

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
JLS
 Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: December 29, 2017

SUBJECT: BZA Case 19675, 3629 Windom Place, NW – Special Exception to permit an Accessory Apartment in the R-2 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested Special Exception relief from U § 253, pursuant to X § 901.1, to permit an accessory apartment in a principal dwelling.

II. LOCATION AND SITE DESCRIPTION

Address	3629 Windom Place, NW
Applicant	KC Price, KC/DC Studios, Agent, on behalf of Owners
Legal Description	Square 1891E, Lot 0011
Ward / ANC	Ward 3; ANC 3F
Zone	R-2, semi-detached and detached dwellings
Historic District or Resource	Not Applicable
Lot Characteristics	Irregularly shaped corner lot. The property is bounded by Reno Road to the east, Windom Place to the south, a 16-foot wide public alley to the west, and an adjoining property improved with a detached dwelling to the north.
Existing Development	The property is improved with a two-story detached single-family dwelling.
Adjacent Properties	Properties to the north, east, and west are improved with detached single-family dwellings. To the south, across Windom Place, are semi-detached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character and is zoned R-2. To the east is the Connecticut Avenue commercial corridor, which includes the embassy compound and the University of the District of Columbia.
Proposed Development	The applicant is proposing to improve the existing cellar with an accessory apartment.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-2	Regulation	Existing	Proposed ¹	Relief
Height D § 303	40 ft./3 stories max.	24 ft./2 stories	24 ft./2 stories	None required
Lot Width D § 302	40 ft.	101 ft.	101 ft.	None required
Lot Area D § 302	4,000 sq. ft. min.	6,147 sq. ft.	6,147 sq. ft.	None required
Floor Area Ratio	None prescribed	--	--	None required
Lot Occupancy D § 304	40% max.	22.1%	22.1%	None required
Rear Yard D § 306	20 ft. min.	8 ft.	8 ft.	Existing nonconforming
Side Yard D § 307	8 ft. min.	8 ft.	8 ft.	None required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to X § 901.1 from the requirements of U § 253 to permit an accessory apartment in a principal dwelling.

i. An accessory apartment may be established in an R zone subject to the following:

253.1 One (1) accessory apartment may be established in an R zone, subject to the provisions of this section.

The applicant is proposing to add a one-bedroom accessory apartment in the cellar of an existing single-family detached dwelling.

253.2 An accessory apartment shall be permitted in a principal dwelling or an accessory building as a matter of right in the R zones, except the R-19 or R-20 zones, subject to the provisions of this section.

The subject property is zoned R-2 and an accessory apartment is permitted as a matter of right in a principal dwelling. The proposed accessory apartment meets the provisions of U § 253 with the exception of U § 253.7(c); therefor, the applicant has requested a Special Exception pursuant to X § 901.1.

253.3 An accessory apartment proposed in an accessory building not meeting the conditions of Subtitle U § 253.8 shall be permitted as a special exception if approved by the Board of Zoning Adjustment, subject to the provisions of this section.

Not applicable, the proposed accessory apartment would be located in the principal building.

253.4 In the R-19 or R-20 zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.

Not applicable, the subject property is zoned R-2.

¹ Information provided by Applicant. Exhibit 5, dated November 12, 2017.

253.5 *Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.*

The applicant states that the principal dwelling would be occupied by the applicant (owners).

253.6 *The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-19 or R-20 zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).*

The applicant states that the principal dwelling is occupied by two individuals. The applicant expects that the accessory apartment would house no more than two residents. The aggregate number of persons occupying the house would not exceed six.

253.7 *An accessory apartment located in the principal dwelling shall be subject to the following conditions:*

(a) *The house shall have a minimum of gross floor area, exclusive of garage space in the following zones:*

Zones	Minimum GFA
R-1-A R-1-B R-19	2,000 sq. ft.
R-2, R-3 R-10 R-13 R-17 R-20	1,200 sq. ft.

The gross floor area of the existing dwelling is approximately 2,644 square feet, which exceeds the minimum requirement of 1,200 square feet.

(b) *The accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house;*

The proposed accessory apartment would occupy approximately 733 square feet or 28% of the gross floor area of the existing dwelling. Therefore, the accessory apartment would not exceed 35% of the gross floor area of the house.

(c) *Except as provided in Subtitle U § 253.7(d), if an additional entrance is created to a house it shall not be located on a wall of the house that faces a street; and*

The applicant is proposing to provide an additional entrance to the accessory apartment on the front façade of the existing dwelling, which would face Windom Place, NW.

(d) *An additional entrance to a house in an R-3, R-13, R-17, or R-20 zone may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination by the appropriate body that the additional door is compatible with the character of the historic district.*

Not applicable, the subject property is zoned R-2. Furthermore, the property is not located in a Historic District.

253.8 *An accessory apartment in an accessory building in an R zone, except the R-19 and R-20 zone, shall be permitted as a matter of right subject to the following conditions:*

...

Not applicable, the proposed accessory apartment would not be located in an accessory building.

253.9 *An accessory apartment proposed in the R-19 and R-20 zones shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following conditions:*

...

Not applicable, the subject property is zoned R-2.

253.10 *Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:*

(a) *The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;*

The applicant has not requested a waiver of the owner-occupancy requirement.

(b) *Subtitle U § 253.6 shall not be modified or waived in the R-19 or R-20 zone; and*

Not applicable, the subject property is zoned R-2.

(c) *Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.*

The request to modify U § 253.7(c) to permit the inclusion of an entrance on a street facing façade should not negatively impact the single household residential appearance and character of the surrounding neighborhood in the R-2 zone. The proposed entrance would be located partially below grade and would be screened from the street by landscaping.

253.11 *In addition to Subtitle U § 253.10, the Board of Zoning Adjustment may approve as a special exception the inclusion of a balcony or projecting windows for the accessory apartment.*

Not applicable, the applicant has not requested the inclusion of a balcony or projecting windows.

253.12 *Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.*

The applicant is requesting to modify the criteria found in U § 253.7(c) related to the placement of an entrance on a street facing façade. The applicant has requested to modify one criteria; therefore, the relief may be processed as a special exception.

253.13 *Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and the property shall be inspected for relevant housing code compliance.*

The applicant has confirmed its intent to obtain a Residential Rental Business License from the Department of Consumer and Regulatory Affairs.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed accessory apartment would comply with the provisions contained in U § 253 except for the applicant's request to permit an entrance to the accessory apartment on a street-facing facade. Although there is an existing entrance to the cellar at the rear of the property, which is not street-facing, use of this entrance could create negative impacts to adjoining property owners, including increased noise, light, and loss of privacy. The other non-street-facing facade, adjacent to the alley to the west of the property, presents additional constraints including a raised patio and trellis that make it unsuitable for an entrance.

The proposed entrance would not be visible from Windom Place due to setback from the street, landscaping, and the change in grade (Exhibit 12). The residential character of the neighborhood would be maintained and the proposed accessory apartment would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

Based on the property conditions, including two street-facing facades and the placement of existing improvements such as the porch on the east facade, the patio and trellis on the west facade, and the location of the mechanical room in the cellar, the applicant has proposed to locate the entrance in a manner that would minimize any negative impacts to adjoining properties. The applicant has provided letters of support from adjoining property owners at Exhibit 28.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District Agencies had not been received at the time this report was written.

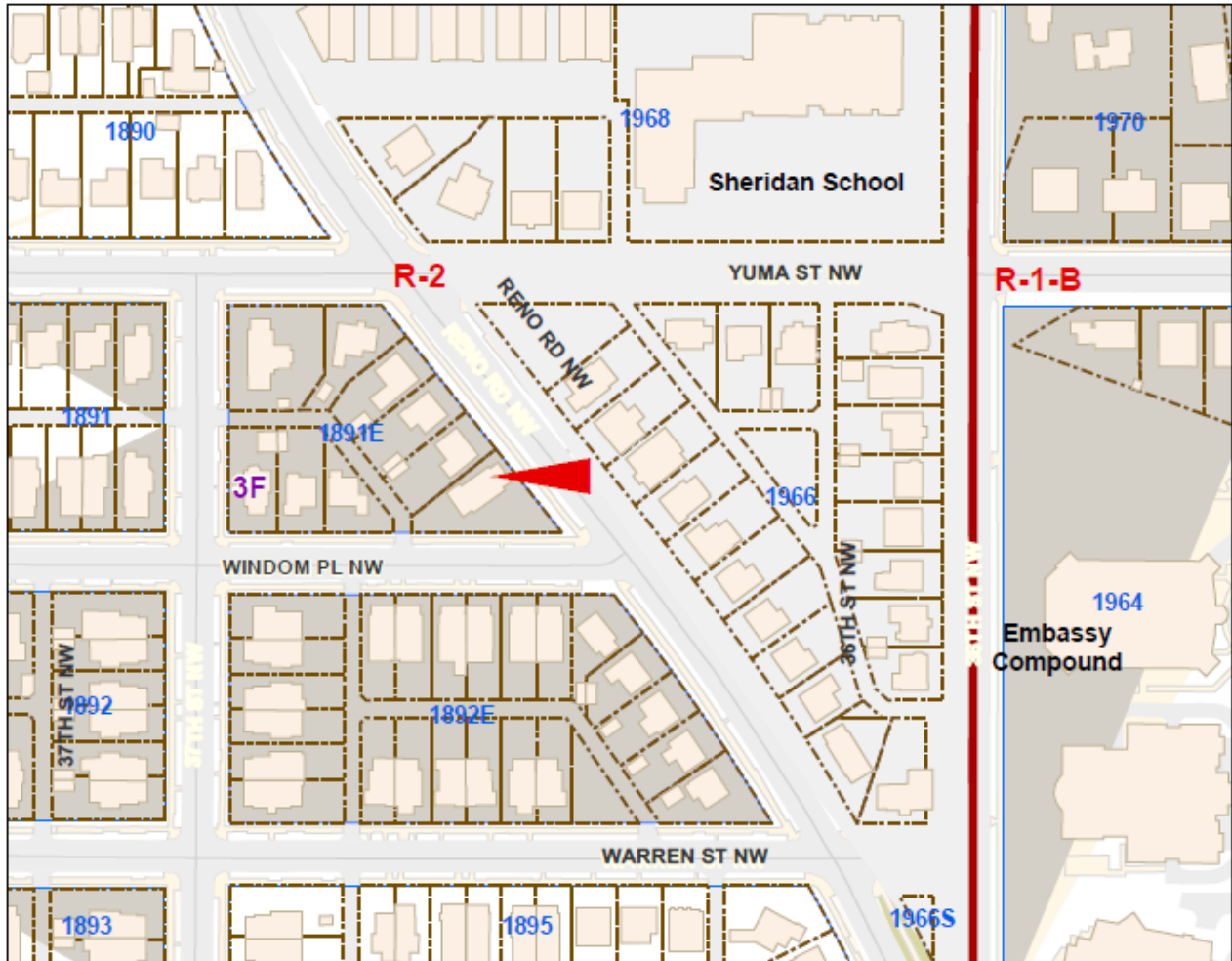
VI. COMMUNITY COMMENTS

Comments from ANC 3F had not been received at the time this report was written. The applicant indicated that the ANC voted to unanimously support the request at its November meeting.

The property owners at 4330, 4331, and 4400 Reno Road; and at 3624, 3626, 3628, 3632, 3635, and 3639 Windom Place submitted letters in support (Exhibit 28).

JS/emv

Attachment: Location Map



Location Map