



BZA Appeal No. 21231

3021 15th ST NE

Wednesday, March 12, 2025

Role of Office of Zoning Administration (OZA)

- To Administer, Interpret, and Enforce the District of Columbia zoning regulations Title 11 DCMR
- Done primarily through the review and approval of building permit, certificate of occupancy, home occupation, and subdivision applications
- Provide technical information to customers and train staff in the application of the zoning regulations
- With DOB's Office of General Counsel (OGC), represents OZA in appeals before the Board of Zoning Adjustment (BZA)

3021 15th ST NE Project

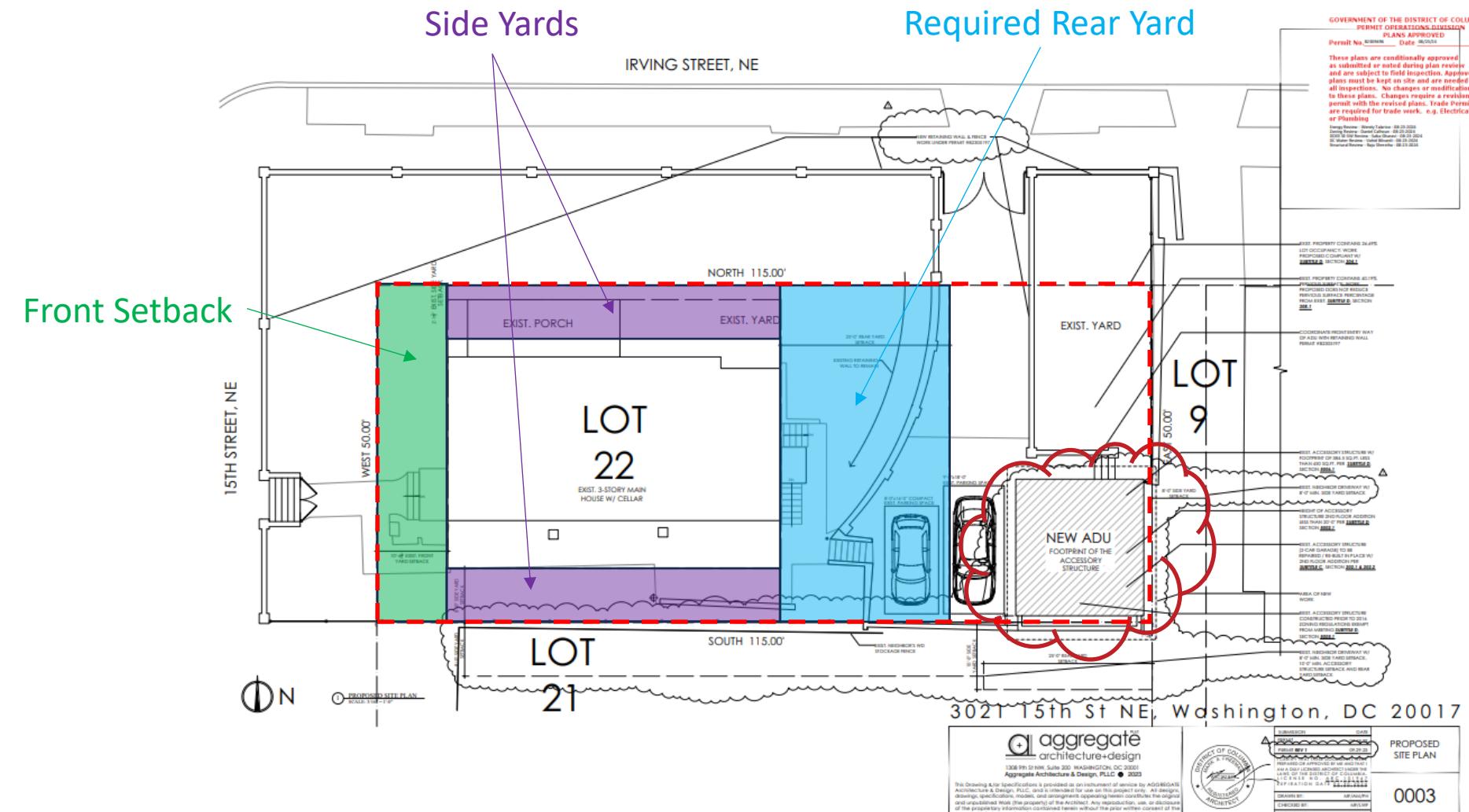
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- Subject property is one record lot (Square 4017, Lot 0022) in the R-1B zone.
- Property is a corner lot at the intersection of 15th ST NE and Irving ST NE. The front of the property is at 15th ST NE. There is no alley in the square.
- Property is improved with a detached principal building in single household use with a detached one-story accessory building.
- Matter of right project to rebuild the accessory building as a two-story accessory building for use as an accessory apartment.

DC Zoning Map



Site Plan



Side Yard

- B-320.1 A required side yard shall be parallel to a side lot line and apply to the entirety of principal buildings and structures. If a required side yard intersects with a required rear yard, the larger yard shall apply for the required distance of the larger yard.
- D-208.1 Except as provided elsewhere in this title, the minimum side yard requirements shall be as set forth in this section.
- D-208.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.

Accessory Building General Provisions

5000.1 Accessory buildings shall be permitted within an R zone subject to the conditions of this chapter.

5000.2 An accessory building shall:

- (a) Be subordinate to and located on the same lot as the building, to which it is accessory; provided, that an accessory building may contain a parking space accessory to, and required for, a use on another lot where specifically permitted under other provisions of this title;
- (b) Be used for purposes which are incidental to the use of the principal building; provided that no more than one (1) accessory apartment shall be allowed;
- (c) Be secondary in size compared to the principal building;
- (d) Be constructed after the construction of a principal building on the same lot; and
- (e) Not be constructed in front of the principal building.

5000.3 An accessory building shall be included in the calculation of lot occupancy and shall comply with all yards required for accessory buildings in the zone.

Accessory Building Development Standards

- 5001.1 The development standards in Subtitle D, Chapter 2, shall apply to accessory buildings in the R zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

- 5001.2 The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.

Accessory Building Side Yard

- 5005.1 An accessory building other than a shed may be located in a side yard in a R zone, provided that it is removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).
- 5005.2 A shed may be located within a required side yard of a principal building.

The accessory building is not located in the side yard; therefore, the side yard development standards do not apply.

Accessory Building Rear Yard

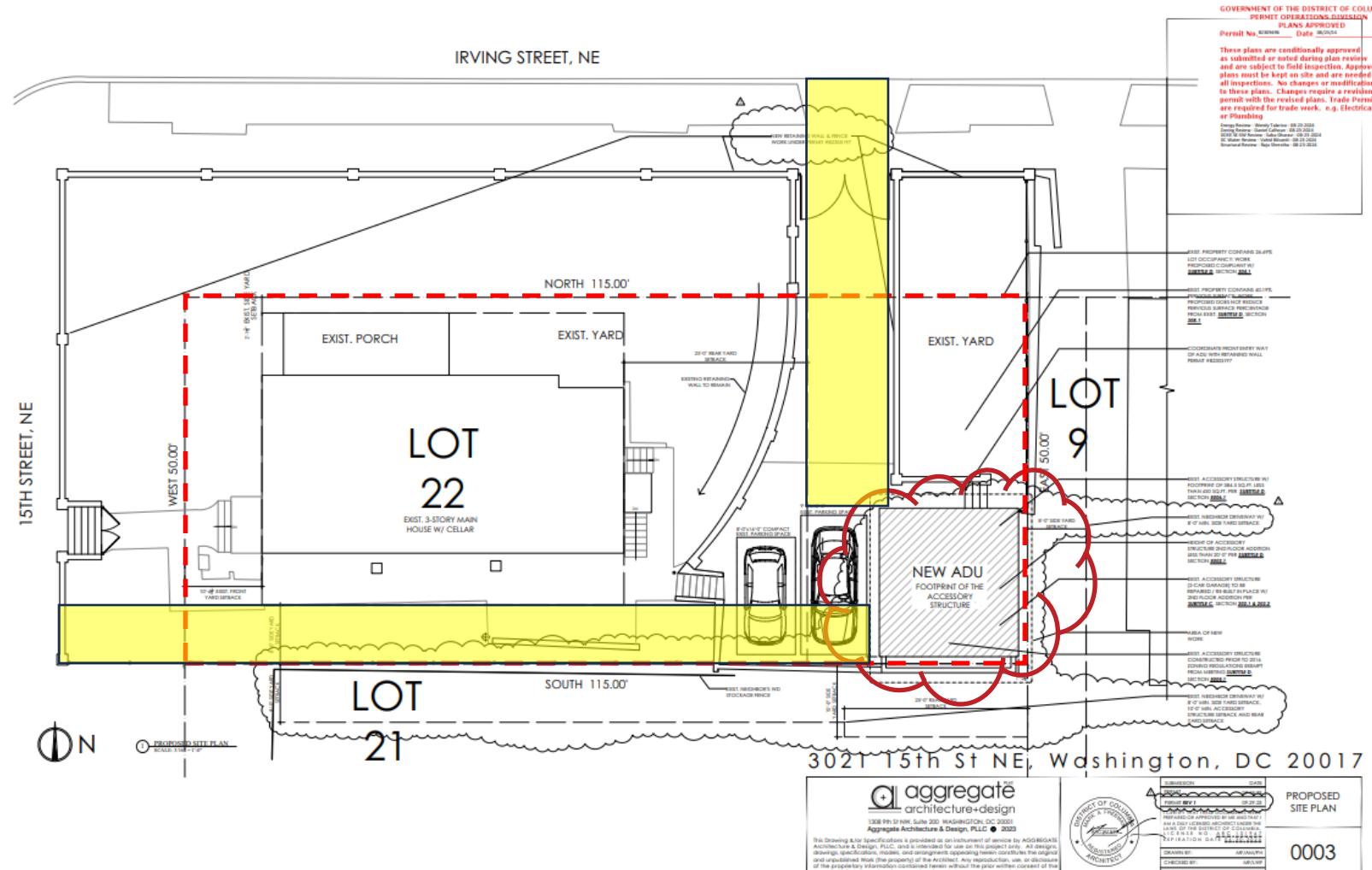
5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

- (a) Not in a required rear yard; and
- (b) Set back at least seven and one-half feet (7.5 ft.) from the centerline of any alley.

5004.2 A shed may be located within a required rear yard of a principal building.

The accessory building is not located in the required rear yard and there is no alley in the square, therefore, it complies with the accessory building rear yard development standards.

Access to Accessory Apartment



Accessory Apartment in an Accessory Building

- U-253.1 One (1) accessory apartment may be established in an R zone, subject to the provisions of this section.
- U-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-1B/GT or R-3/GT zone, subject to the provisions of this section.
- U-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.

Accessory Apartment in an Accessory Building

253.8 An accessory apartment in an accessory building in an R zone, except the R-1B/GT or R-3/GT zone, shall be permitted as a matter of right subject to the following conditions:

...

(c) The permanent access shall be provided by one (1) of the following:

(1) A permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback or shared recorded easement between properties;

(2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or

(3) The accessory building is within three hundred feet (300 ft.) of a public street accessible through an improved public alley with a minimum width of fifteen feet (15 ft.);

...

Conclusion

- The permit was properly issued.
- The accessory building is located in the rear yard and the side and rear yard requirements do not apply in this case.
- No special exception is required for the accessory apartment use.



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