GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: March 11, 2003

SUBJECT: BZA Application 16992 - Request filed by David P. Frankel, Esquire, for a **special exception** for use of an existing single-family detached dwelling with an accessory apartment, proposed by Jana and David P. Frankel for 4336 Garrison Street, N.W.

APPLICATION
Application of Jana and David P. Frankel for:

1) **Special exception relief pursuant to §202.10 of Title 11 DCMR** to permit use of an existing single-family detached dwelling with an accessory apartment

for property located on the south side of Garrison, N.W., between Wisconsin Avenue and 44th Streets, 4336 Garrison Street, Square 1655, Lot 16. The property is zoned R-2, one-family, semi-detached dwellings.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief as submitted by the applicant.

PROJECT DESCRIPTION
This proposal is to permit an accessory apartment within an existing single-family detached dwelling consisting of approximately 3,768 square feet, not including the attached garage. No building additions are proposed. The accessory apartment, consisting of approximately 600 square feet, is to be located within the basement of the building addition located at the rear of the dwelling. It is proposed to be rented out to no more than two people at a time.

SITE AND AREA DESCRIPTION
The property consists of Lot 16 of Square 1655, in the North West quadrant of the District and is 6,142 square feet in area. It is improved with a two-story single-family detached dwelling that

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was constructed in 1949. The owners of the property, a family of three, will occupy all but the area of the dwelling occupied by the accessory apartment. Vehicular and pedestrian access to the site is from Garrison Street. The subject property has no alley access.

The surrounding area is residential and commercial in nature. To the west is the side yard of a single-family detached dwelling fronting on Garrison Street and the rear yard of a single-family detached dwelling fronting on 44th Street (5015 44th Street). To the east and south are also single-family detached dwellings. Across Garrison Street is the undeveloped portion of a lot that is within the R-2 district. The remainder of that lot is developed with a surface parking lot within the R-2 district and an office building with ground floor retail that fronts on Wisconsin Avenue within the C-2-A district. Wisconsin Avenue, located approximately one-half block to the east, is developed primarily with low and mid-rise buildings occupied by commercial and retail uses within the C-2-A district. Approximately two and one-half blocks to the north is an entrance to the Friendship Heights Metro Station (red line).

The area has been identified on the Generalized Land Use Map as located within the low density residential land use category- "Single-family detached and semi-detached housing are the predominant uses."

EXISTING ZONING
The subject property is zoned R-2, one-family semi-detached dwellings.

R-2 Residential District
The R-2 district "...consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development." (§300.1)

RELIEF REQUESTED:
Special Exception pursuant to §202.10– Accessory Uses
Section 202.10 sets forth the specific criteria under which accessory apartments may be permitted within a residential district. Those criteria are as follows:

"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;*

The area of the subject property is 6,142 square feet, in excess of the minimum requirement of 4,000 square feet for an accessory apartment in the R-2 district.

(b) The house shall have at least two thousand square feet (2,000 ft. sq.) of gross floor area, exclusive of garage space;

The house consists of 3,768 square feet exclusive of the garage, in excess of the minimum requirement of 2,000 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 applicant has indicated that the accessory apartment is approximately 600 square feet in area, which is 15.9 percent, less than the maximum 25 percent permitted.

(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 is being created in an area that is identified on the "Existing Lower Level Floor Plan" submitted by the applicant as either "storage", "bike storage" or "bike workshop". No additional lot occupancy or gross floor area is necessary, and this proposal does not include the conversion of any garage space.

(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;

No additional entrance to the house is proposed. Access to the accessory apartment is through an existing external doorway, on the west side of the dwelling.

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

The owners of the property will occupy the principal dwelling.

(g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory combined, shall not exceed six (6);

The total number of persons occupying the house will not be more than six, as the maximum number of occupants within the principal dwelling is three and the

maximum number of occupants within the accessory apartment is two, for a total of five.

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

The application indicates that 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;

(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

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

This application does not request the waiving of any of the requirements for an accessory apartment.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of §202.10, and that in granting the relief, the intent and purpose of the chapter "shall not adversely affect the use of the neighboring properties"

COMPREHENSIVE PLAN

This proposal will contribute toward the following Ward 3 policy in support of general housing objectives:

"Provide zoning flexibility for the production of new housing, especially for... low and moderate-income households, through the following mechanisms:

(5) Giving zoning preference to projects that include housing near each of the ward's Metrorail stations;" (§1402.4(c))

This proposal will contribute toward the following Ward 3 land use policy:

"Maintain and expand the existing housing stock, where feasible and consistent with the Comprehensive Plan to ensure a greater variety of housing types, opportunities, and choices;" (§1409.2(k))

COMMUNITY COMMENTS

ANC 3E reviewed the subject application at their meeting of February 13, 2003 and voted 5-0 to recommend that the Board of Zoning Adjustment approve the application, *"with the caveat that within six months of completion the applicant design and provide for adequate screening and lighting for the accessory apartment. Further, ANC 3E recommends that Daphne & Andrew Trotter of 5015 44th St. N.W. be given party status to this application with the right to appeal to BZA six months after the completion of the project has expired."*

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. The Office of Planning concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

> **Special exception pursuant to §202.10 of Title 11 DCMR** to permit an accessory apartment, as submitted by the applicant.
>
> The Office of Planning suggests that if the applicant installs any external lighting for the accessory apartment entrance, that such lighting be shielded and directed downward so as to not cast light into any window or door of the adjacent house to the west.

AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
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DC Office of Planning
February 27, 2003

Scale 1:1099

25 0 25 50 75 100 125 Feet

Attachment 1