Application for Special Exception to establish an "Accessory Apartment within an existing single-family detached dwelling"

Maggie A. Bolling
Owner-Occupant
4513 Meade Street, N.E., Unit #1
Washington, D.C. 20019
Square 5155, Lot 166

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Statement of existing and intended use of 4513 Meade Street, N.E.

The existing subject property is a detached single-family dwelling with an accessory second floor apartment, built in 1913. According to D.C. public records the building is located in the Deanwood neighborhood. It has a use code #12- Residential-Detached single family and tax class #01- residential. The building is two-story, has an "A" frame metal roof, vinyl siding and measures 2,148 in size.

The property has a separate front and rear door to both the first-floor owner-occupied space and the second-floor accessory space. The first-floor space contains one bedroom, kitchen, one-bath room and family room. The second-floor space contains two-bedrooms, den, one-bath room, kitchen and family room. The property is heated by a gas-radiator system. The electrical and gas services are separately supplied and metered for both the first and second floor space. The property has separate gas-furnace and gas-water heater for both the first and second floor space.

The owner is sixty-six years of age, retired on disability, has limited mobility and requires the use of a three-wheel walker to move about. She lives alone in the principal dwelling where she has resided since September 1968 and purchased in April 1988. For health reasons, in 1998 the owner relocated to the first floor space. The owner proposes to continue the building's current use, as a detached single-family dwelling with an accessory second floor apartment.

BZA
Case No. 16903
Exhibit No. 8

Board of Zoning Adjustment
District of Columbia
CASE NO.16903
EXHIBIT NO.8

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Statement of how the application meets the specific tests identified in the Zoning regulations 11 DCMR 3104.1 for "Special Exception" and provided for by section 202.10 of the zoning regulations.

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Subsection 3104.1:

1. Is the proposed special exception consistent with the general intent and purpose of the Zoning Regulations and Map?

   Response: The subject property is located in a R-2 district. Under Title 11, Chapter 3, subsection 300.2, in an R-2 district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in sections 301 through 319 of Chapter 3.

   Section 301.1 states the following accessory uses or accessory buildings incidental to the uses permitted for R-2 districts in sections 300 through 319 of Chapter 3 shall be permitted in R-2 districts:

   (a) Any accessory use permitted in R-1 districts under section 202 of Chapter 2 of Title 11.

   Section 300.3 states that the following uses shall be permitted as a matter of right in R-2 districts:

   (a) Any use permitted in R-1 districts under sections 201 of Chapter 2 of Title 11.

Section 202.10 of chapter 2 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 section 3108 of chapter 31 of Title 11, subject to nine delineated provisions.

Response: The subject property meets the requirements set forth under section 202.10 to establish an accessory apartment within an existing single-family dwelling. The proposed special exception is consistent with the general intent and purpose of the Zoning Regulations and Map?

2. Will the special exception adversely affect the use of the neighboring property?

Subsection 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 section 3108 of chapter 31 of Title 11, subject to the following nine (9) provisions:

A. The lot shall have a minimum lot area for the following zone districts: Four thousand square feet (4,000 square ft.) for R-2.

Response: The subject property has a lot area of 10,000 square feet

B. The house shall have at least two thousand square feet (2,000 square feet) of gross floor area.

Response: The house has two thousand one hundred and forty-eight square feet (2,148 square feet) of gross floor area. According to the D.C. office of Tax and Revenue.

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

Response: The owner request that this requirement be waived pursuant to the Boards authority under paragraph (i) of subsection 202.10. The accessory apartment is pre-existing and currently exceeds this requirement.

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.

Response: The apartment already exists. There will be no conversion to create the apartment.

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.

Response: No additional entrance to the house will be created. Each unit currently has a separate front and rear door.

F. Either the principal dwelling or accessory apartment unit must be owner-occupied.

Response: Maggie A. Bolling is the owner and resides in the principal dwelling on the first floor.

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).

Response: The principal dwelling on the first floor has one (1) bedroom. The accessory apartment on the second floor has two (2) bedrooms and one (1) den. There would never be more than four (4) persons in the accessory apartment.

H. An accessory apartment may not be added where a home occupation is already located on the premises.

Response: There is no home occupation 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

Response: The paragraph is not waived. Maggie A. Bolling is the owner-occupant.

(2) Any modification(s) approved shall not conflict with the intent of section 202.10 to maintain a single-family residential appearance and character in the R-1, R-2 and R-3 districts

Response: The application request that paragraph (c), the 25% of gross floor area be waived because the apartment is pre-existing and exceeds that requirement. The subject property continues to be maintained in it's single-family residential appearance and character, consistent with the R-2 district. Except for the two (2) front doors one cannot distinguish this property from any other property in the area

(3) Any request to modify more than two (2) of the requirements of section 202.10 shall be deemed a request for a use variance.

Response: The application makes the request to waive only one (1) of the requirements of section 202.10.