

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 29, 2013
SUBJECT: BZA Case 18649, 5144 Nebraska Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception requested pursuant to § 202.10 to establish a 579 square foot apartment in the basement of an existing dwelling located at 5144 Nebraska Avenue, N.W., subject to the Board’s waiver of:

- The detached dwelling requirement (limited to one-family detached; one family semi-detached existing);
- An additional entrance to the house (shall not be located on a wall of the house that faces a street; a new entrance will face the street).

II. LOCATION AND SITE DESCRIPTION

Address	5144 Nebraska Avenue, N.W.
Legal Description	Square 1989, Lot 142
Ward	3, 3G
Lot Characteristics	The rectangular lot is 4,360 square feet in area with 30 feet of frontage along Nebraska Avenue. The rear of the lot is also 30 feet wide and abuts a 20 foot wide public alley.
Zoning	R-2 – detached and semi detached single family dwellings.
Existing Development	Semi-detached single family dwelling, permitted in this zone.
Adjacent Properties	Adjacent properties are generally of a similar area and width as the subject lot with public alley access. The lots are developed with semi-detached single family dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally residential, developed with semi-detached single family homes. Along Connecticut Avenue, located west of the subject property, there are several service establishments, including restaurants and small retail. An assisted living facility is also present on Connecticut Avenue.



III. APPLICATION IN BRIEF

The applicant proposes to establish an accessory apartment of 579 square feet in area in the basement of the existing single family semi-detached dwelling. Exterior modifications to the dwelling are not proposed with this application. The accessory apartment would consist of one bedroom, kitchen, restroom and living area, and would be accessed through an entrance that was recently constructed at the front of the dwelling and faces Nebraska Avenue. The only modifications made to the interior of the basement would be the addition of a stove and an interior door.

The accessory apartment would comply with most provisions noted in § 202.10, but would require waivers from the requirement that the accessory apartment be added within an existing one-family detached dwelling, as well as for an entrance that is located at the front of the dwelling and faces the street.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-2 Zone	Regulation	Existing	Proposed	Relief
Single-Family Residence § 202.10	One-family detached	One-family semi-detached	One-family semi-detached	Waiver requested
Lot Area § 202.10(a)	4,000 sf min.	4,630 sf	4,360 sf	None required
House Gross Floor Area	2,000 sf min	--	2,520 sf	None required
Accessory Apartment Gross Floor Area	25% of House GFA	--	22.5% of House GFA	None required
Lot Occupancy § 403	40% max.	29.9%	29.9%	None required

V. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 202.10

Compliance with § 202.10

*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 4,630 square feet, which exceeds the minimum requirement of 4,000 square feet.

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

The house is 2,520 square feet in area, and will not be modified with this request.

- (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 579 square feet, which is 22.5% of the gross floor area of the house.

- (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 front elevation of the dwelling was modified earlier this year with the addition of an entrance to the basement level. This entrance will be used as access to the proposed accessory apartment. The entrance is located below grade, and is visually minimized by the porch located at grade level and front yard landscape. In addition, the entrance has been screened by a railing that has been constructed in front of the staircase using materials similar to the porch, further concealing it from the public street.

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

The applicant has indicated 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 applicant has indicated that there will not be more than six persons occupying the house at any given time.

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

The homeowner does not have a home occupation and has no plans to have one at the subject property.

- (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...*

The applicant has requested two waivers from the requirements of accessory apartments, including an entrance to the apartment that faces Nebraska Avenue and the requirement that an accessory apartment may only be located in a detached dwelling. The entrance to the accessory apartment is existing, and the waiver would merely permit it to be used for access purposes.

The Board's granting of a waiver from the first requirement of the subsection, which requires accessory apartments to be located in an existing one-family detached dwelling, would allow the applicant "to establish an accessory unit which would for the most part satisfy all other provisions and which would not change the principal use of the property as a

one-family residence. It would not permit the conversion to a flat, which is a different principal use from a one-family residential,” and would not be permitted in the R-2 District.¹

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the general purpose and intent of the regulations and map, as the requested waivers from the Board represent minimal areas which would not change the principal use as a single-family residential structure as permitted in the R-2 District.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would not adversely impact the use of the neighboring property. The accessory apartment would not alter the character of the neighborhood, as its primary use would still be that of a single family dwelling, and no exterior alterations would be made to the dwelling. As a result, the light, air or privacy of adjacent neighbors would not be compromised.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing, no other District Agencies have provided comments to OP.

VII. COMMUNITY COMMENTS

At its regularly scheduled meeting on September 23, 2013, ANC 3G voted in favor of supporting the application. Comments from neighbors have not been received by OP.

Attachment: Location Map

¹ See Order 18232, page 5.

Location Map

