

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Paul Goldstein, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** May 6, 2014  
**SUBJECT:** BZA Application #18750 – Request for special exception relief pursuant to § 202.10 at 1005 Otis Street NE

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the special exception requested pursuant to § 202.10 to establish an accessory apartment in the basement of an existing single family detached dwelling located at 1005 Otis Street NE, subject to the Board’s waiver of:

- The minimum lot size requirement
- The maximum percentage of gross floor area requirement

**II. LOCATION AND SITE DESCRIPTION**

Address	1005 Otis Street NE
Legal Description	Square 3882, Lot 39
Ward / ANC	5 / 5B
Lot Characteristics	The rectangular lot is 3,686 square feet in land area and fronts Otis Street to the north. The rear of the site abuts a 15' wide public alley.
Zoning	R-2 – detached and semi-detached dwellings.
Existing Development	A detached single family dwelling.
Historic District	N/A
Adjacent Properties	Immediately adjacent properties are of a similar land area, width, and building type as the subject lot.
Surrounding Neighborhood Character	The subject Square contains low density residential use, an institutional use fronting Otis Street, and low density commercial uses fronting 12 <sup>th</sup> Street NE. More broadly, the area is comprised of a mix of residential building types, as well as industrial, commercial, and institutional uses. The Brookland Metro station is approximately two blocks west of the Property.

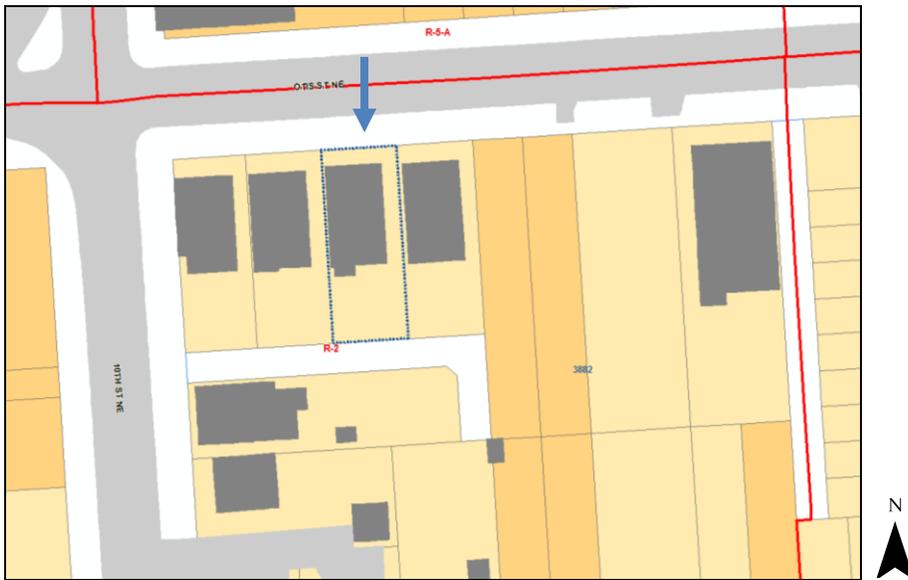
**III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	Abraham Oonnoony
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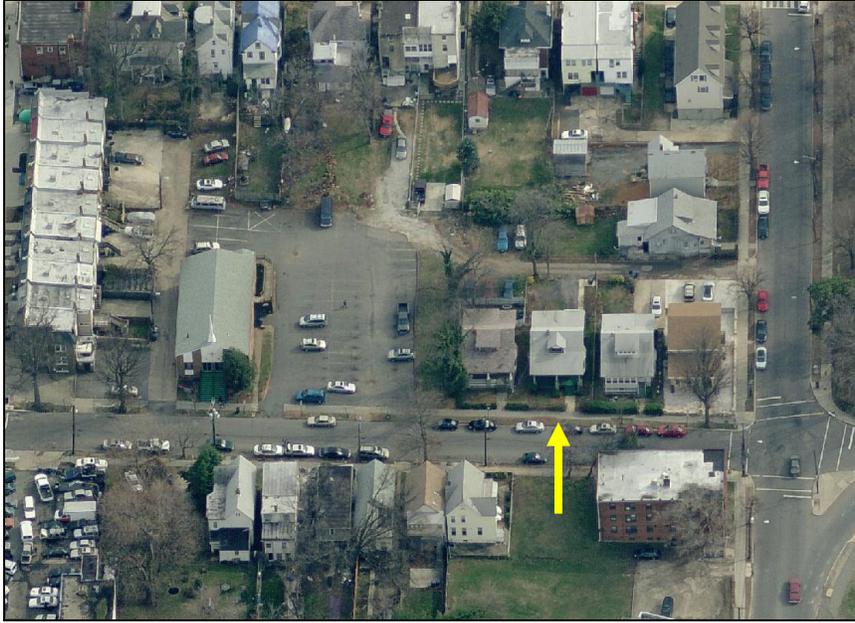
<p>Proposal:</p>	<p>The Applicant proposes to construct an accessory apartment within the basement of an existing 1.5-story single family detached dwelling. The apartment would consist of two bedrooms, a bathroom, a kitchen, a living room, and a dining room. A new entry leading to the apartment would be constructed at the front of the dwelling to complement an existing entry on the dwelling’s west side.</p> <p>Although the “Notes and Computations Chart” included in the application lists the proposed accessory apartment as 1,267 square feet in size, or 50% of the dwelling’s gross floor area, the Applicant has informed OP that a more accurate measurement of the accessory unit would be 965 square feet, or 33% of the dwelling. Some of the basement space would in fact service the principal unit rather than the accessory unit. Nevertheless, with either measurement, the application still requires the same waiver request because the accessory unit would occupy more than 25% of the dwelling’s square footage. The subject lot also measures 3,686 square feet, slightly below the minimum lots size (4,000 square feet) required for an accessory unit in the R-2 zone.</p> <p>Other features of the project include: 1) enclosing an already existing covered porch at the front of the dwelling; and 2) repaving a sizable (19’ x 29’) rear parking pad.<sup>1</sup> OP has encouraged the Applicant to use pervious paving materials to the extent feasible.</p>
<p>Relief Sought:</p>	<p>§ 202.10: accessory apartment</p>

**IV. IMAGES AND MAPS**



**Areal view of subject site (highlighted)**

<sup>1</sup> The DCRA referral letter does not indicate that any relief is needed for these project elements.



View of the subject site looking south across Otis Street (highlighted)

**V. ZONING REQUIREMENTS AND REQUESTED RELIEF**

<b>R-2 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Single-Family Detached Dwelling § 202.10	Single-family detached	Single-family detached	Single-family detached	None required
Lot Area § 202.10(a)	4,000 sf min.	3,686 sf	3,686 sf	Waiver requested
House Gross Floor Area (exclusive of garage) § 202.10(b)	2,000 sf min	2,914 sf	2,914 sf	None required <sup>2</sup>
Accessory Apartment Gross Floor Area § 202.10(c)	25% of House GFA	--	33% of House GFA	Waiver requested <sup>3</sup>
Lot Occupancy § 403	40% max.	34%	34%	None required

Accessory apartments are permitted in the R-2 zone subject to conditions provided in § 202.10. The proposed accessory apartment would comply with most conditions, but would require waivers from the requirements for minimum lot size (§ 202.10(a)) and the maximum percentage of the dwelling dedicated to the accessory unit (§ 202.10(c)). As part of the special exception review, § 202.10(i) permits the BZA to waive up to two of the criteria, other than the owner-occupant requirement.

**VI. OFFICE OF PLANNING ANALYSIS**

**Special Exception Relief pursuant to § 202.10**

<sup>2</sup> The Notes and Computations chart shows the dwelling as containing 2,534 square feet, although the Applicant has indicated that the square footage actually is 2,914 square feet. Both measurements still exceed the minimum size required.

<sup>3</sup> The Notes and Computations chart shows the accessory dwelling as measuring 50% of the dwelling gross floor area, although the Applicant has indicated that a more accurate figure is 33% of the dwelling. Both measurements would still require a waiver from the limitation.

*An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:*

*(a) The lot shall have a minimum lot area for the following zone Districts: ...*

*(3) Four thousand square feet (4,000 sf) for R-2.*

The lot size is 3,686 square feet, which is 314 square feet below the required minimum. As such, the application requests a waiver from this standard. Permitting an accessory apartment on the slightly smaller subject lot should have little adverse impact.

*(b) The house shall have at least two thousand square feet (2,000 sf) of gross floor area, exclusive of garage space.*

The dwelling is 2,914 square feet in gross floor area (exclusive of garage space).

*(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house.*

The proposed accessory apartment would occupy 965 square feet, which is 33% of the gross floor area of the dwelling. Since the proposed unit exceeds the limitation, the Applicant seeks a waiver of this standard. The accessory apartment would occupy most of the existing basement. To comply with the size limitation, portions of the basement likely would be inefficiently used for little appreciable gain.

*(d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted.*

The proposed apartment would be created through internal conversion of the existing basement, and lot occupancy and gross floor area would not be added.

*(e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street.*

The Applicant proposes to install a new below grade entry to the basement at the front of the dwelling. As confirmed by DCRA, the proposed below grade entrance would face an areaway and not the street. As such, the Zoning Administrator has determined that no modification to this standard is required.

*(f) Either the principal dwelling or accessory apartment unit must be owner-occupied.*

The application states that the principal dwelling will continue to be occupied by the owner.

*(g) 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 application indicates that there will be no more than six people occupying the house.

*(h) An accessory apartment may not be added where a home occupation is already located on the premises.*

The application provides that there presently is no home occupation on the Property and that there are no plans for a home occupation in the future.

(i) *The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (b) of the subsection; provided, that the following occurs...*

- (1) *The owner occupancy requirement of paragraph (f) shall not be waived;*
- (2) *Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and*
- (3) *Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.*

The Applicant has requested two waivers from the requirements of accessory apartments, specifically the minimum lot area (§ 202.10(a)) and the size of the unit as a percentage of the dwelling as a whole (§ 202.10(c)). OP does not anticipate that the modifications would conflict with the intent to maintain a single-family residential appearance and character. The lot is only slightly deficient in size and the unit would occupy the majority of the basement space within an existing dwelling.

#### **VII. ANC/COMMUNITY COMMENTS**

To date, OP has not received an official submission from the ANC 5B. OP has reviewed a letter in support, dated March 25, 2014, signed by three residential neighbors located to the east and west of the Property.

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

At the date of this report, OP has not received any comments from other District agencies.