

3805 T Street NW
Washington DC 20007

Application for Special Exception to Permit an Accessory Apartment in the R-3/GT Zone

3805 T St NW

Square: 1310

Lot: 0058

Zone District: R-3/GT

Relief Sought: Special Exception pursuant to Subtitle U § 253.2 and Subtitle X § 901

Narrative

Pursuant to Subtitle U § 253.2 and Subtitle X § 901.2 the Applicant seeks a Special Exception from the Board of Zoning Adjustment to permit an accessory apartment within an accessory building on the property located at 3805 T St NW in the R-3/GT zone.

The property is improved with a two story single-family row dwelling. A permit (B2502932) exists for the construction of a detached garage with storage on 2nd floor, located at the rear of the lot, accessible via a public alley. The Applicant proposes to convert this accessory structure into a dwelling unit that complies with all dimensional and use requirements under Subtitle U § 253. However, because the property lies within the R-3/GT zone, the Zoning Regulations require BZA approval for an accessory apartment.

Compliance with Subtitle U § 253.4 thru 253.9

253.4 In the R-1B/GT or R-3/GT zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.

Subject property is in the R-3/GT zone and requests an accessory apartment use in an accessory building.

253.5 Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.

The principal dwelling is to be owner-occupied. Currently, the principal dwelling unit is under construction and cannot be occupied until the addition and renovation is complete.

253.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-1B/GT or R-3/GT zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).

The proposed accessory apartment contains only one bedroom bedroom, yielding an occupancy less than 3. The principal house will be occupied by owner, his wife and child, total of 3. The total occupancy between principal house + ADU will not exceed 6.

253.7 An accessory apartment located in the principal dwelling shall be subject to the following conditions:

- (a) The house shall have a minimum of gross floor area, exclusive of garage space in the following zones: **Proposed has 432 sq ft, compared to max allowable of 1,200 sq ft.**
- (b) The accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house; **Accessory apartment is 8% of the house (432 sq ft vs house of 5,400 sq ft)**
- (c) Except as provided in Subtitle U § 253.7(d), if an additional entrance is created to a house it shall not be located on a wall of the house that faces a street; and
- (d) An additional entrance to a house in any of the R-3 zones may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination is made by the appropriate body that the additional door is compatible with the character of the historic district. **The proposed entrance faces the back of the main house/rear yard.**

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:

- (a) There shall be permanent access to the accessory building apartment; **Permanent access is proposed via stair up from backyard.**
- (b) The dwelling use of the accessory building shall be coterminous with the permanent access; **The dwelling use is coterminous.**
- (c) The permanent access shall be provided by one (1) of the following: **(see item #3)**
 - (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.); **The Accessory building is 2 lots away (approximately 65 feet) from 38thSt NW to the east, thru a 16' public alley.***
- (d) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or storage for a dwelling unit on the lot; **It will only be used as garage on first floor, Accessory apartment on second floor.**

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Applicant Statement

(e) An accessory building that houses an apartment shall not have a roof deck; **Roof deck is not proposed**

and (f) An accessory apartment proposed within an accessory building that does not meet the conditions of this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject the following conditions:

(1) The accessory building shall be located such that it is not likely to become objectionable to neighboring properties because of noise, traffic, parking, or other objectionable conditions; and **It is located at the allet, will not contribute to noise. Two parking spaces are contained within it.**

(2) Evidence that there are adequate public utilities for the health and safety of the residents.

Public utilities will run thru house in front, no separate access needed at alley.

253.9 An accessory apartment proposed in the R-1B/GT or R-3/GT zone shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following conditions:

(a) It shall only be permitted on the second story of a detached accessory building; **Subject apartment is on second story of detached accessory building** and
 (b) Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building. **No balcony is proposed.**

Compliance with Special Exception Standards (Subtitle X § 901.2)

1. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps

The proposed accessory apartment is consistent with the Zoning Regulations' intent to allow modest increases in housing options in residential zones, including within historic neighborhoods such as Georgetown. The project will preserve the existing character of the primary residence and contribute to housing diversity without altering the neighborhood's established fabric.

2. Will Not Tend to Adversely Affect the Use of Neighboring Property

The accessory apartment will not produce objectionable impacts on neighboring properties. No modifications to the accessory building are proposed that would increase its bulk, shadowing, or privacy impacts from what is currently approved under permit B2502932. The structure as permitted complies with all development standards including height, lot occupancy, and setbacks. The use for 2nd floor will be residential and is compatible with adjacent properties.

3. Will Meet Any Special Conditions Specified in the Zoning Regulations

The proposal complies with all applicable provisions of Subtitle U § 253, including limits on the size of the accessory apartment, restriction to a single unit, and provision of safe pedestrian access from the street.

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Conclusion

The Applicant respectfully requests that the Board grant the requested special exception to allow the creation of an accessory apartment within the permitted Accessory Structure in the R-3/GT zone. The application meets all applicable zoning standards, is consistent with the goals of the Zoning Regulations, and will not adversely affect surrounding properties. The proposed use will provide an additional housing option within the District while maintaining the character and integrity of the Georgetown neighborhood.

Respectfully submitted,

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