

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 24, 2022  
**SUBJECT:** BZA Case 20661 - to allow construction of an accessory building in the R-1-B zone at 4511 Chesapeake Street, NW

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- E § 5003.1, accessory building area (greater of 450 square feet or 30% of required rear yard maximum permitted; 660 square feet proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	4511 Chesapeake Street, NW
Applicant	Brown Law Firm, PLLC, attorney, on behalf of Nicholas and Valerie Alten, owners
Legal Description	Square 1570, Lot 30
Ward / ANC	3 / 3E
Zone	R-1-B - to provide for areas predominantly developed with detached houses on moderately sized lots.
Lot Characteristics	The generally rectangular lot measures 40 feet in width and approximately 140 feet in depth. The property is bounded by Chesapeake Street, NW to the south, a 16-foot wide improved public alley to the east and north, and an adjoining lot to the west.
Existing Development	The property is improved with a two-story detached building in single-family residential use and an existing one-story accessory building.
Adjacent Properties	The adjoining properties are detached buildings in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character.
Proposed Development	The Applicant is proposing to raze the existing accessory building and construct a two-story accessory building with parking on the first level and an accessory apartment on the second level.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-1-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>1</sup></b>	<b>Relief:</b>
Lot Width D § 302	50 ft. min.	40 ft.	40 ft.	Existing Nonconforming
Lot Area D § 302	5,000 sq. ft. min.	5,668 sq. ft.	5,668 sq. ft.	None required
Height D § 303	40 ft. / 3 stories max.	2 stories	2 stories	None required
Lot Occupancy D § 304	40% max.	17.1%	28.7%	None required
Front Setback D § 305	Within the range of existing front setbacks	Within range	Within range	None required
Rear Yard D § 306	25 ft. min.	90 ft.	55 ft.	None required
Side Yard D § 206	8 ft. min.	5.9 ft. / 6.0 ft.	5.9 ft. / 6.0 ft.	Existing Nonconforming
Pervious Surface D § 308	50% min.	80.2%	68.5%	None required
Parking C § 701	1 per 2 dwelling units	1 space	1 space	None required
Accessory Building Height D § 5002	22 ft. max/2 stories	Not provided	18.5 ft. / 2 story	None required
Accessory Building Area D § 5003	Greater of 30% of required rear yard area or 450 sq. ft.	Not provided	660 sq. ft.	<b>Special Exception</b>
Accessory Building Rear Yard D § 5004	7.5 ft. from alley centerline	Not provided	12 ft.	None required
Accessory Building Side Yard D § 5005	None required	Not provided	N/A	None required

**IV. ANALYSIS**

**Subtitle E § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS**

5201.2 *For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards 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:*  
 ...;
- (b) *Maximum building area of an accessory building;*
- (c) *Yards, including alley centerline setback; and*
- (d) *Pervious surface.*

The Applicant seeks a special exception from the maximum building area limitation in D § 5003.

<sup>1</sup> Information provided by Applicant, Exhibit 38.

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new 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 Applicant is proposing to demolish the existing accessory building and construct a new accessory building that would exceed the maximum building area by 210 square feet – 450 square feet is permitted and the Applicant is proposing 660 square feet.

The proposed accessory building, while larger than the maximum permitted area of 450 square feet, should not result in significant light and air impacts to neighboring properties. The building would be less than the maximum permitted height at 18.5 feet. Furthermore, the property abuts a 16-foot wide improved public alley to the east and north. Finally, the Applicant is proposing a new 7-foot privacy fence that provide screening for the proposed accessory building from the alley and adjoining properties.

Based on the above, the light and air available to neighboring properties should not be unduly affected.

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

The proposed accessory building would not encroach on the required rear yard and would be separated from the principal buildings on the adjoining properties by approximately 55 feet. It would not have windows on the west elevation, which abuts 4515 Chesapeake Street, NW. Proposed window and door openings would be limited to the alley-facing facades and the façade facing the rear yard of the subject property. As such, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(c) *The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage; and*

The proposed accessory building would not be visible from the street and should not intrude on the character of the alley, which is highly varied. The alley has a variety of accessory buildings facing it. Several properties in Square 1570 have accessory buildings, including two-story accessory buildings.

The Applicant is proposing to clad the garage with hardy plank siding and the north facing alley elevation would feature a garage door. The proposed design should not substantially visually intrude on the character, scale, and pattern of buildings along the alley frontage.

(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, new building, or accessory structure to adjacent buildings and views from public ways.*

The application includes plans and elevations (Exhibit 6), rendered views (Exhibits 29 – 37 and 40) and photographs (Exhibit 2A – 2H) to represent the proposed accessory building.

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.*

No special treatment is recommended at this time.

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 continued use of the property as a single-household dwelling is permitted in the zone. The construction of an accessory building is anticipated in this zone, and not meeting the maximum building area limitation is permitted by special exception, which the Applicant has requested.

### **Subtitle X § 901, Special Exception Review Standards**

(a) *[The special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The Applicant has applied for a special exception to construct a new, larger accessory building than the current one, which would serve as a garage and accessory apartment. In general, the proposed use is in conformance with the intent of the Zoning Regulations, and the proposed development on this lot would not result in building which is inconsistent with the intent of the zone. The R-1-B zone provides “for areas predominantly developed with detached houses on moderately sized lots” and also provides for the addition of accessory buildings, including ones with an accessory dwelling unit.

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

The proposed construction of an accessory building to accommodate vehicular parking and an accessory apartment should not affect adversely the use of neighboring properties, as discussed in the review of the special exception criteria above. The proposed accessory building would be separated by the public alley from properties to the north and east and would be setback from the west property line a distance of eight (8) feet.

### **V. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other District agencies had not been provided at the time this report was written.

### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 3E submitted a resolution at Exhibit 41 indicating that it does not oppose the homeowner’s application.

### **VII. COMMUNITY COMMENTS TO DATE**

As of the date of this report, five letters in support were entered in the record at Exhibit 10; letters in opposition were entered in the record at Exhibit 21 – 23, 25, 42, 47, 48, 50 and 51; and requests for party status in opposition have been filed, at Exhibit 24 and 46.

Attachment: Location Map



Figure 1: Location Map, 4511 Chesapeake Street, NW