

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Joshua Mitchum, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** April 25, 2025

**SUBJECT:** BZA Case 21283: Request for special exception relief to construct a detached, one-story accessory dwelling unit in the rear yard of an existing, detached, two-story residential dwelling unit with a basement in the R-1B Zone.

### 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:

- Maximum Building Area, D § 5003 (30% of rear yard or 450 sq. ft. max., 181 sq. ft. existing; 600 sq. ft. proposed)

### II. LOCATION AND SITE DESCRIPTION

<b>Address:</b>	1330 Kalmia Road NW
<b>Applicants:</b>	Sarah Riley and Trever Keck c/o Elizabeth Rogers
<b>Legal Description:</b>	Square 2773; Lot 0019
<b>Ward, ANC:</b>	Ward 4; ANC 4A
<b>Zone:</b>	R-1B, Low Density Residential
<b>Historic Districts:</b>	N/A
<b>Lot Characteristics:</b>	The 5,125 square foot lot is irregular in shape and has 50 feet of frontage along Kalmia Road NW, and 46.06 feet of frontage along a 16-foot-wide public alley in the rear yard.
<b>Existing Development:</b>	The lot is currently improved with a two-story detached residential dwelling unit with a basement and one-story sunroom. Furthermore, there is an existing 181 square foot garage in the rear yard.
<b>Adjacent Properties:</b>	The property is bounded to the north by single-family detached homes in the R-1B Zone, to the south across a public alley by single-family detached homes, and to the east and west by single-family detached homes in the R-1B Zone.
<b>Surrounding Neighborhood:</b>	The surrounding neighborhood is characterized by similar single-family detached homes along a narrow street.
<b>Proposed Development:</b>	Construction of an accessory structure in the rear yard of an existing single-family detached residential dwelling unit.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-1B Zone (Accessory Structures)</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief</b>
Height D § 5002	22 ft. max.	Not given	20 ft. 6 in.	None requested
Maximum Building Area D § 5003	The greater of 30% of the required rear yard, or 450 sq. ft. max.	181 sq. ft.	600 sq. ft.	<b>Special exception relief requested</b>
Lot Width D § 202	50 ft. min.	46 ft.	No change	None requested
Lot Area D § 202	5,000 sq. ft. min.	5,125 sq. ft.	No change	None requested
Lot Occupancy D § 210	40% max.	20.5%	28.6%	None requested
Rear Yard D § 5004	7 ft. 6 in. from centerline of alley min.	None given	None given, but appears at least 7 ft. 6 in.	None requested
Side Yard D § 5005	8 ft. min.	8 ft.	No change	None requested

### IV. OP ANALYSIS

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

*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 of this subtitle 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 subject to the following table:

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

<b>Zone</b>	<b>Type of Structure</b>	<b>Maximum Lot Occupancy</b>
All R-3 Zones except R-3/GT	All Structures	70%
R-3/GT	Row	70%
R-3/GT	Detached Semi-Detached	50%
All other R Zones	All Structures	50%

The subject property is zoned R-1B, which has a maximum lot occupancy of 40 percent by right, and 50 percent by special exception. Relief from lot occupancy is not being

<sup>1</sup> Information provided by applicant

requested with the subject application.

(b) *Maximum building area of an accessory building;*

Per Subtitle D § 5003, the maximum building area for accessory structures in R Zones is the greater of 30 percent of the required rear yard area, or 450 square feet. Special exception relief is being requested in order to construct a 600 square foot accessory structure.

(c) *Yards, including alley centerline setback; and*

Relief from the minimum yard requirements is not being requested with the subject application.

(d) *Pervious surface.*

Relief from the minimum pervious surface requirements is not being requested with the subject application.

5201.3 This section is not applicable to the subject 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 proposed accessory structure should not unduly affect the light and air available to neighboring properties. The Applicant has submitted a light/shadow study as part of their site and architectural plans (Exhibit 6) that shows projected shadows at various hours of the day of the spring and summer seasons. According to the study, the shadows cast by the proposed accessory structure would be at its maximum at around 9:00 am during the spring season, but would not appear to represent a substantial amount versus those cast from a 450 square foot or less accessory structure.

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

The proposed accessory structure should not unduly compromise the use and enjoyment of neighboring properties. The Applicant states that the windows of the structure would be placed so as to not directly face neighboring properties. The existing privacy fence that surrounds the property should further ensure that privacy, use or enjoyment of neighboring properties is not unduly compromised.

(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 accessory structure should not substantially visually intrude upon the character, scale, and pattern of houses along the streets or alley frontages. The structure would replace an existing garage that is similar in both form and façade (brick) to other garages in the surrounding community.

- (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 has submitted plans, photographs and elevation drawings that sufficiently represent the relationship of the proposed accessory structure to adjacent buildings and views from public rights-of-way.

*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.*

OP does not recommend that the BZA require special treatment in the way of the above for the subject application.

*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 structure will be used as an accessory apartment, which is a permitted use (matter-of-right or special exception) in the R-1B 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;*

If granted, the requested relief should not result in an accessory building that would be inconsistent with the general purpose and intent of the Zoning Regulations and Zoning Map, which is to “provide for areas predominantly developed with detached homes”. The proposed accessory structure for use as an accessory apartment is permitted in the R-1B Zone as a matter-of-right or as a special exception.

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

As stated above, the special exception, if granted, should not adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps. The proposed use of the structure is permitted in the R-1B Zone, and the plans provided should ensure that the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

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

The proposed accessory structure for use as an accessory apartment satisfies the matter-of-right provisions of Subtitle § 25, Accessory Apartment (R).

## V. OTHER DISTRICT AGENCIES

DDOT has advised OP that they have no objection to the approval of this application. As of the date of this report, no comments from other District agencies have been received.

## VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 19 is a report from ANC 4A indicating support.

## VII. COMMUNITY COMMENTS

As of the date of this report, one letter in support for the subject application has been submitted into the record (Exhibit 16).

### Location Map



The blue arrow indicates the location of the proposed accessory structure.

