

Written Comments for Zoning Regulation Review

Wards 5 and 6 Public Hearing

February 8, 2014

We are submitting this written statement in support of the District's efforts to lift many of the unnecessary and outdated restrictions on the use of accessory buildings as dwellings. Our Ward 5 lot has a large four-car garage with a second story, permitted and built in 1922. It is of very limited use to us for this purpose. It attracts undesirable activity and requires a lot of upkeep for the limited benefit we gain from it. The building has the potential, without any expansion, to become at least 1000 sq ft of bright, open, quality living space, but current zoning regulations do not permit such use. We are concerned that the proposed regulations, as written, will also not permit this use by right, as explained below.

We support the objective embodied in these proposed regulations to better utilize lot space and to encourage higher quality housing opportunities within our urban communities. It is unfortunate that we are at greater liberty under current zoning regulations to use our basement for housing, rather than this large, airy, unutilized existing building.

Further, by permitting opportunities to have a dwelling unit in an accessory building at the rear of a lot, the District will relieve the market pressure to stack the maximum permitted dwelling units at the front of the lot, thereby reducing "pop-up" redevelopment that threatens to diminish the architectural character of our neighborhoods.

Our specific comments are related to **Subtitle E**, and, in particular, the regulations addressing development standards for accessory buildings in RF zones.

Requirements for Access

As proposed, the regulations require certain conditions be met to assure emergency access to an accessory building with a dwelling. Basically, these conditions are a 24 ft wide alley to a public street, or a side yard with at least 10 feet of open access to permit passage from the public street.

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(c) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way,

(e) The permanent access shall be provided by either or both of the following

- (1) An easement for a permanent, unobstructed passage, open to the sky, no narrower than ten feet (10 ft) in width, and extending from the accessory building to a public street *through a side yard recorded in the land records* of the District of Columbia, or [italics added]
- (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft) that connects to a public street

COMMENT: Lots with “end of the row” side alley access are uniquely positioned to permit emergency access to the same extent as envisioned in this proposal, but may not meet these conditions. Requiring passage as described in (e)(1) to be acceptable only through a side yard is an overly restrictive condition. Permanent access equivalent to (e)(1) may be provided through an improved alley or other public right of way that extends along the side lot line from a public street to an accessory building on the lot, if all other conditions of (e)(1) are met. Where no side yard exists, the alley abutting a side lot line from front to back affords equivalent, if not greater, access to accessory buildings at the rear of the lot, because the alley is likely much wider than 10 feet, even if it does not meet the 24 ft. width requirement of (e)(2). Revisions to the regulation to recognize this condition as conforming would impact a significant number of lots, particularly in our immediate proximity.

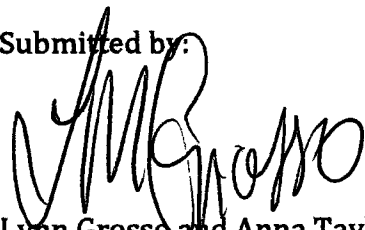
Limitations of Use of an Accessory Building

As proposed, the regulations restrict other uses in an accessory building with a dwelling unit.

224.5 An accessory building that houses a dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot.

COMMENT: Accessory buildings may currently be developed and used, by right, as an artist’s studio in accordance with the District’s Arts Overlay. We are concerned that 224.5 would restrict an accessory building from being used simultaneously as both a dwelling unit and an artist’s studio. Unless clarified, the regulation might restrict artistic activities, such as instruction, performance and sale of art, which are explicitly permitted within the scope of an artist’s studio. Dwelling units in accessory buildings have a particular appeal to artists and the new regulation should permit simultaneous live/work use.

Submitted by:



Lynn Grosso and Anna Taylor
Owners of 74 W St. NW



Please redact our names and address if electronic or written publication is necessary.