

Interpretation ZA-020 Accessory Apartment Uses in R-14, R-16 and R-21 Zones

Wednesday, February 26, 2020

Reference: ZA-020

IN 11 DCMR Subtitle U, Section U-253.7(a), the relevant table sets forth the minimum Gross Floor Area [GFA] required for a principal dwelling in order to have an accessory apartment use for specified zones:

U-253.7 An accessory apartment located in the principal dwelling shall be subject to the following conditions:

(a) The house shall have a minimum of gross floor area, exclusive of garage space in the following zones:

TABLE U § 253.7(a): MINIMUM GROSS FLOOR AREA:

Zones	Minimum GFA
R-1-A R-1-B R-19	2,000 sq. ft.
R-2, R-3 R-10 R-13 R-17 R-20	1,200 sq. ft.

However, the table inadvertently omits three other R zones, namely the in R-14, R-16 and R-21 Zones

Missing 6, 7, 8, 9, 11, 12, 14, 15, 16, 21

omission in a Section of the regulations regarding Accessory Apartments in Subtitle U, Section U-253.7(a), that does not refer to the R-16 and R-21 zones.

I have determined that an Accessory apartment is a matter of right use in those two Zones, R-16 and R-21, as per U-253.1 and U-253.2:

U-253.1 One (1) accessory apartment may be established *in an R zone*, subject to the provisions of this section. [emphasis *added*]

U-253.2 An accessory apartment shall be permitted in a principal dwelling or an accessory building as a *matter of right in the R zones*, except the R-19 or R-20 zones, subject to the provisions of this section.

However, when one looks at the table of U-253.7(a):

...the R-16 and R-21 zones are missing.

I have determined that the appropriate minimum GFA for the related principal dwelling unit for an accessory apartment is 1,200 sqft, which is the bottom portion of Table U-253.7(a).