

## MEMORANDUM

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

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

**DATE:** October 9, 2024

**SUBJECT:** BZA Case 21171: Request for Use Variance relief to allow an Accessory Apartment at 1374 Taylor Street, NW.

### **I. RECOMMENDATION**

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

- U § 301.1(e), Use Permissions (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 years after the approval of the building permit for the accessory building, unless approved as a special exception).

OP notes that the application was most recently filed as a request for special exception relief from this provision (Exhibit 35), although the burden of proof (Exhibit 37) from the applicant then uses the variance review standards. As the regulations do permit relief from this provision by special exception, OP has provided analysis accordingly.

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

Address:	1374 Taylor Street, NW
Applicant:	Ileana Schinder on behalf of Ezekiel Reich
Legal Description:	Square 2823; Lot 0089
Ward / ANC:	Ward 4; ANC 4C
Zone:	RF-1, which permits one or two principal dwellings on a property by right.
Historic Districts	N/A
Lot Characteristics:	Rectangular interior lot measuring 22 ft. x 141.15 ft. with a 15 ft. wide alleyway to the rear.
Existing Development:	Single Family Rowhouse
Adjacent Properties:	Residential Rowhouses
Surrounding Neighborhood Character:	Moderate Density Residential Neighborhood.
Proposed Development:	Single Family Rowhouse with a Detached Accessory Dwelling Unit

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief:</b>
Density E § 201	2 principal units max.; accessory units prohibited.	1 principal unit	2 principal units (1 within principal structure and 1 in an accessory structure.)	None Requested
Lot Width E § 202	18 ft. min.	22 ft.	No Change	None requested
Lot Area E § 202	1,800 sq. ft. min.	1,484.7 sq.ft.	No Change	Existing Non-conformance.
Rear Yard E § 207	20 ft. min.	50.8 ft.	No Change	None requested
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	N/A	None requested
Lot Occupancy E § 210	60% max.	31%	45%	None requested
Acc. Building Height E § 5002	22 ft. and two stories maximum.	N/A	22 ft. and two stories.	None requested
Acc. Building Area E § 5003	450 sq. ft. or 30% of the required rear yard, whichever is greater.	N/A	433 sq. ft.	None requested
Acc. Building Setback E § 5004	7.5 ft. from the centerline of any alley.	N/A	12.5 ft.	None requested
Acc. Building Use E § 5006	1 principal dwelling unit and/or private vehicular garage.	N/A	1 dwelling unit and garage.	None requested
Accessory Building U § 301.1 (e)	New dwelling unit allowed in an accessory building constructed pre-Jan. 1, 2013	n/a	New unit proposed in a new accessory building	Relief requested
Parking C § 701	1 space per 2 dwelling units	1 space	1 space	None requested

**IV. OP ANALYSIS****Subtitle U Section 301 MATTER OF RIGHT USES (RF)**

*301.1(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;*

Requested relief to the 5-year time-period prohibition of a principal unit in an accessory structure may be sought through a special exception.

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<sup>1</sup> Provided by the applicant.

**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 proposed accessory structure would conform with the development requirements for accessory buildings in the RF zones. The use of an accessory building for a second principal dwelling unit is otherwise permitted in the RF-1 zone. Therefore, the proposal would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

The proposed unit would be accessible from the rear alleyway. The western elevation, built to the property line shared with 1376 Taylor Street, would not have windows and the eastern elevation is set back from the property line. The other elevations with windows should not create views to neighboring properties that could not be achieved by-right. Based on the information provided by the applicant, the proposal should not unduly affect adversely the use of neighboring properties.

- (c) *Will meet such special conditions as may be specified in this title.*

The proposed accessory building with the proposed dwelling unit would conform to all other zoning regulations and requirements.

**V. OTHER DISTRICT AGENCIES**

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 are no comments from ANC 4C in the record.

**VII. COMMUNITY COMMENTS**

As of the writing of this report, there are no public comments in the record.

Figure 1: Location Map

