Section 202.10; and
- Modification of subsection 202.10 (a)(2) to reduce the minimum lot requirement by 0.5% from 5,000 to 4,747 square feet (the size of the existing lot).

Besides the application, the applicant provided photographs, and existing and proposed building floor plans.

ANALYSIS
Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where 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 Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested special exception must also meet the following standards listed under Section 202.10.

Compliance with Section 202.10

(a) The lot shall have a minimum lot area for the following zone districts: ...

(2) Five thousand square feet (5,000 ft. sq.) for R-1-B; *This area is the minimum requirement under the current Zoning Regulations for a lot in R-1-B zoning. This lot has a square footage of 4,747 square feet, and thus is 5% smaller than the standard. However, the property has an irregular shape, and plats in the D.C. Surveyor's Office indicate that it was created in 1939. Therefore, it predates the current Zoning Regulations that became effective in May 1958. ...*

(b) The house shall have at least two thousand square feet (2,000 ft. sq.) of gross floor area, exclusive of garage space; *The existing dwelling meets this requirement with a gross floor area of 3,056 square feet.*

(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house; *The proposed apartment would occupy approximately 15.9 % of the dwelling gross floor area.*

(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; *This proposal is completely internal and would not impact the existing garage.*

(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 entrance would be along the side yard, and behind the screening fence along Ellicott Street, N.W.*

(f) Either the principal dwelling or accessory apartment unit must be owner-occupied; *The applicant plans to continue occupying the principal dwelling upstairs.*

(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); *Staff recommends including this requirement as a condition of approval.*

(h) An accessory apartment may not be added where a home occupation is already located on the premises: *Department of Consumer and Regulatory Affairs has no record of a Home Occupation Permit being issued to this address in the last 1.5 years. Information on permits issued previously is unavailable. Staff also recommends including this requirement as a condition of approval.*

(i) The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h); 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-l, R-2 and R-3 districts; and

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

In light of the discussion above, staff recommends modifying subsection 202.10 (a)(2) for this application, to reduce the required lot area from 5,000 square feet to the current lot area of 4,797square feet, as condition of approval.

Based on the above analysis, this proposal generally meets the requirements of Section 202.10.

Compliance with Section 3104.1
Based on the compliance with the referenced sections, OP staff determined the requested Special Exception, as conditioned, will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property".

COMPREHENSIVE PLAN

The Generalized Land Use Map designates the subject property and most of the square for Low Density Residential Land Use, characterized as having single-family detached and semi-detached housing as predominant uses. Property to the south across Ellicott Street (the school site), and in the southwest corner of the square is designated Park, Recreation and Open Space, characterized as having District government parks and recreation centers, cemeteries and the National Capital Open Space System, as predominant uses.

Based on this information, this Special Exception request is not inconsistent with the Comprehensive Plan.

COMMUNITY COMMENTS

This proposal was presented to the Advisory Neighborhood Commission (ANC) 3F on April 15, 2002. By a vote of 6-1-0, the ANC did not object to the BZA issuing the requested Special Exception.

AGENCY COMMENTS

This application was referred to the District of Columbia Metropolitan Police Department, Fire Department, Office of Tax and Revenue, and Departments of Consumer & Regulatory Affairs and Public Works. To date, no comments have been received.

RECOMMENDATION

The Office of Planning recommends approval, subject to the following conditions:

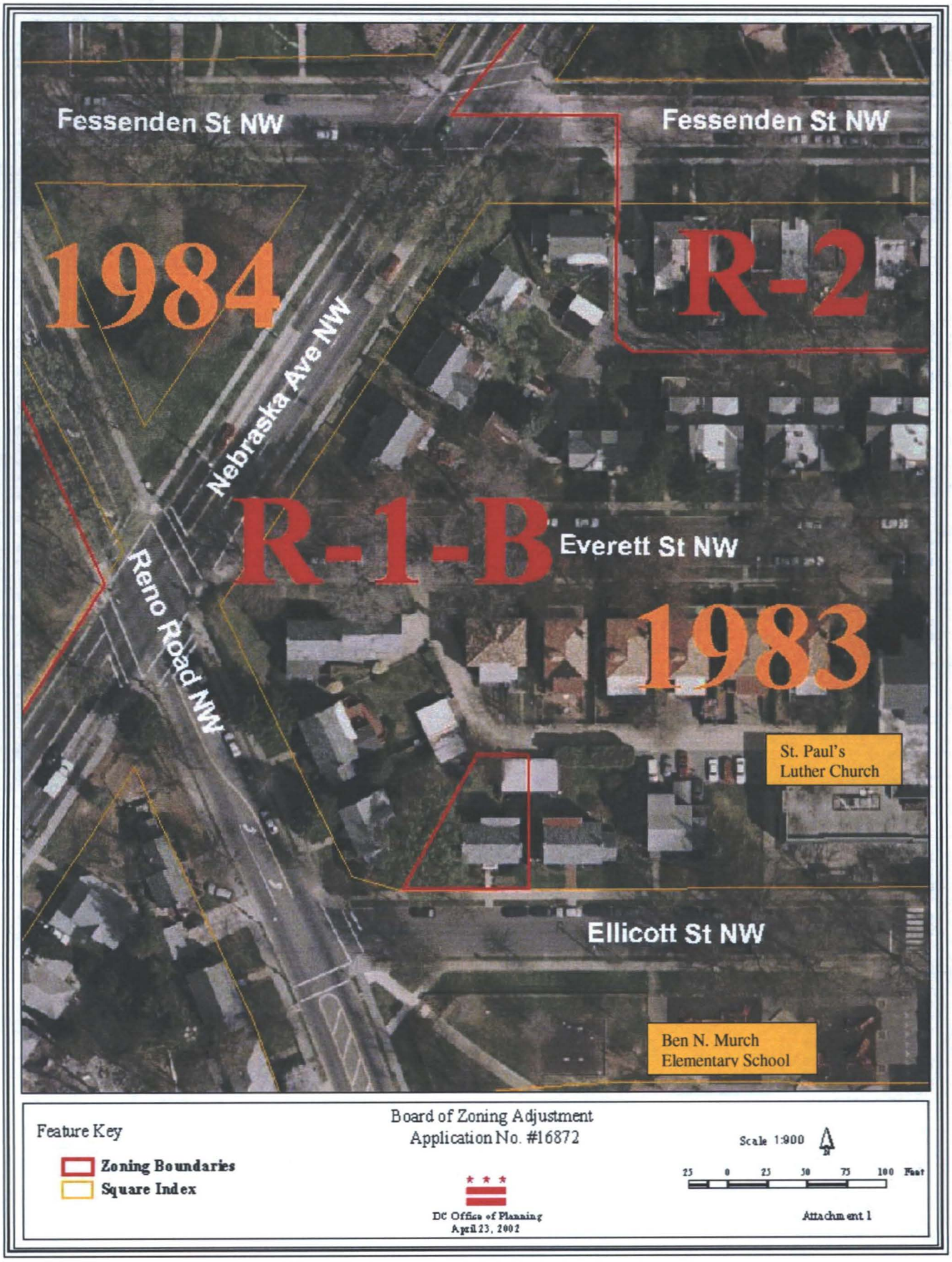
- The property at 3633 Ellicott Street, N.W., shall continue to be occupied by the property owner for the duration of this Special Exception.
- Modification of the minimum lot area requirement for the proposed apartment use from 5,000 square feet to the current lot area of 4,797 square feet.
- No person residing on the subject property shall make application for a home occupation permit for the duration of this Special Exception use.
- The aggregate number of persons that occupy the principal dwelling and the accessory apartment combined shall not exceed six (6).

Attachments:

Exhibit 1 Property Aerial with Zoning
Exhibit 2 Pertinent Excerpts from the Zoning Regulations

AA/afj

Exhibit 1


Fessenden St NW
Fessenden St NW
1984
R-2
Nebraska Ave NW
R-1-B
Everett St NW
Reno Road NW
1983
St. Paul's
Luther Church
Ellicott St NW
Ben N. Murch
Elementary School
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16872
DC Office of Planning
April 23, 2002
Scale 1:900
25 0 25 50 75 100 Feet
Attachment 1

202 ACCESSORY USES (R-l)

202.1 The uses set forth in §§202.2 through 202.11 of this section shall be permitted as accessory uses in an R-l district incidental to the uses permitted in this chapter; Provided, that the particular requirements for each use are met. ...

202.10 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 §3108 of chapter 31 of this title, 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. sq.) for R-1-A;
(2) Five thousand square feet (5,000 ft. sq.) for R-1-B;
(3) Four thousand square feet (4,000 ft. sq.) for R-2; and
(4) Four thousand square feet (4,000 ft. sq.) for R-3;

(b) The house shall have at least two thousand square feet (2,000 ft. sq.) of gross floor area, exclusive of garage space;
(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) 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;
(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;
(f) Either the principal dwelling or accessory apartment unit must 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);
(h) An accessory apartment may not be added where a home occupation is already located on the premises;
(i) The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h); 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-l, R-2 and R-3 districts: and
(3) Any request to modify more than two (2) of the requirements of this section shall be deemed a request for a use variance.