

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: May 3, 2019

SUBJECT: BZA # 20005 – 1719 C Street, SE – Special Exception to construct a principal dwelling unit in a new accessory structure

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following relief:

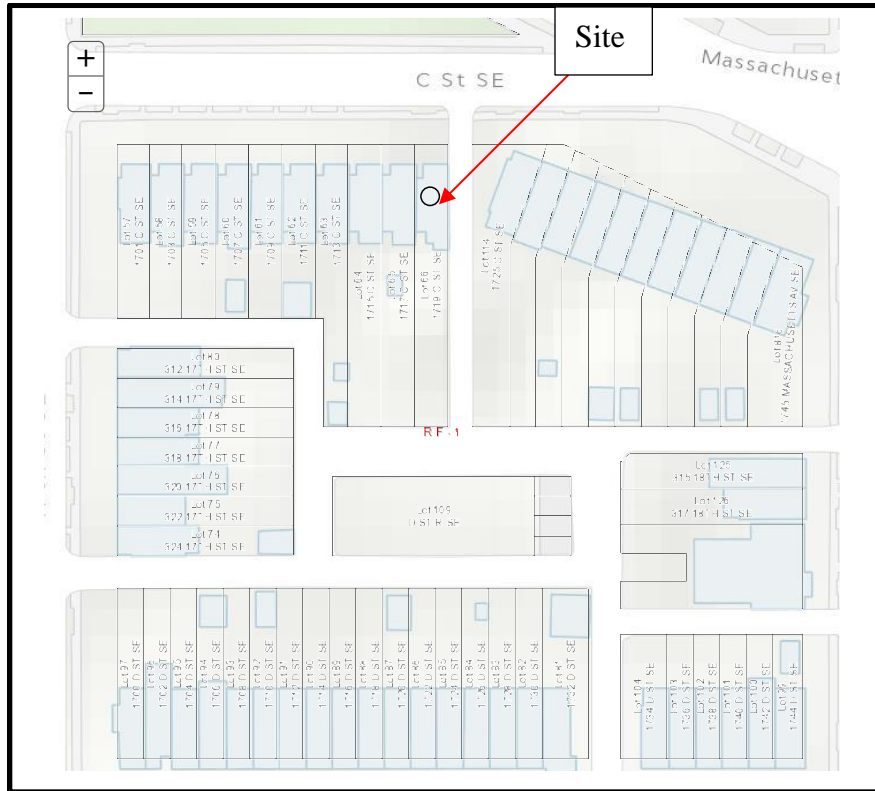
- Special Exception pursuant to Subtitle U, § 301.1(e) to permit the location of a principal dwelling unit in an accessory structure constructed after January 1, 2013, not meeting the required five-year waiting period for the establishment of the residential unit.

II. LOCATION AND SITE DESCRIPTION

Address	1719 C Street, SE
Legal Description	Square 1100, Lot 66
Zoning	RF-1 (Moderate density rowhouses; Flats permitted as a matter-of-right)
Ward and ANC	6, 6B
Historic District	N/A
Lot Characteristics and Existing Development	Rectangular rowhouse lot – 20’ X 170’; Lot area = 3,400 sf; 30’ alley at the rear and a 15 feet wide alley at the east lot line. The 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. The rear of the subject property faces a community garden.

III. PROJECT DESCRIPTION IN BRIEF

The applicant seeks to construct a two-story accessory building at the rear of their property. The lower floor would have a garage space, and the upper floor would have a dwelling unit accessed by stairs on the east side, abutting the 15 feet wide alley. 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;*

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 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 project would be in keeping with the context of the alley.

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

The Office of Planning recommends no special conditions.

V. COMMUNITY COMMENTS

Exhibit 10 of the record includes 3 letters in support from neighbors. At Exhibit 29 is a letter of support from the CHRS. One letter in opposition is noted at Exhibit 26. At the writing of this report, ANC 6B's recommendation is not in the record.