

Statement of the Applicant
Request for Special Exception Approval
1330 Kalmia Road NW

On behalf of Sarah Riley and Trevor Keck (the “Applicants”), the owners of the property located at 1330 Kalmia Road, NW (Square 2773, Lot 0019) (the “Property”), we are submitting this request for Special Exception relief from Subtitle D § 5003.1, pursuant to Subtitle D § 5201.2 of the Zoning Regulations to allow for the construction of an accessory structure. Specifically, the Applicants are seeking a Special Exception to allow for the construction of an accessory building that exceeds the maximum building area by 150 square feet (*i.e.* 600 square feet proposed, as compared to 450 square feet allowed by-right). The accessory building complies with all other development standards. The proposed construction will not have any adverse impacts on the surrounding community, and no objections have been raised by nearby neighbors, including the immediately adjacent property owners.

I. Board's Jurisdiction

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the relief requested pursuant to Subtitle D § 5201.2 of the Zoning Regulations, in accordance with the provisions of Subtitle X § 901.

II. Site Location and Characteristics and Existing/Proposed Use

The Property is located along Kalmia Road, approximately 300 feet west of its intersection with 13th Street NW, in the R-1B zoning district. The Property has a net lot area of approximately 5,125 square feet and is currently improved with an approximately 1,831 square foot, two-story, single-family detached dwelling that was built circa 1929 and a 181 square foot accessory building, currently used as a garage.

The Applicants are proposing to replace the existing garage with an accessory building to accommodate an accessory apartment. Pursuant to Subtitle U § 253.2, an accessory apartment shall be permitted as a matter of right in the R-1B Zone, subject to the following provisions:

- A. Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use. (Subtitle U § 253.5)*

The Applicants, as owners of the Property, will occupy the principal dwelling for the duration of the accessory apartment use.

- B. The total number of persons that may occupy the accessory apartment shall not exceed three (3) (Subtitle U § 253.6)*

As discussed below, the Applicants are proposing to construct the accessory dwelling unit for their parents/in laws. As such, only two persons are anticipated to occupy the accessory apartment, in compliance with this requirement.

- C. [Subtitle U § 253.7 is not applicable as the accessory apartment is not proposed to be located within the principal building]*

- D. An accessory apartment located in an accessory building shall be permitted subject to the following conditions: (Subtitle U § 253.8)*

- i. There shall be permanent access to the accessory building apartment;*

The accessory building fronts onto an alley, which provides permanent access to the accessory apartment at the rear of the Property.

- ii. The dwelling use of the accessory building shall be coterminous with the permanent access;*

There will be permanent access to the accessory building at all times following construction.

- iii. 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.).*

The permanent access is provided via a 16-foot wide public alley, which connects to Kalmia Road (a public street) within 300 feet of the proposed accessory building.

- iv. 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;*

The proposed accessory building will be used exclusively as an accessory apartment. No other accessory uses are proposed.

- v. An accessory building that houses an apartment shall not have a roof deck; and*

The accessory building will not have a roof deck.

- vi. 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.*

No relief is required from the requirements of Subtitle U § 253.8.

III. Requested Relief

As discussed in Section II above, pursuant to Subtitle U § 253.1, an accessory apartment may be established on the Property. Subtitle D § 5003.1 provides that “[t]he maximum building area for an accessory building in an R Zone shall be the greater of thirty [percent] (30%) of the required rear yard or four hundred and fifty square feet (450 sq. ft.),” which is 450 square feet in this case. Subtitle D § 5201.2 allows the Board to grant Special Exception relief from the maximum building area for a new or enlarged accessory building on a lot with only one (1) principal dwelling unit. Pursuant to Subtitle D § 5201.2, the Applicants are requesting approval to allow for construction of an accessory building containing 600 square feet.

As discussed in detail below, the proposed accessory building complies with all other development standards. The accessory building is compatible with the surrounding neighborhood and does not adversely affect the adjacent properties. In addition, the immediately adjacent property owners have indicated that they have no objection to the proposed construction.

IV. Proposed Construction

The Applicants and their young family have resided in the existing dwelling for the past several years. The Applicant’s parents/in-laws currently live out-of-state and are looking to downsize and relocate to Washington, D.C. to be closer to family and help raise their grandchildren. To accommodate this, the Applicants are proposing to replace the existing accessory garage with an accessory dwelling unit on the Property. The accessory building has been designed as a single-story (as opposed to two-stories) to avoid the need for stairs, to ensure their parents/in-laws can age in place. The accessory building is modestly sized and provides for one common room (including a kitchen and small living area), one bedroom, and one bathroom. The

need for this relief is driven by the accessible one-story design (as opposed to the 450 square foot building area and two story building height that is permitted under the Zoning Regulations). Importantly, the accessory building complies with the setback, lot occupancy, and maximum building height requirements of the Zoning Regulations.

As illustrated on the proposed architectural plans submitted in the record, the Applicants are proposing a design that is compatible with the existing architecture and surrounding neighborhood. Specifically, to match the English Tudor cottage design of the existing dwelling, the accessory building will feature a stucco exterior and fiber cement trim boards, painted to match, with some brick accents. Accessory structures are common within the surrounding neighborhood; there are about a dozen accessory buildings along the subject alley.

V. Special Exception Criteria

Subtitle X § 901.2 permits the Board to grant a special exception where a proposed use will (1) *be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps*, and (2) *not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps*, subject to the specific conditions specified in the Zoning Regulations for each use. Subtitle D § 5201 of the Zoning Regulations sets forth additional criteria for special exception relief from the development standards of the R-1B Zone, as discussed in detail in Section VI below.

VI. Justification

A. The Special Exception Request Meets the General Special Exception Requirements of Subtitle X § 901.2

The proposed building addition is consistent with the general purpose and intent of the Zoning Regulations and Zoning Map. The Property is located in the R-1B Zone. The R zones are intended to, among other things, recognize and reinforce the importance of housing affordability, aging in place, and low- and moderate-density housing to overall housing mix and health of the city. The proposal is intended to accomplish exactly this. Accessory apartments are an important mechanism to address the housing supply and affordability crisis in the region. As discussed herein, the Applicants are proposing to construct an accessory building to allow their parents/in-laws to live with them and age-in-place. As such, the proposed construction will help promote these important housing goals.

The purpose of the R-1-B Zone is, among other things, to stabilize the residential areas and promote a suitable environment for family life. (See Subtitle D § 101.3). Following completion of the proposed project, the Property will continue to be used for residential use, as recommended by the General Plan. Importantly, the proposed construction will facilitate the creation of a suitable environment for intergenerational family living.

As discussed in greater detail below, the proposed Special Exception will not tend to affect adversely the use of neighboring properties. The proposed accessory building will be one-story, which will have less impact on the surrounding properties (as opposed to the two-stories allowed

under the Zoning Regulations). The accessory building complies with the height, setback and lot occupancy requirements of the Zoning Regulations. As discussed above, the proposed construction is in keeping with the character of the surrounding neighborhood, as many of the existing homes have accessory structures. The accessory building has been designed to complement the existing dwelling and blend seamlessly in with its surroundings. For all these reasons, the proposed accessory building is in keeping with the character of the surrounding neighborhood and will not adversely impact the use of the adjacent properties.

B. The Applicants Meet the Specific Requirements of Zoning Regulation Subtitle D § 5201.2 for Zoning Relief from Development Standards of the R-1B Zone.

Exceptions to the development standards of the R-1B Zone are permitted, pursuant to Subtitle D § 5201.2, if the requirements of Subtitle X § 901.2 are met and subject to the following additional provisions:

- i. *Section 5201.1. Special Exception relief is applicable only to an addition to a building with only one (1) principal dwelling unit on a non-alley lot.*

The Property is improved with a single-family detached building with one principal dwelling unit. The proposed addition is necessary to facilitate the creation of an accessory apartment in an accessory building. There will continue to be only one principal dwelling unit on this Property, which is not an alley lot.

- ii. *Section 5201.4. The proposed accessory structure will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

1. *The light and air available to neighboring properties shall not be unduly affected;*

The proposed accessory building will comply with the height and setbacks required by the Zoning Regulations. Based on the helpful orientation of the Property, the proposed accessory building will not unduly affect the light and air available to neighboring properties. The Applicant has submitted shadow studies, concurrent with this Statement, which demonstrate that the accessory building, as proposed, will have a modest impact on the adjacent neighbors' rear yards in the morning and afternoon hours. Importantly, the accessory building will not cast any meaningful additional shadows on the neighbor's rear yard, as compared to a by-right 450 square foot accessory building.

2. *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed improvements have been designed to ensure that the privacy, use and enjoyment of the neighboring properties will not be unduly compromised. The windows have been thoughtfully sized and strategically placed to preserve privacy for the adjacent properties.

The Applicant is requesting flexibility to determine the final window placement at the time of building permit, with a condition that the final window placement will not exceed 15% of openings along any given façade. And, as discussed above, the proposed construction will only have a minor, incremental change on the light available to the adjacent properties rear yard.

3. *The addition and accessory structure, together with the original 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 subject street or alley frontage;*

As indicated by the photos submitted as part of this application, the proposed accessory building will not be readily visible from the street. Similarly, the accessory building will not intrude on the character, scale or pattern of houses along the alley frontage. The proposed accessory building will replace an existing accessory garage. Accessory structures are common in the surrounding neighborhood. As such, the accessory building will not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley frontage.

4. *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 and new accessory structure to adjacent buildings and views from public ways;*

The photographs and architectural perspectives submitted concurrently with this Statement demonstrate that the proposed construction is compatible with the surrounding area and will not have any adverse impacts on the adjacent properties or surrounding neighborhood.

VII. Conclusion

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment's approval of the requested Special Exception. The proposed Application will be compatible with the surrounding neighborhood and facilitate intergenerational living, which will allow the Applicants to remain in their home and allow their parents/in-laws to age in place nearby.

Respectfully submitted,



Elizabeth Rogers