

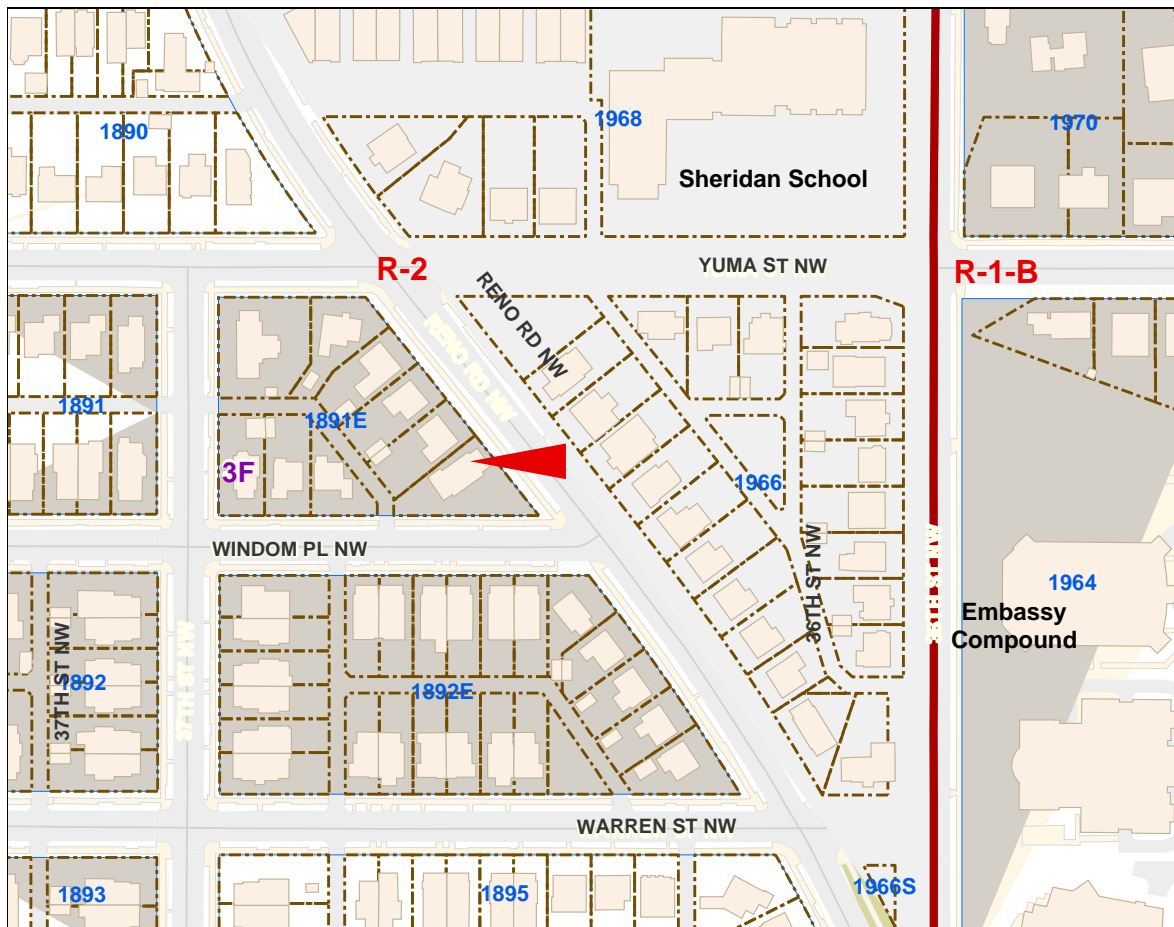
Summary of relief requested:

The following application is a request to allow the placement of an access door to a new, legal accessory apartment on the cellar level of a street-facing façade of the existing house. The regulations permit an accessory unit by-right pursuant to Subtitle U § 253.1, but a new entrance on a street-facing façade is permitted only by special exception (relief from Subtitle U § 253.7(c) pursuant to subtitle U § 253.10).

Area Description:

The immediate neighborhood is largely developed with detached and semi-detached dwellings. To the north is the only contiguous property, also developed with a detached house. To the east is Reno Road, then single family homes, and a Federal embassy compound. To the south is Windom Place NW, with semi-detached houses on the south side of the street. To the west is an improved 15' wide alley and beyond that detached houses.

In the broader neighborhood, both Van Ness and Tenleytown metro stations are within walking distance, as are the University of the District of Columbia, American University, and the commercial corridors along Connecticut and Wisconsin Avenues NW.



Property Description:

The property is located at the corner of Windom Place and Reno Road NW. It is about 6,147 sq.ft. in area and roughly triangular in shape. The existing detached house was constructed in 1928; and sits well up from the level of the street. It is not sited parallel to the street it fronts, Windom Place, and it is set towards the back of the lot, resulting in an existing rear yard non-conformity and a large front yard. The current owners have lived in the house since 2004. A previous BZA application permitted the replacement of a small one story addition to the house on the rear façade (BZA Case 17984, approved in 2009).

The house has a cellar of approximately 1,200 sq.ft. in area. The cellar is currently unused except for storage and mechanical equipment for the house. There is an existing entrance to the cellar directly from the exterior, located on the rear elevation of the house at the bottom of a stairwell, accessed from the narrow rear yard.

Proposal:

The owners of the property wish to provide a small legal accessory apartment in the existing cellar of the house, a use permitted by-right under the R-2 zoning regulations, pursuant to Subtitle U § 253. A portion of the cellar would be retained for use by the owners, resulting in a one-bedroom accessory apartment of approximately 733 sq.ft.

While an accessory apartment unit is permitted by right in this zone, it is required to meet a number of conditions. The proposed unit would meet all of these conditions, except for one: due to the existing siting, configuration, and layout of the house and property, a new, direct access to the accessory apartment on the front (south) elevation is needed, while the regulations state that an additional entrance for the unit shall not be located on a wall that faces a street (Subtitle U Section 253.7(c)).

All alternative locations for the entrance are problematic and could result in greater impacts. As indicated on the plans and shown in the attached photographs, the **east side building façade** also faces a street (Reno Road) so placing the entrance on this façade would also require BZA relief. This façade contains a raised covered porch, possibly original to the house; as such, it would be impractical and difficult to provide a new entrance on this facade without significant alterations to the house. Finally, due to the configuration of existing mechanical equipment in the basement, the accessory apartment is to be located on the opposite (west) side of the cellar, so an entrance from the east façade would not lead directly into the apartment.

Due to the orientation of the house in relation to the lot lines, the **west side building façade** also generally faces Windom Place so is visible from that street. In addition, there is a slightly raised patio with a trellis, constructed prior to the current owners taking possession of the house, off this façade. As such, providing a new entrance on this facade would require significant and expensive alterations to the house that would reduce its streetscape residential character, and could result in an entrance that would be at least as visible from the street.

The existing stairway to the cellar on the **rear (north) elevation** could be used to access the unit, and will be used if the BZA elects to not approve the requested relief. However, the applicants believe that this would cause privacy impacts on both the owners and the adjacent neighbor, whose house is located about 9 feet from the house on the applicant's property. Although there is a 6-foot fence separating the

two properties, windows are above the fence line, and the applicant and the neighbor are concerned that to adequately use this as the entrance to the accessory apartment, additional lighting would have to be installed to address safety and security issues for the tenant, which may cause detrimental light-spill into the adjacent house windows, as well as increased activity directly adjacent to their property.

Conversely, a new entrance on the south façade, as proposed, would be minimally or not visible from the street due to the existing terrain and vegetation so it would not impact the residential character of the house. It would also add additional natural sunlight to the unit. No additions or other external alterations to the house are proposed; no excavation would be required other than the minimal excavation needed for the new entrance.

Community Outreach:

The applicant has notified and initiated discussions with all neighbors, and has to date met with no opposition. In particular, the applicant has reached out to the only directly adjacent neighbor, who owns the property to the north, to discuss the proposal and the plans and they have indicated not only support for the proposal, but a preference for the entrance to be located on the south elevation of the applicant's house. Written indication of neighbor support will be provided prior to the hearing.

The site is located within ANC 3F; SMD 3F06. The applicant has contacted the ANC, and is tentatively scheduled to be on their November 22, 2017 meeting agenda. The applicants will provide an update of discussions at the public hearing.

Analysis Against the Relevant Zoning Regulations:

As described below, the applicant respectfully submits that the proposed solution would cause no negative impact on neighbors or the streetscape, would not diminish the single family residential character of the house, and could reduce any potential impact of this permitted use on neighbors.

Subtitle U §253 ACCESSORY APARTMENT (R)

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 single, one-bedroom accessory unit in the existing cellar of the existing detached house.

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 property is in an area zoned R-2, where an accessory unit within the house is a by-right permitted use.

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.

The proposed accessory unit meets all conditions, except for U §253.7(c), as discussed below.

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.

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

The principal dwelling will be occupied by the applicant as their full-time residence.

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 property is in the R-2 zone. There are two people living in the principal unit; the applicants expect one or no more than 2 residents in the proposed one bedroom accessory unit.

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:

TABLE U § 253.7(a): MINIMUM GROSS FLOOR AREA:

<i>Zones</i>	<i>Minimum GFA</i>
R-2	1,200 sq. ft.

The existing house has a gross floor area of approximately 2,644 sq.ft., more than the 1,200 sq.ft. minimum.

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

The accessory unit would be approximately 733 sq.ft., or less than 28% 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 requests special exception relief to provide a cellar level entrance to the unit on the front elevation, which faces Windom Place NW. As shown in the drawings, the following factors support the special exception request in that it would not be visible from any street, maintaining the single-family dwelling appearance of the house:

- The façade of the building where the new cellar entrance will be located is set back about 25 feet from the public sidewalk, and 35 feet from the edge of the road, providing a considerable landscaped buffer from any public way.

- In addition, there is a considerable grade change up from the public sidewalk (the main floor of the house is about 6.5 feet higher than the public sidewalk level), so the new cellar entrance would be largely or entirely hidden by existing terrain and by vegetation in front.
- Although it would not be highly visible, the new entrance will be in character with the house and residential in appearance.

As noted above, providing a new entrance on the west façade of the house, or on the east façade facing Reno Road NW would be prohibitively expensive, practically difficult, disruptive to the residential character and functioning of the existing house, and also in conflict with the wording or intent of this zoning regulation as the entrance on either of those façades would face a street.

Utilizing the existing rear entrance would remove the need for any BZA approval, but this could result in a situation that results in safety issues for the tenant (the existing rear yard area is narrow, dark, and not visible from the street or alley), and privacy issues for the only directly adjacent neighbor, with potential noise and light-spill onto their property and into their windows. However, the existing uncovered rear stairs to the cellar would be retained, as secondary / emergency egress for the unit and for infrequent use by the owners of the house to access their portion of the cellar from the exterior.

(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 in the R-2 zone and the house is not within a historic district. However, the proposed entrance would be sited and designed to meet these conditions (it would be below the main level of the house, and designed to be compatible with the existing dwelling).

253.8 and 253.9 – not relevant

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;

A waiver of this provision is not requested or required – the owners will continue to reside in the house.

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

Not applicable, as the property is in the R-2 zone.

(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.

As shown on the drawings and described in the response to U § 207.3(c) above, no additions or alterations to the existing house are proposed, other than the proposed new entrance to the accessory apartment, which would be minimally, if at all, visible, and in character with a single household residential appearance.

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.

None requested.

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

Not applicable – as only one modification is requested, this can be addressed through the special exception process as requested.

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 will be required to obtain all necessary permits and licenses, including a Residential Rental Business License.