

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
**JL** Joel Lawson, Associate Director Development Review

**DATE:** November 27, 2024

**SUBJECT:** BZA Case 21206, Request for use variance to permit an accessory apartment at 2302 Ontario Road NW

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

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

- Accessory Apartment, Subtitle U § 401.1, pursuant to Subtitle X § 1000 (accessory apartment not permitted; accessory apartment existing; no change).

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

Address	2302 Ontario Road NW
Applicant	Rebecca Latorraca
Legal Description	Square 2562 Lot 76
Ward, ANC	Ward 1; ANC1C
Zone	RA-2, moderate density multi-family dwellings; a one family dwelling is also permitted by-right.
Historic District	N/A
Lot Characteristics	The rectangular lot measures 1920 square feet with little variation in topography.
Existing Development	The existing structure is two-story brick row dwelling with two residential units.
Adjacent Properties	The adjacent properties are similar row structures, consistent with the pattern of residential units in this neighborhood.
Surrounding Neighborhood Character	The surrounding neighborhood is developed with two story row dwellings with some small apartments and other institutional buildings.
Proposed Development	The Applicant has proposed interior renovations only to the property and would like to retain the existing accessory apartment in the basement of the rowhome. Since the zoning regulations currently state that an accessory unit is not a permitted use in this zone, a use variance is required per the Zoning Administrator's determination letter <a href="#">at Exhibit 20</a> .

Board of Zoning Adjustment

District of Columbia

CASE NO.21206

EXHIBIT NO.34

WASHINGTON

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

The Property is currently improved with a brick, two-story plus basement attached dwelling originally constructed around 1908. The Applicant has owned the existing home with an accessory apartment in the cellar since 1996. Both the main residence and existing apartment are proposed for interior-only renovations. Exterior changes are not proposed.

The Zoning Administrator determined that a use variance is required before permit issuance since the accessory apartment is not stated in the Zoning Regulations as a use permitted as a matter-of-right or by special exception in the RA zones. ([See Exhibit 10](#)). OP believes this is an error within the regulations, and an accessory unit in a one family dwelling in the RA zones was not intended to prohibit an accessory unit.

Although the zone would permit a flat by-right, the Applicant's representative shared with OP that the accessory unit in the cellar could not be considered a flat due to the current layout of the unit, including the means of ingress and egress from the rear only and an existing kitchen. There is an internal stair from the main residence to the cellar unit which would not be removed and as such, the present configuration could not be considered a flat.

### **IV. OFFICE OF PLANNING ANALYSIS**

#### **a. Use Variance Relief from Subtitle U § 401.1 pursuant to X § 1000**

##### *i. Extraordinary or Exceptional Situation or Condition Resulting in Exceptional or Undue Hardship To the Property Owner*

###### *a. Extraordinary or Exceptional Situation*

According to the Applicant, the residential structure had an existing accessory apartment located in the cellar even prior to current ownership in 1996. As currently developed, the cellar unit is configured with a separate kitchen and bath, and an immediate ingress/egress at the rear. There is an existing stairway to the first floor, and it is not proposed to be removed. This existing configuration is an exceptional situation of the property, as current building code would require two separate entrances, and other features, including electrical and plumbing separations for a flat which is a permitted use.

Further, the Applicant's renovation involves interior work only. An additional ingress/egress would not be included at the front of the home, as required for a flat within the building. Rather, the ingress/egress to the front of the property would remain as is, via a stairway to the first floor, as shown on Sheet A101 of [submitted plans at Exhibit 3](#). Therefore, the existing interior configuration is an exceptional situation of the residence.

###### *b. Exceptional or Undue Hardship*

Not permitting the retention of this residential use would create undue hardship for the owner, as it would remove a dependable source of income for the property owner, as well as a residential unit within the neighborhood.

*ii. No Substantial Detriment to the Public Good*

Substantial detriment to the public good is not anticipated as the proposed renovation would not increase the existing density on the property beyond what exists, nor would light and air to abutting neighbor be affected beyond what currently exists for the property.

*iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations*

The RA-2 zone is intended for moderate density residential and the bulk/density of the existing residential use with its accessory unit would not be increased beyond what has existed for a generation. The RA-2 regulations permit apartment uses, which are more intense than a single-family home with an accessory unit. Therefore, OP does not anticipate impairment to the integrity of the Regulations with the continuation of one additional unit to this residence which most likely existed prior to the existing Regulations.

## **V. OTHER DISTRICT AGENCIES**

At the writing of this report, OP has not received any District agency comments.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

A report from ANC 1C with a recommendation of approval is included in the record at [Exhibit 31](#).

## **VII. COMMUNITY COMMENTS TO DATE**

There are no community comments provided to the record at the writing of this report.

Attachment: Location Map

Location Map

