

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Michael Jurkovic, AICP, Development Review Specialist  
Joel Lawson, Associate Director Development Review

**DATE:** September 11, 2024

**SUBJECT:** BZA Case 21170: Request for special exception relief to allow new accessory building with an accessory dwelling unit at 723 Oneida Place, NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- D § 210.1 Lot Occupancy (40% max. by-right, 33% existing; 50% proposed)

### **II. LOCATION AND SITE DESCRIPTION**

Address	723 Oneida Place, NW
Applicants	Alexandra Wilson of Sullivan and Barros, LLP on behalf of Rotimi and Omotara Ogunbiyi
Legal Description	Square 3158; Lot 42
Ward, ANC	Ward 4; ANC 4B
Zone	R-2
Historic Districts	None, but adjacent to Fort Circle Park.
Lot Characteristics	Irregular “L” shaped interior lot with a 15 ft. alleyway to the rear
Existing Development	Single Family Semi-Attached Dwelling
Adjacent Properties	Single Family Semi-Attached Dwellings
Surrounding Neighborhood Character	Low Density Residential Neighborhood with a Mixed-use corridor to the west.
Proposed Development	Single Family Semi-Attached Dwelling with a Detached Accessory Dwelling Unit.

### **III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Lot Width D § 202 (302)	40 ft. min.	24 ft.	No Change	Existing Non-conformance

<sup>1</sup> Provided by applicant

<b>R Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Lot Area D § 202	4,000 sq. ft.	2,206 sq. ft.	No Change	Existing Non-conformance
Rear Yard D § 206	20 ft. min.	More than 20 ft.	20.63 ft.	None Requested
Side Yard D § 207	One 8 ft. min.	One 5.5 ft.	No Change	Existing Non-conformance
<b>Lot Occupancy D § 210</b>	<b>40% max. by right 50% max by sp. ex.</b>	<b>33.3%.</b>	<b>50%</b>	<b>Relief Requested</b>
Pervious Surface D § 211	30% min.	59.97%	43.06%	None Requested
Accessory Building Height D § 5002	22 ft. and 2 stories max.	N/A	22 ft.	None Requested
Accessory Building Area D § 5003	Greater of 30% of the required rear yard or 450 sq. ft.	N/A	373 sq. ft.	None Requested
Accessory Building Rear Yard D § 5004	Not in a required rear yard and set back at least 7.5 ft. from the centerline of any alley.	N/A	31.46 ft.	None Requested
Parking C § 701	1 min.	1	1	None Requested

#### IV. OP ANALYSIS

##### Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 not relevant to this application*

*5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

(a) *Lot occupancy as limited in Table D § 5201.1(a);*

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

<b>Zones</b>	<b>Type of Structure</b>	<b>Maximum Percentage of Lot Occupancy (%)</b>
All R-3 zones except R-3/GT	All Structures	70
R-3/GT	Row	
R-3/GT	Detached Semi-detached	<b>50</b>

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All other R zones	All Structures	

- (b) *Maximum building area ...*
- (c) *Maximum building area of an accessory building;*
- (d) *Yards, including alley centerline setback; and*
- (e) *Pervious surface.*

The proposal requires relief from the maximum lot occupancy development standard.

*5201.3 not relevant to this application*

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The new accessory structure would be placed in an otherwise open area at the rear of the lot. As the structure is meeting all other accessory building development requirements, it should not result in a significant impact to light or air to the neighboring properties.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The new accessory dwelling would be within the accessory structure development standards of the R-2 zone. Therefore, it should not have an undue impact on the neighbors' privacy. No windows are proposed on the eastern façade which is the closest façade to another principal dwelling.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed structure would be visible from Oneida Place and from the rear alleyway but should not visually intrude on the character of the houses along the street frontage. The proposed structure when viewed from the public ways would be seen as subordinate to the surrounding principal structures, and well set back from the street and the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant provided plans, photographs, and elevations to sufficiently represent the

relationship of the proposed addition from public ways.

*5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.*

The proposed accessory building area, height, and number of stories would comply with the R-2 development standards. The requested lot occupancy relief is within that which is allowed by special exception in the R-2 zone.

## **Subtitle X Section 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;*

The proposal would be consistent with the intent of the R-2 zone requirements. Specifically, the requested lot occupancy of 50% is within that which is allowed by special exception and meets all other development requirements of the R-2 zone.

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

As noted above, the requested relief should not unduly adversely impact the use of neighboring property, particularly with the lack of windows on the eastern façade, as it would otherwise be in conformance with the Zoning Regulations.

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

The form of relief is within the allowed criteria of E § 5201, provided above.

## **V. OTHER DISTRICT AGENCIES**

By email, DDOT informed OP that they have no objection to the approval of this application. As of the writing of this report, there are no comments from other District Agencies in the record.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the writing of this report, there is no report from ANC 4B in the record.

## **VII. COMMUNITY COMMENTS**

Two adjoining neighbors have submitted letters of support at Exhibits [#16](#) and [#17](#).

Attachment: Location Map

**Location Map:**

