

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist
 JL Joel Lawson, Associate Director, Development Review
DATE: October 22, 2025

SUBJECT: BZA Case 21364: Request for special exception relief to construct a detached, one-story accessory building with an accessory apartment in the rear of a detached, three-story w/ basement, principal dwelling unit in the R-1B Zone.

I. BACKGROUND AND OFFICE OF PLANNING RECOMMENDATION

Per Subtitle U § 253.8 (c), an accessory apartment in an accessory building within an R zone, except the R-1B/GT and R-3/GT Zones shall have permanent access provided by one (or more) 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.);

The Applicant is proposing to construct an accessory structure housing an accessory apartment use that would not meet the permanent access provisions of Subtitle U § 253.8 (c) and is requesting special exception relief to waive the provisions pursuant to Subtitle U § 253.

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle U § 253 and Subtitle X § 901:

- **Accessory Apartment (R), U § 253.8 (c)**

II. LOCATION AND SITE DESCRIPTION

Address:	4826 Eastern Avenue NE
Applicant(s):	Bernard Guzman c/o Ileana Schinder
Legal Description:	Square 4175; Lot 0039
Ward / ANC:	Ward 5 / ANC 5A
Zone:	R-1B, Low Density Detached Residential
Historic Districts:	N/A

Lot Characteristics:	The 4,378 square foot lot is rectangular in shape and has 39.80 feet of frontage along Eastern Avenue NE, and 39.80 feet of frontage along a 16-foot-wide public alley in its rear yard.
Existing Development:	The lot is currently improved with a three-story with basement, detached principal dwelling and a 460 square foot detached garage.
Adjacent Properties:	The property is bounded to the south, east, and west by single-family detached dwellings in the R-1B Zone, and to the north by Fort Circle Park.
Surrounding Neighborhood Character:	The surrounding neighborhood can be characterized by primarily single-family detached residential homes. Eastern Avenue NE provides a buffer between the neighborhood, Fort Circle Park, and Prince George County.
Proposed Development:	The Applicant is proposing to construct a detached, one-story accessory apartment in the rear of an existing three-story, detached principal dwelling.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1B Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	50 ft. min.	39.8 ft.	No change	None requested (existing nonconformity)
Lot Area D § 202	5,000 sq. ft. min.	4,378 sq. ft.	No change	None requested (existing nonconformity)
Principal Building Height D § 203	40 ft. max. 3 stories max.	35 ft.	No change	None requested
Accessory Building Height D § 5002.1	22 ft. max. 2 stories max.	N/A	14 ft. 1 story	None requested
Front Setback D § 206	Consistent with block	Not given	No change	None requested
Rear Yard D § 207	25 ft. min.	65 ft. 8 in.	No change	None requested
Side Yard D § 208	8 ft. min.	<u>Left yard:</u> 4 ft. 10 in. <u>Right yard:</u> 6.5 ft.	No change	None requested (existing nonconformity)
Lot Occupancy D § 210	40% max. by right 50% max by sp. ex.	31%	30%	None requested

R-1B Zone	Regulation	Existing	Proposed	Relief
Pervious Surface D § 211	50% min.	42%	42%	None requested
Parking C § 701	1 space min.	2 spaces	No change	None requested
Accessory Apartment (R) Access Requirements U § 253.8	Permanent access that meets access requirements	-	Would not meet access requirements	Special exception requested

IV. OFFICE OF PLANNING ANALYSIS

Subtitle U § 253 ACCESSORY APARTMENT (R)

253.8(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 to 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.*

The proposed location of the accessory structure would likely not become objectionable to neighboring properties because of noise, traffic, or parking. It would be located in a similar position as an existing garage (to be razed).

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

While the Applicant has not provided explicit evidence that there are adequate public utilities for the health and safety of the residents, OP notes that the addition of a single unit would typically not result in significant impacts on existing public utilities.

253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:

- (1) The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;*

The subject application has not requested a waiver of the owner-occupancy requirements of Subtitle U § 253.5.

- (2) Subtitle U § 253.6 shall not be modified or waived in the R-1B/GT or R-3/GT zone; and*

The subject application does not involve property zoned R-1B/GT or R-3/GT.

- (3) *Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.*

The Applicant's request to waive the permanent access provisions of Subtitle U § 253.8 (c) would not conflict with the intent of the R-1B Zone to allow an accessory unit while maintaining a single household residential appearance and character. In this case, there is a 15-foot-wide alley, as well as clear access about 6 feet in width through the side yard of the property to the street, which could also be used in case of emergency. Although comments from Fire and Emergency Medical Services (FEMS) have not been received, in the past, there have been no concerns expressed related to a 15-foot-wide alley as access.

Subtitle X § 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 special exception, if granted, would be in harmony with the general purpose and intent of the Zoning Regulations and the R-1B Zone. As the R-1B Zone is intended to preserve and maintain an overall single household residential appearance and character, the proposal would not introduce elements that would result in a building use, form, or scale that is inconsistent with the intent of the zone.

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

As described above, the requested relief would be in conformance with the applicable provisions of Subtitle U §253.

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

OP does not recommend any special conditions.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has indicated that it has no objections to the application as presented. As of the date of this report, comments from other District agencies have not been submitted into the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, comments from ANC 5A have not been submitted into the record.

VII. COMMUNITY COMMENTS

As of the date of this report, comments from the community have not been submitted into the record.

Attachment: Location Map

Location Map:

