

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: May 26, 2017

SUBJECT: BZA # 19498 – 1109 D Street, SE – Special Exception to construct a principal dwelling unit in a new accessory structure

I. RECOMMENDATION

With regard to this proposal to construct a new two-story accessory building with a principal dwelling unit on the second floor, the Office of Planning (OP) recommends **approval** of the following relief:

- Special Exception pursuant to Subtitle U, § 301.1(e) to permit the location of a principal dwelling unit in an accessory structure constructed after January 1, 2013, not meeting the required five year waiting period for the establishment of the residential unit.

II. LOCATION AND SITE DESCRIPTION

Address	1109 D Street, SE
Legal Description	Square 992, Lot 65
Zoning	RF-1 (Moderate density rowhouses; Flats permitted as a matter-of-right)
Ward and ANC	6, 6B
Historic District	Capitol Hill
Lot Characteristics and Existing Development	Rectangular rowhouse lot – 17.67’ X 100’; Lot area = 1,767 sf; 30’ alley at the rear; The elevation of the alley is about 4 feet lower than the rear yard of this lot and adjacent lots; The presence of half-walls suggests that a garage was present at one time on the property; Existing house on the property contains one principal unit.
Adjacent Properties and Neighborhood Character	The subject square is almost exclusively rowhouses, including the adjacent properties; A number of properties facing the alley have either stand-alone structures on their own alley lots, or carriage-house type structures at the rear of rowhouse lots.

III. PROJECT DESCRIPTION IN BRIEF

The applicant seeks to construct a two-story accessory building at the rear of their property. The building would be about 20 feet above grade at the alley, but because of the slope of the property and the slope of the roof would be only about 14 feet above grade on the north side. The lower floor would have a garage space, and the upper floor, accessed by stairs on the west and north of the building, would have a dwelling unit. The building itself can be built as a matter-of-right, but the dwelling unit requires relief, as described below.



IV. ZONING REQUIREMENTS AND ANALYSIS

Subtitle E§ 302.1 states that: *In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.* However, Subtitle U, § 301.1(e) states that an accessory building built after January 1, 2013 shall not be used to house a principal dwelling unit for a period of five years:

- (e) *An accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;*

So a dwelling unit in an accessory building that predates January 1, 2013 is permitted by right. The Zoning Administrator has determined that in situations such as in this application, special exception relief pursuant to Subsection (e) is the appropriate method to permit a dwelling unit in the new accessory structure. Relief may be granted subject to the criteria of Subtitle X, § 901. The applicant has requested no other relief.

§ 901 SPECIAL EXCEPTION REVIEW STANDARDS

§ 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

A principal dwelling unit in an accessory structure is permitted, as a maximum of two units are permitted in the RF-1 zone under E § 302.1. The structure therefore is not inconsistent with the intent of the zone, and would conform to all height and bulk provisions. The use would not be incompatible with the historic alley that also contains a number of carriage-house-type units.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed residential unit should not adversely affect the use of neighboring properties. Other alley-facing units already exist in the alley. The dwelling would not have any windows on the side facing directly onto adjacent properties, which would limit impacts on noise and privacy. In accordance with the Regulations, the unit would not have a rooftop deck. The Historic Preservation Review Board found that the project would be in keeping with the context of the alley and has granted conceptual approval to the design.

(c) Subject in specific cases to the special conditions specified in this title.

The Office of Planning recommends no special conditions.

V. COMMUNITY COMMENTS

The ANC has submitted a letter in support at Exhibit 29. There are also two letters of support, from a neighbor (Exhibit 13) and from the Capitol Hill Restoration Society (Exhibit 12).