Craig and Ann Goodman
3254 O Street, NW
Washington, DC 20007
(202) 333-3288-Day; (202) 333-0311-Evening
(202) 333-3266-fax

Rec'd. 7.17.01

Memorandum in Support and Formal Request for Approval

To: **ANC Commissioners Wagner, Pulsifer, Birch, Polk, Levine, Kopa, Starrels, Ryan**

From: **Craig and Ann Goodman, Owners of 3254 O Street, NW**

Re: **BZA Application No. 16696 as modified on April 25, 2001, for a second story addition to an existing 8 foot garage not to exceed a total of 20 feet pursuant to DC Zoning Code Sections 2500.5, 320.1 and 321.1**

Date: **June 5, 2001**

Description of Modified Application and Legal and Factual Basis for Approval: 3254 O Street is a fully detached, single family dwelling facing O Street, with an accessory garage 8 feet in height, on a 5533 sq. ft. lot. This is not an "alley lot" as defined in the DC Zoning Code. This application, as modified on April 25, 2001, complies with the 40 percent land to building ratio of DC Zoning Code Section 403.2 governing the R-1-B properties because the land/building density of the property, after the addition, would total less than 35 percent. The Application is for a Maid's Quarters pursuant to (1) Code Section 2500.5, which permits maid's quarters to be built on accessory buildings up to a height of 20 feet on lots that comply with the building density limitations applicable to R-1-B; (2) Code Section 320.1 which permits the same related uses in R-3 districts as in R-1 districts; and (3) Code Section 321.1 which permits any accessory use or building permitted in R-1, in an R-3 district.

After receipt of a protest on the original **BZA** Application No. 16696, Applicants held meetings with neighbors and modified the Application significantly to take into account all of the concerns expressed. To date, more than 60 neighbors have seen the modified 20-foot plans and have either withdrawn their protest or signed in support of the new plan.

BZA
Case No. 16696
Exhibit No. 71

Issues Addressed:

1. **The Modified Application Eliminates Height Issues:** The 30.5-foot height of the original proposal has been lowered to 20 feet. This closely aligns with a neighboring structure, and meets the height restrictions applicable in the zoning code sections cited above.

Board of Zoning Adjustment
District of Columbia
CASE NO.16696
EXHIBIT NO.71

2. **This Application Causes No Rental Unit Issues:** The owners have no plans whatsoever to rent this space. An affidavit has been on file from the beginning stating that we intend to use it for a maid's quarters or possibly a relative in need of assisted living. This property is and will be zoned for single family use only.

3. **This Application Causes No Parking Issues:** 3254 O Street has five existing off-street parking spaces and only two cars.

4. **This Application, as Modified, is Totally Consistent with Existing Laws as well as Past Precedent, and Does Not Set a New Precedent for Illegal Rental Units to be Constructed or Permitted.** 3254 O Street is the only fully detached home abutting the alley between Potomac Street and 33rd Street that would qualify for this addition under the strictest sections of the DC Zoning Code. This is because it is the only detached home on this block built to a 40% land/building ratio or less, all other homes are attached townhouses; most have built to the maximum 60% land to building ratio. Detached homes on the narrower alley, between 33rd and 34th Street, already have second story additions to their garages. Consequently, this application is consistent with current laws, existing precedent of other detached homes on the next block of this alley and will not set a legal precedent to permit unauthorized rental units to be constructed by attached town-homes already built out to the maximum 60 percent of existing land area.

5. **This Application Is Consistent With Density Restrictions:** The typical R-3 residence is an attached single family home, situated on 2,500 sq. ft. of land with comfortable living space equaling approximately 350-400 sq. ft./person or less. (Apartment buildings having a much higher density.) The 3254 O Street property is situated on a 5,533-sq. ft. lot. It is fully detached and sets 10 feet back from the public sidewalk. Even with the addition, it would occupy less than 35% of the land/building density limitation. After the addition, there would be a maximum land to person ratio of 922-1,107 sq. ft./ person, three times less dense than typical R-3 attached townhouses.

6. **City Services:** Issues such as fire codes, public safety, utilities, sanitation, drainage, structural integrity, etc., will be reviewed by the individual city departments within the permitting process. All drawings will comply with the existing standards.

7. **The Modified Application and Foliage Screen Improve the View.** Currently, neighbors look at an 8-foot high flat roof, with a painted red cinderblock one story garage roof next door and a 19 ft two story garage roof beyond. The major impact of the view associated with this Application is on the Applicants. The longer side of the addition, when built, will directly face the back of the Applicant's house. Adjacent neighbors have a partial side or angled view. There is an existing holly

tree (evergreen) of significant size which would block a major portion of the views from the 3258 O Street, 1327 and 1321 33rd Street residences.

To address concerns of neighbors, we have lowered the original Application height from 30.5 feet to a maximum of 20 feet, and have purchased a row of horn beam trees as a visual screen. We are advised that the trees are commonly used in Europe as a foliage screen as they retain their foliage for most of the year, until Spring growth replaces the existing leaves, and that they will become thick and may be trimmed to accommodate a small space as well as a specific height.

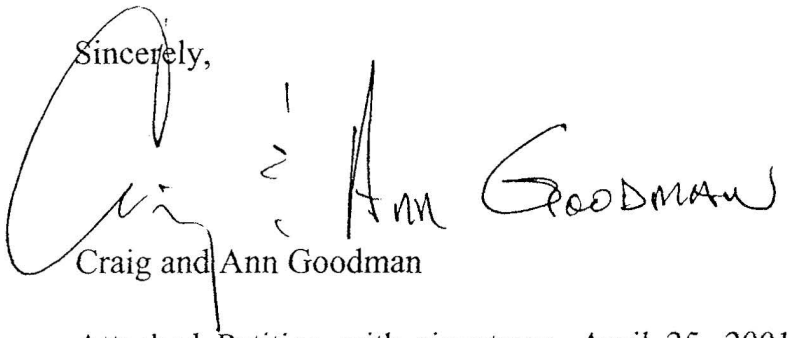
8. **The Impact of the Application on Light**: The addition is South of the Applicant's property and as such, the shadow created by the proposed addition would have the greatest impact on Applicant's property. To address concerns expressed, the original Application height of 30.5 feet has been modified to a maximum height of 20 feet. Applicants also built a small-scale model of the proposed addition and tracked the shadow in May. The deck on the 1317 33rd Street residence was in full sun after 10:30 AM. As this neighbor is West of the proposed addition, not North, it should have minimal impact, if any, on the vegetation.

Applicants greatly appreciate the comments received from concerned neighbors and the support that many of our neighbors have expressed during our visits. Since time is so valuable to all of us, and to the **ANC** agenda, we submit this document as a summary of all the actions taken to address each concern expressed to date. Additionally, we have attached a copy of the signatures of neighbors who have withdrawn any objection, have no objection, or have expressed support for the Application as modified to 20 feet.

Applicants formally request that this Memorandum and the Petition including signatures be attached to the written report of the ANC required under Title 11 DCMR Section 3115, et. seq. Additionally, Applicants formally request that the ANC approve this modified Application, based upon the law and facts set forth in detail above.

Thank you in advance for your thoughtful consideration.

Sincerely,



Craig and Ann Goodman

Attached Petition with signatures, April 25, 2001, Letter to Neighbors and Modified Plans.

We the undersigned **do not object** to a one (1) story addition to the existing garage at 3254 O Street, NW, as shown in the attached drawings dated April 25, 2001

	NAME	ADDRESS
1.	Helen C. Turner	3250 'O' St. N.W.
2.	James M. Oppenheimer	3248 "O" St. NW
3.	Margaret Oppenheimer	3248 "O" St NW
4.	[illegible]	3250 'O' St. NW.
5.	Katherine Bondurant	1305 Potomac St NW.
6.	Ryan Orner	1305 Potomac St NW
7.	Alex Coolidge	1305 Potomac St NW
8.	Eric Fabricant	1305 Potomac St NW
9.	James Booth	1305 Potomac St NW
10.	[illegible]	3256 N St. NW
11.	James Burtumoppeth	1241 Potomac St
12.	[illegible]	1235 Potomac St NW
13.	[illegible]	" " " " " "
14.	[illegible]	1235 Potomac St NW.
15.	Sara F. Carroll	1239 Potomac St NW
16.	IRINA C. DUNCAN	1232 Potomac St NW.
17.	Natalie Beers / William T. Beadleston / WILLIAM BEADLESTON	1365 N. Street N.W.
18.	[illegible]	3265 Prospect St NW
19.	Peter Colcomb	1442 Wisconsin Ave NW
20.	Steve Cooley	1236 Potomac Street NW

21.	Betsy Cooley	
22.	Nicole Petis	3252 O St NW
23.		" "
24.	Sara Frank	1423 33rd St NW
25.	Cilmyalok Lucia	1233 Potomac St, NW
26.		1233 Potomac ST. NW
27.	Dance Howell	3280 N St N.W.
28.		3301 N ST NW
29.		3336 O St NW
30.	Stimit Wiradkar	3338 O St NW
31.		3334 O St. NW
32.	A. Grossman	1324 34th St. NW
33.		1314 33RD St.
34.	Lesley	1306 34th St. 1
35.	9:15-1410	3340 N ST. NW
	DON WEADON + SUZANNE CAMERON	
36.	Tim Tracy	3338 N St. NW
37.	David Brook	3334 N. St NW.
38.		3330 N. Street NW
39.		3327 N Street, NW
40.	Martin to call may	3300 O St NW
41.	5 charge Vote	3300 O ST NW
42.	N. Nash	1314 34th ST NW

JOSE MARTINEZ

Ref = Lori McGettigan
3327 N St NW

43.		1310 34th Street (T.M. Jones
44.	Charles Rumph	3328 N St N.W.
45.	Shirley J. Johnson	3328 N St NW
46.	Wm Thos Hart	3321 N Street NW
47.		3319 N STREET, NW.
48.		1318 33RD ST NW
49.	Joan Puckett	3245 O st St NW
50.		3245 O ST NW
51.		3254 O St NW,
52.	DAVID Pyle	1310 33rd STreet, NW
53.	Ellen Barwick	3301 O St. N.W.
54.	CHRIS ALIVERTO	1313 POTOMAC ST NW.
55.		
56.		3313 N St
57.	David L. Marcum	3319 N. St.
58.		3313 N ST.
59.		3317 N St.
60.		3249 O ST.
61.	Jim Carey	1316 Potomac St NW
62.		
63.		
64.		

HAND DELIVERED ON APRIL 30, 01, TO ANC, WITH FULL MODIFIED PLANS ATTACHED.

Craig and Ann Goodman
3254 O Street, NW
Washington, DC 20007
(202) 333-3288 (day) (202) 333 -0311 (evening)

April 25, 2001

Dear Neighbor,

On April 16, 2001, we received a fax of a petition and formal protest against a three story multiple rental unit structure to be built on our property. We had filed an application for a variance to construct a one story addition to an existing garage for live-in maid's quarters at the rear of our lot. With the application, we filed an affidavit and detailed explanation of the need for the addition and that it would be used for a live-in maid or family member in need of assistance. These documents were not attached to the petition causing regrettable and unnecessary misunderstandings.

On April 18, 2001, we invited ANC officials, BZA officials and neighbors objecting to the project to come to our home and review the property, the site and any potential impacts. After this meeting, we decided to submit a significantly modified plan that takes into account our neighbors various concerns and simultaneously complies with the strictest area/building-density provisions of the existing zoning code. The neighbor's view under the modified plan is attached to this letter together with a lot density site plan for your review and hopefully your support.

It should be noted that the lot on which this second story addition will be built faces O Street, with access to both O Street and the alleyway, and after the project is completed, the total building area of this lot will meet the strictest building-density limitations in the DC code (less than 40 percent of the total lot).[1] No other property on O Street or N Street between Potomac and 33rd can meet the strict building-density limitations of the R1 zoning requirements. Properties that meet the R1A or R1B area/building-density limitations are permitted to add a second story live-in quarters for domestics as a matter of right.

This significantly modified plan is for a unique property, necessitated by the reasonable needs of the owners with all efforts made to minimize the impact on adjacent properties. Because this unique Georgetown property is the only fully detached dwelling on this block that qualifies under the strictest building-density limitations of the DC zoning code, it can not serve as a precedent that will lead to overbuilding on smaller lots or the development of unauthorized rental units.

The myriad of collateral issues raised in the petition and formal protest do not address this new modified plan. If you have any questions or need additional information, please call us. We would greatly appreciate your review and support of the attached modified plan.

Thank you for your time and consideration.

Sincerely,

Craig and Ann Goodman

[1] See Section 403.2; Sections that bear on the intention of the DC zoning code as it applies to this structure include: 200, 201, 202, 300 and 403 et. seq.; 204.1; 300.3 (a); 320.1 "permitted related uses are the same in R-3 districts as in R-1 districts"; 321.1(a) permits in an R-3 district "any accessory use or building permitted in R-1 districts"; 400.1; 402.4 contains floor area ratios; 403 percentage of lot occupancy; 404 minimum rear yard limitations; Section 2500 et. seq. applies to accessory buildings. See also Section 202.9 for comparison purposes. It should be noted that the property has at least 5 spaces for off street parking.

MODIFIED ELEVATION

as of April 25, 2001



GARDEN ELEVATION (N)

SCALE: 1/4"

HEIGHT REDUCED BY 11'-6"

APRIL 25, 2001

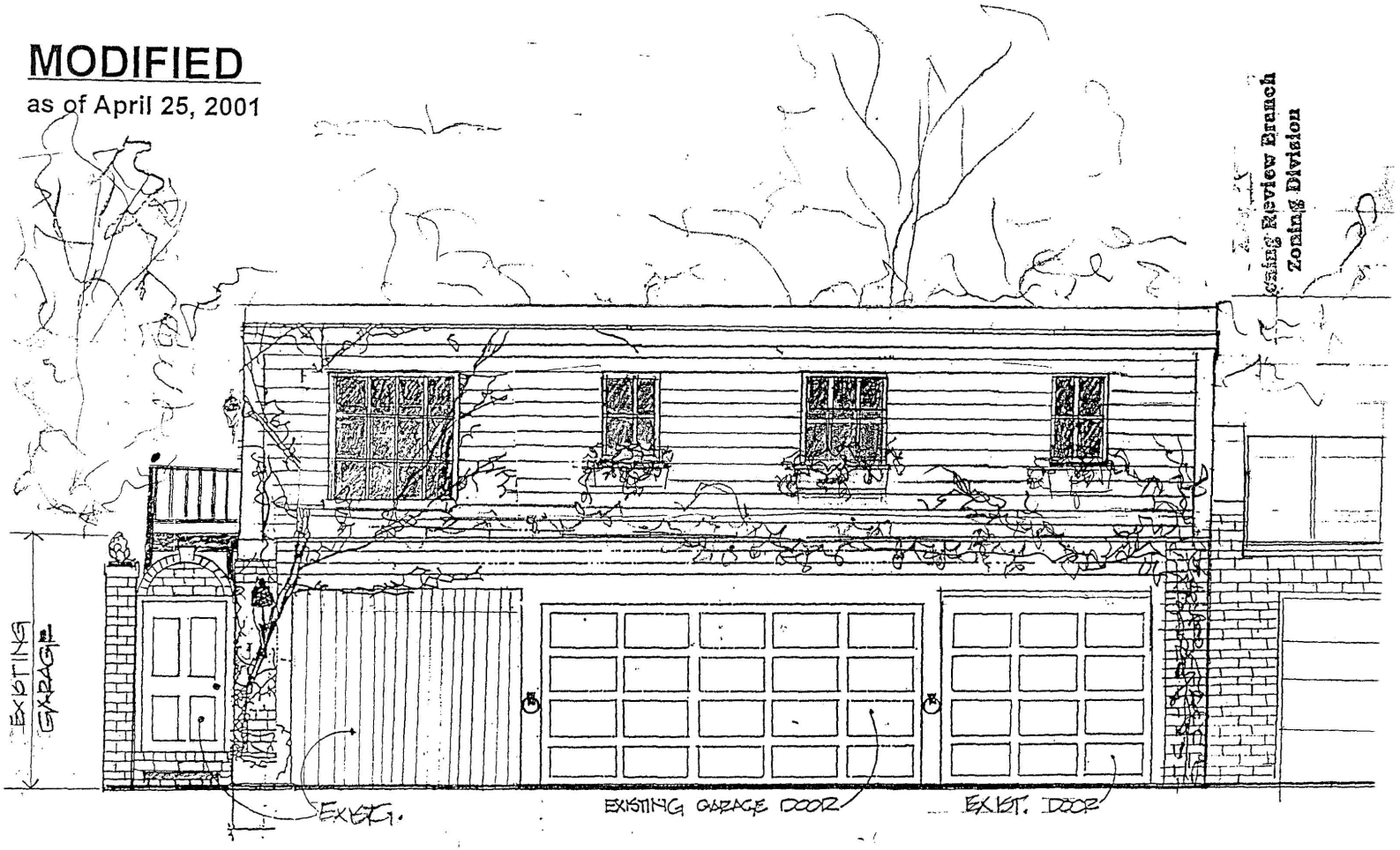
Maids Quarters

A-1

MODIFIED

as of April 25, 2001

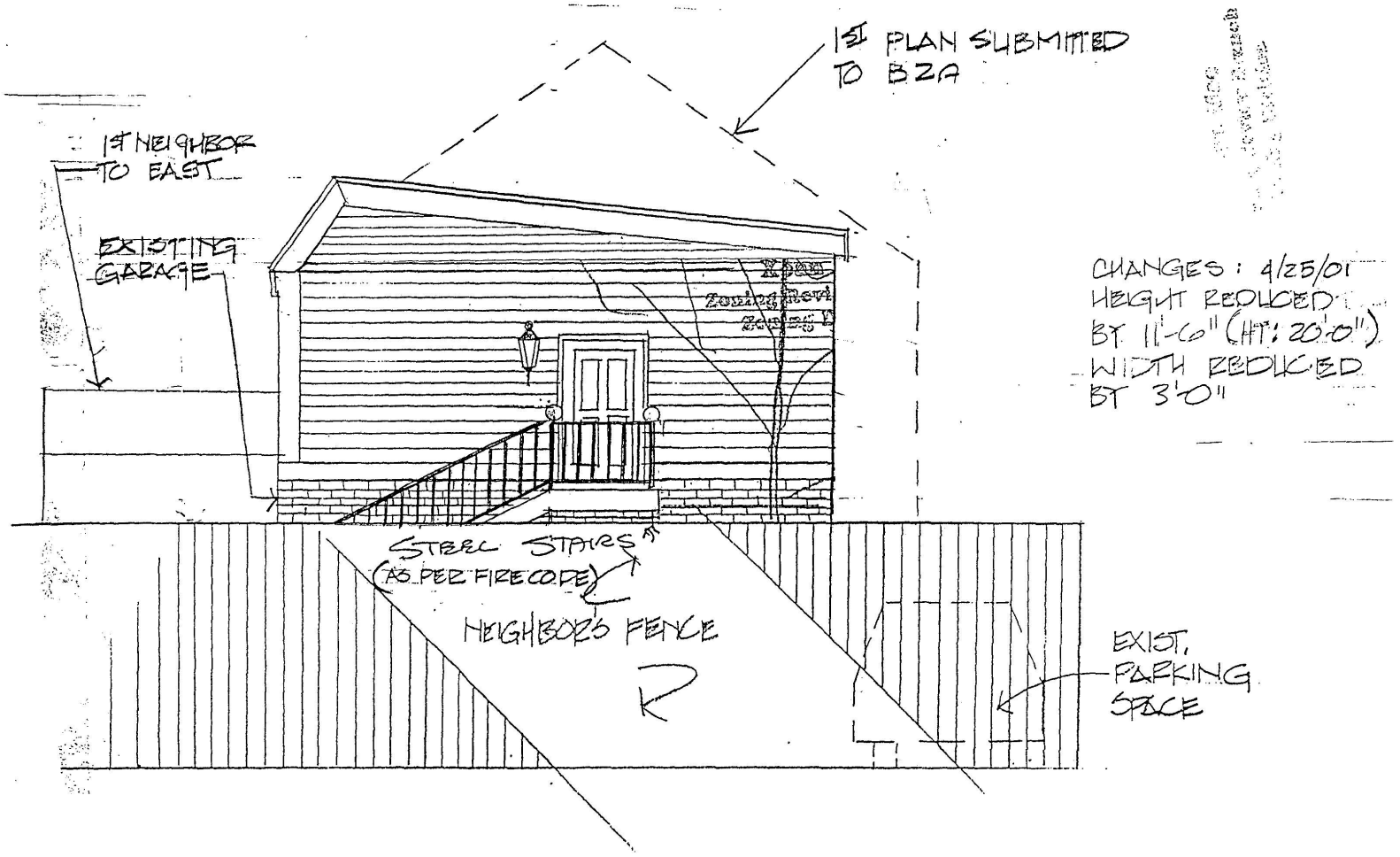
Zoning Review Branch
Zoning Division



4/25/01 CHANGES: HEIGHT REDUCED BY 11'-6"
MTL. ROOF, ONE WINDOW DELETED-SEE FLOOR PLAN, WINDOW SIZES ALTERED

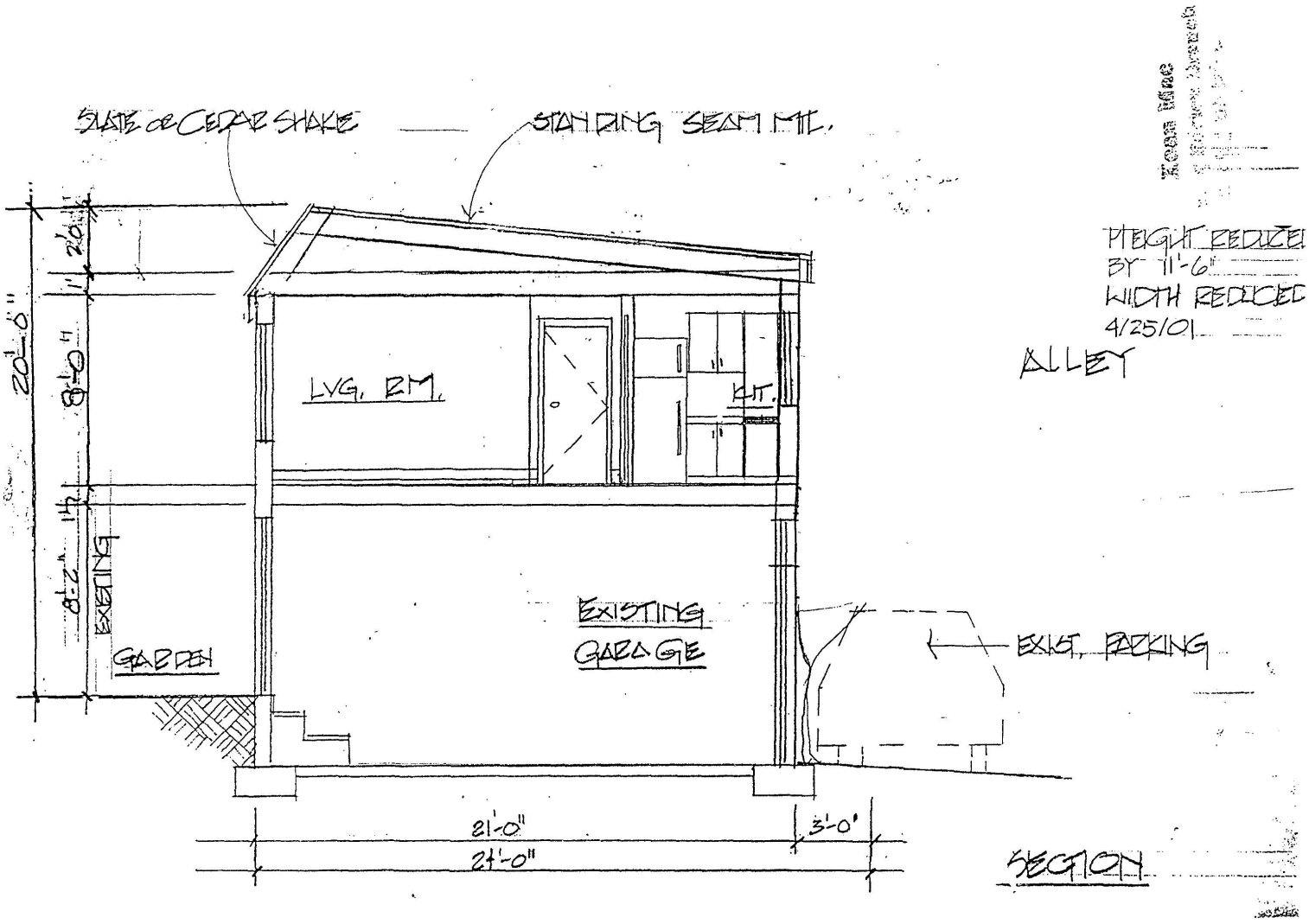
MODIFIED ELEVATION

as of April 25, 2001



MODIFIED SECTION

as of April 25, 2001

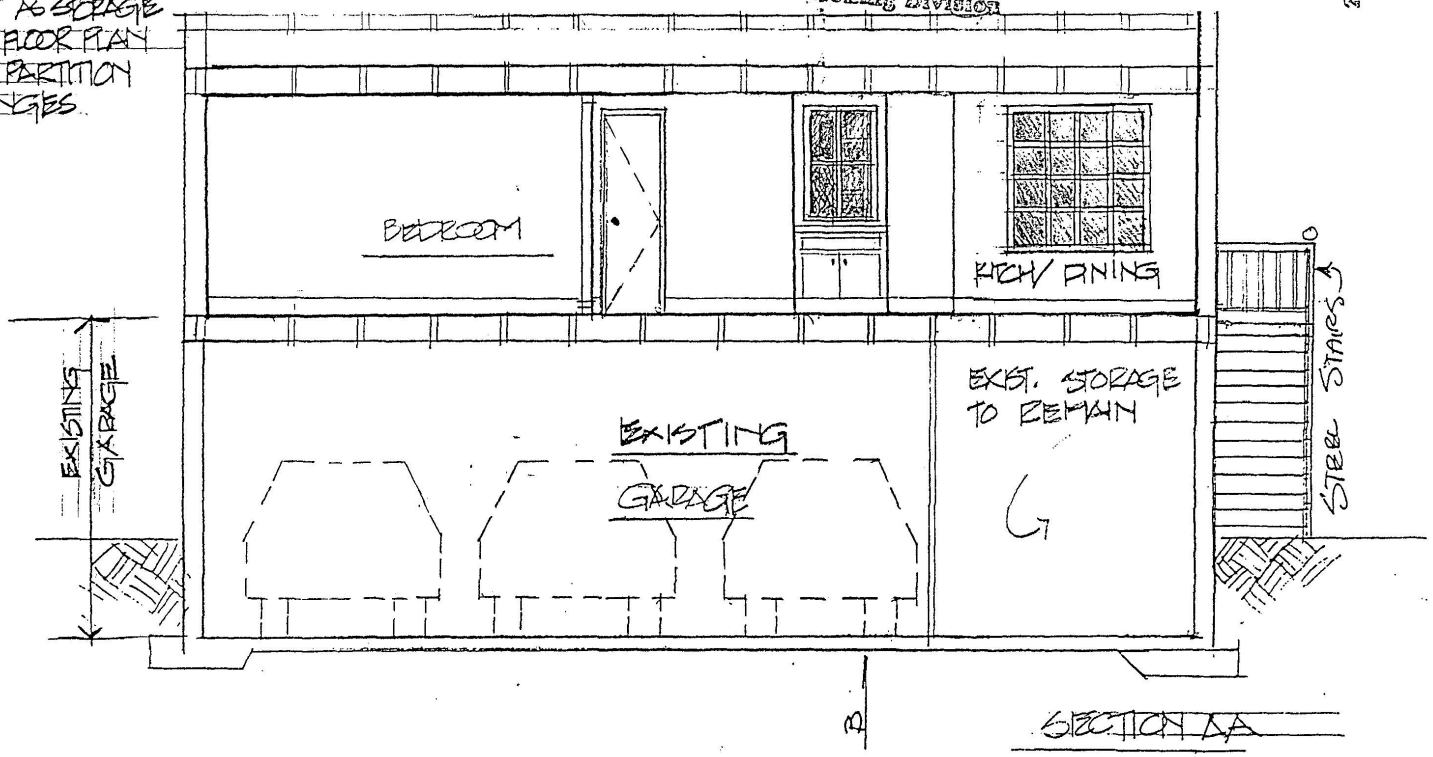


MODIFIED SECTION

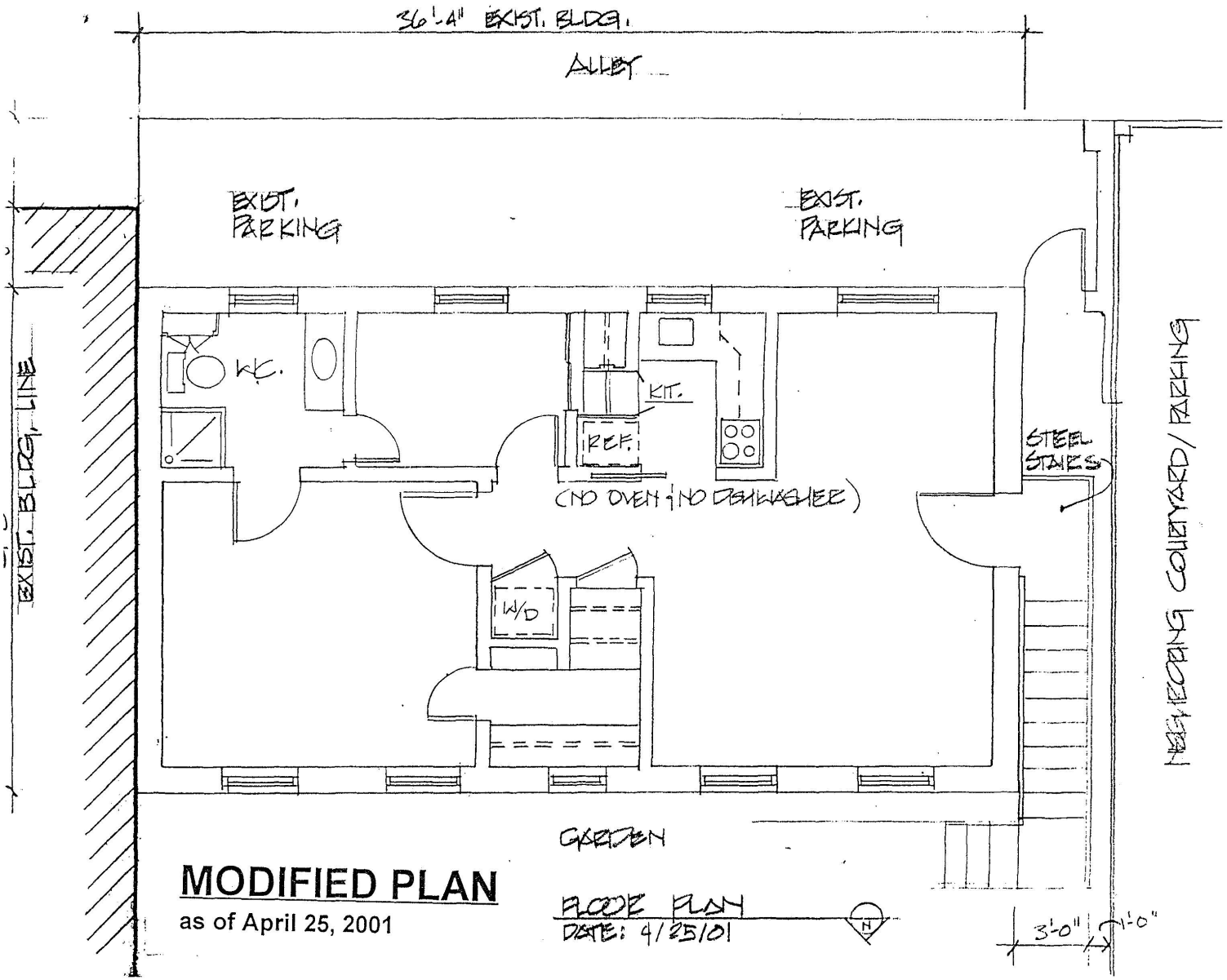
as of April 25, 2001

CHANGES: 4/25/01
1. PEAKED ROOF REMOVED
2. PARKING SPACE LEFT AS STORAGE
3. SEE FLOOR PLAN FOR PARTITION CHANGES

Xoan Mac
Zoning Review Branch
Zoning Division



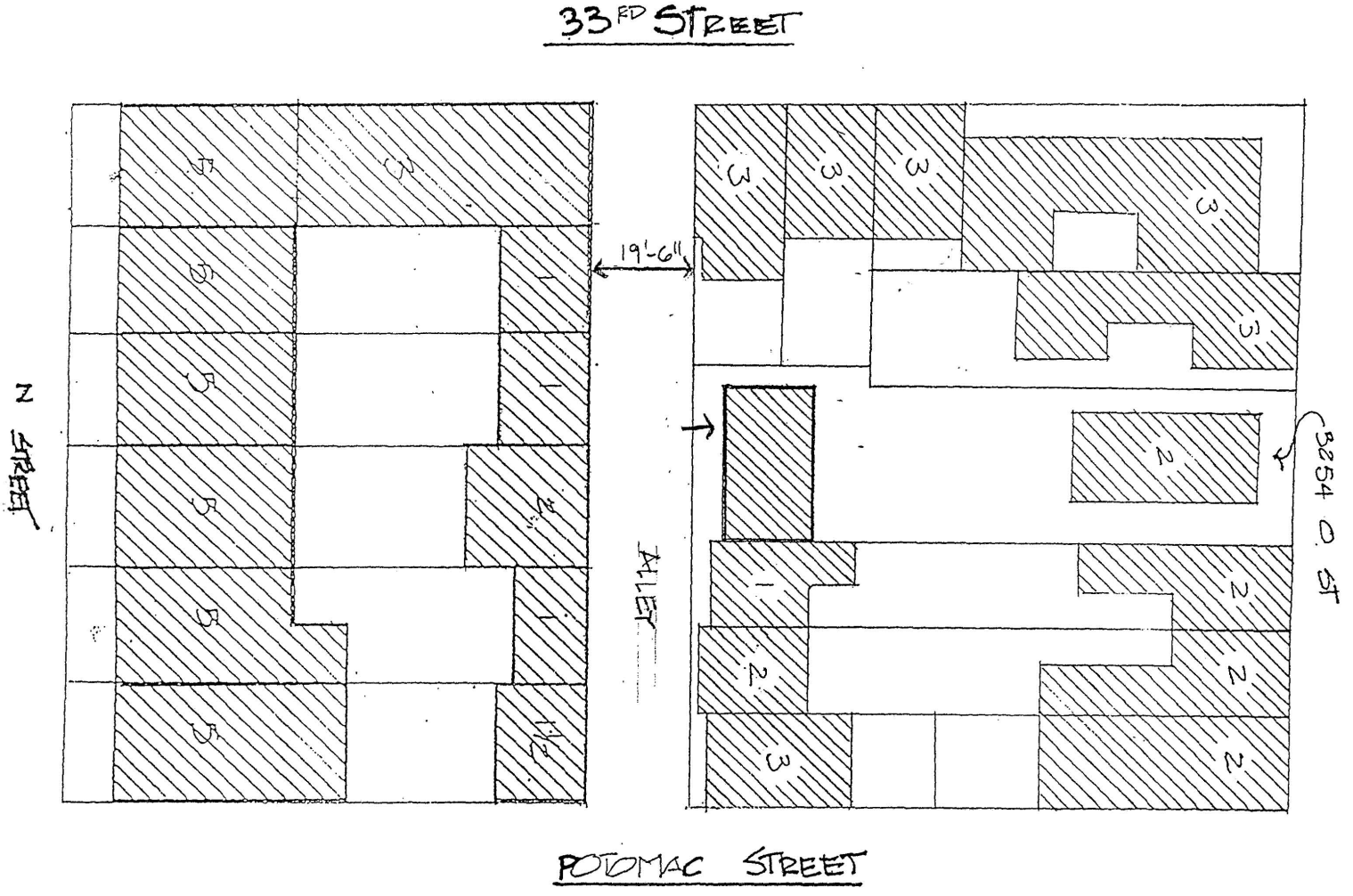
SECTION AA



MODIFIED PLAN

as of April 25, 2001

FLOOR PLAN
DATE: 4/25/01


33RD STREET
19'-6"
ALLEY
3254 O ST
N STREET
POTOMAC STREET
N