

**BZA Application:**

3254 O Street NW

BZA Case No. 17535A

**Presented by:**

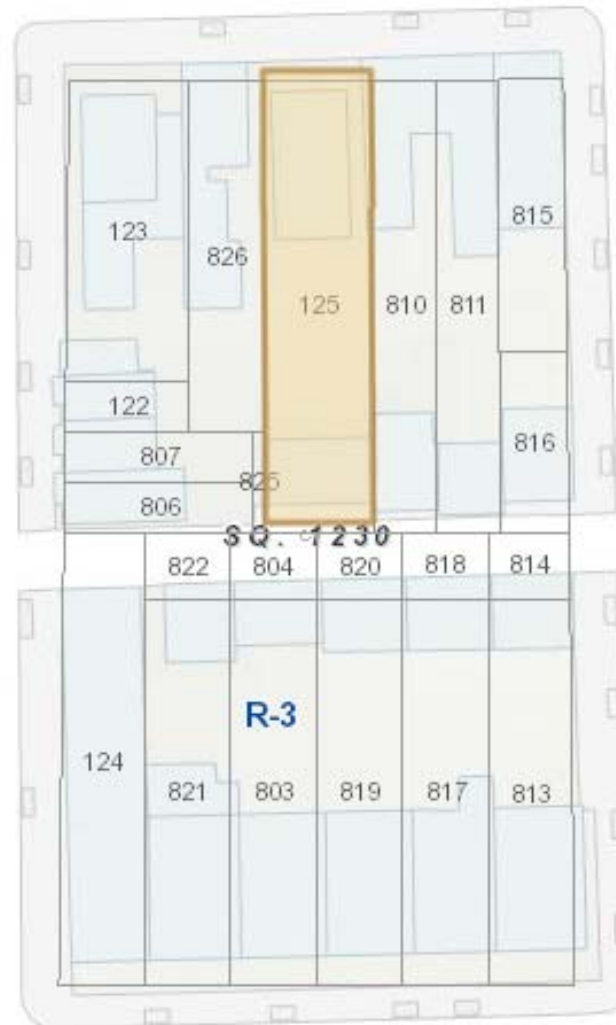
Meridith Moldenhauer

Griffin, Murphy, Moldenhauer &  
Wiggins, LLP



# Zoning Map

R-3 Zoning  
District



# Property is Detached & Setback



# The Property-5,533 Square Feet

- Two Contiguous Lots
  - ▣ Two Story, One Family Dwelling
  - ▣ Existing 91 foot rear yard
  - ▣ Substantial well-maintained open space
  - ▣ One Story Accessory Garage
  - ▣ Accessory Garage abuts a 22-foot private alley



# Existing Alley Condition





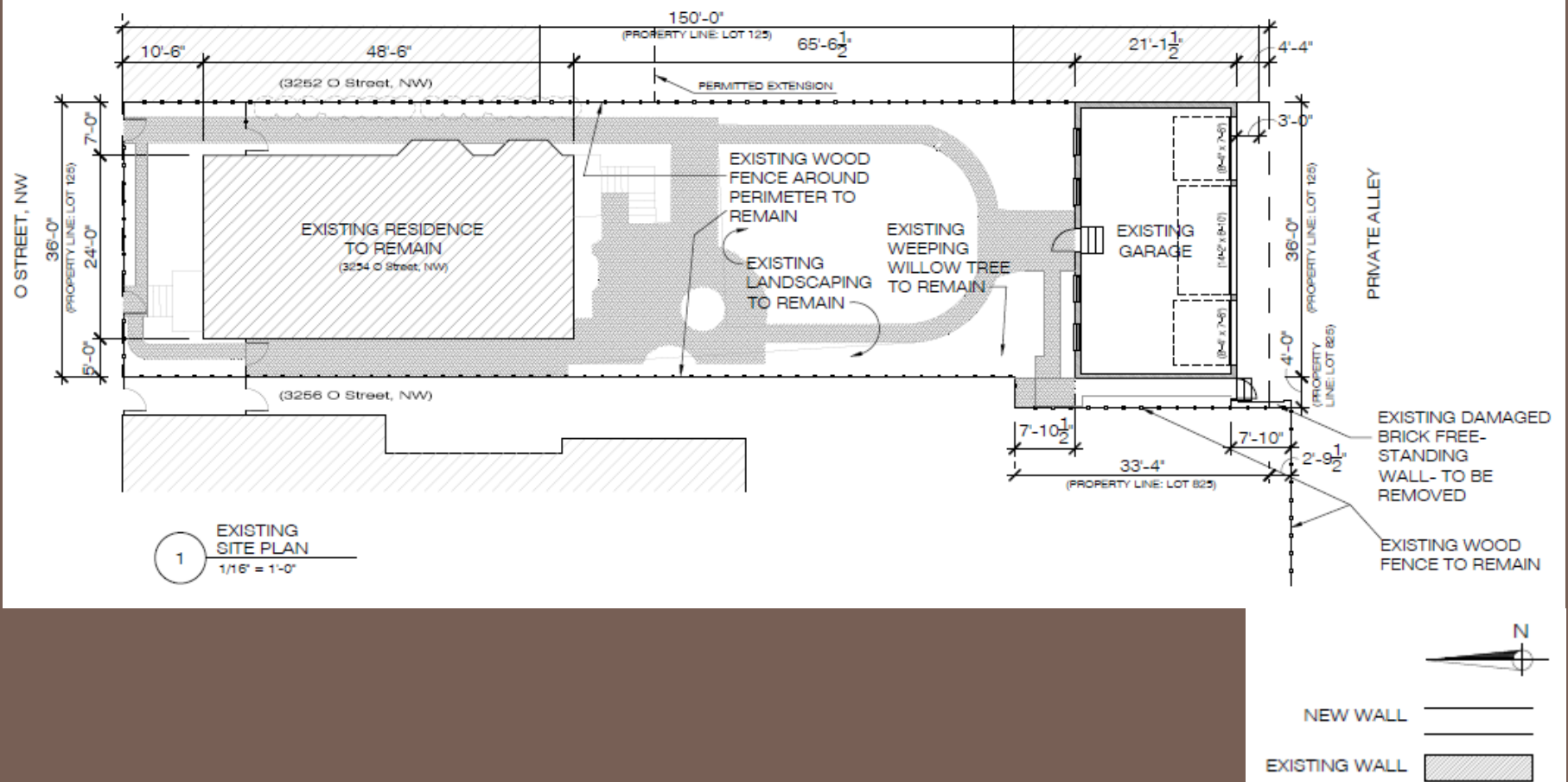
2 VIEW FROM  
33rd STREET, NW  
N.T.S.

3254 O STREET, NW  
WASHINGTON, D.C. 20007



1 VIEW FROM  
POTOMAC STREET, NW  
N.T.S.

## View of Rear Alley



Existing Site Plan

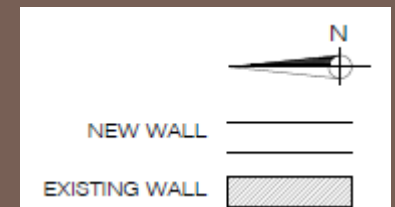
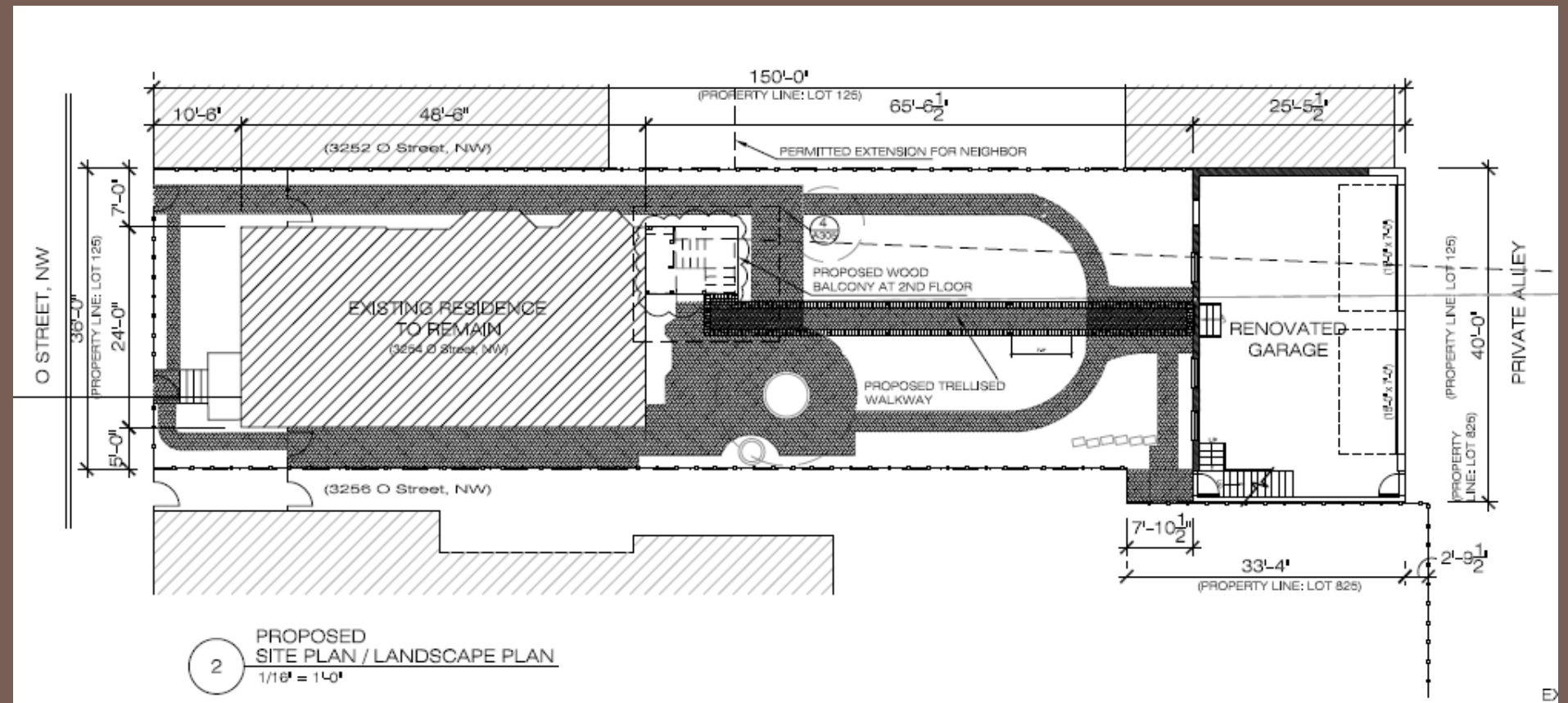


2 EXISTING  
NORTH ELEVATION  
N.T.S.

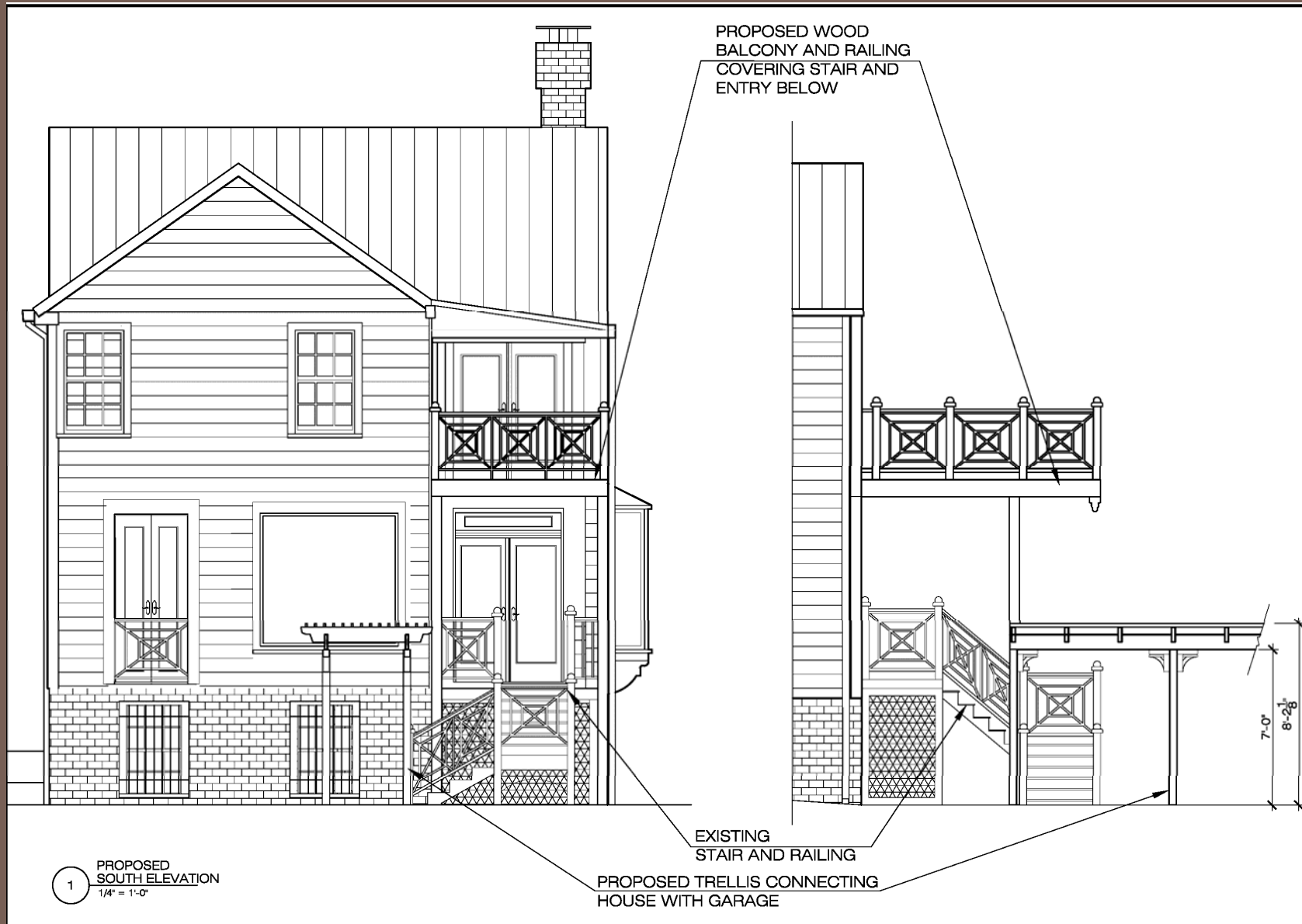


1 EXISTING  
SOUTH ELEVATION  
N.T.S.

## Existing Accessory Garage Elevations



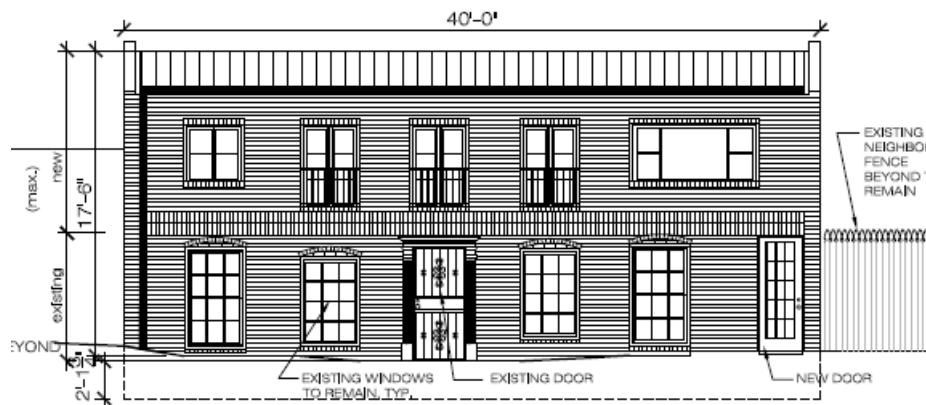
## Proposed Site Plan/Landscaping Plan



Proposed South Elevation

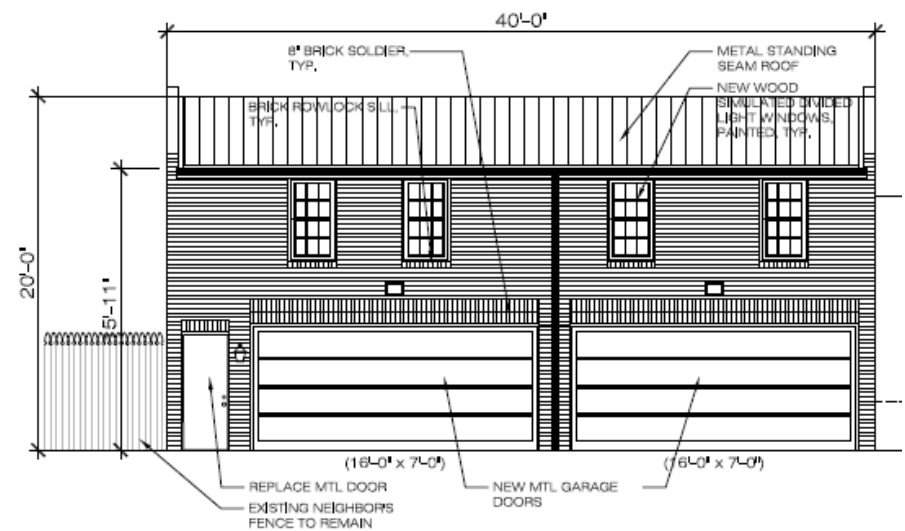
# Proposed North and South Elevation

## North Elevation



2  
PROPOSED  
NORTH ELEVATION  
1/8" = 1'-0"

## South Elevation



1  
PROPOSED  
SOUTH ELEVATION  
1/8" = 1'-0"

# Zoning Relief



- Special Exception
  - ▣ Addition of an Accessory Apartment to an Existing One-Family Dwelling (§202.10)
  - ▣ Rear Yard Relief (§223)

# Special Exception- Accessory Apartment (§202.10)

- §202.10- An accessory apartment may be added within an existing one-family detached dwelling if approved by the BZA as a special exception under §3104 subject to the following provisions
- (a) The lot shall have a minimum lot area of 4,000 s.f.
- (b) The house shall have at least 2,000 s.f. of GFA exclusive of garage space
- (c) The accessory apartment unit may not occupy more than 25% of the GFA 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

# Special Exception- Accessory Apartment (§202.10)

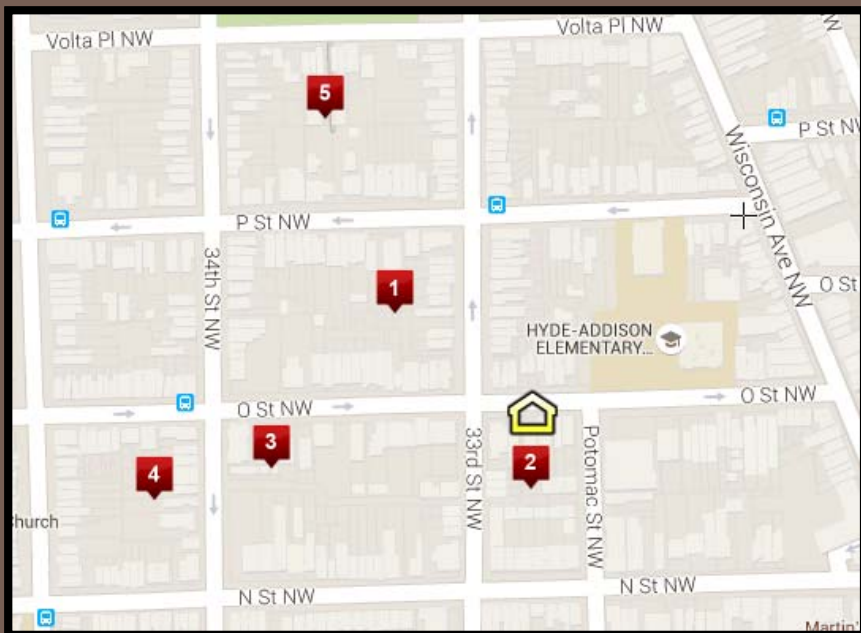
- ▣ (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street
- ▣ (f) Either the principal dwelling or accessory apartment unit must be owner occupied
- ▣ (g) The aggregate number of persons that may occupy the house, including the principal dwelling and accessory apartment combined, shall not exceed 6
- ▣ (h) An accessory apartment may not be added where a home occupation is already located on the premises; and

# Special Exception- Accessory Apartment (§202.10)

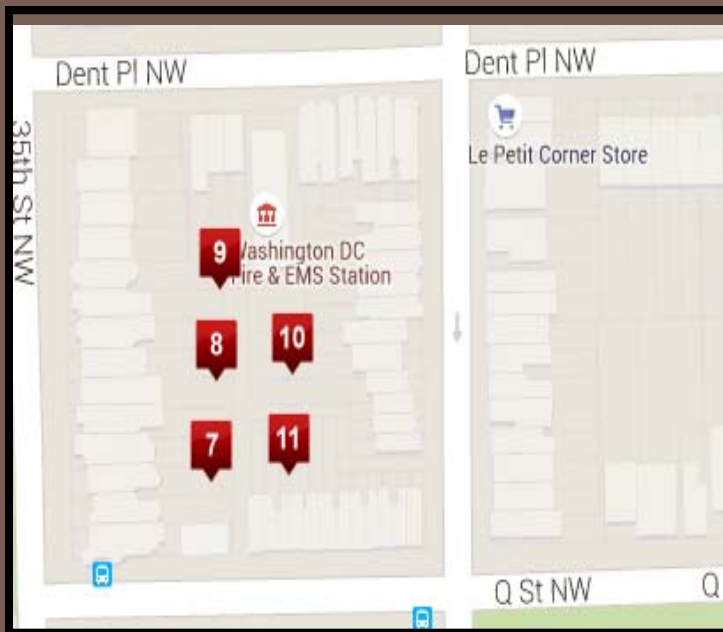
- (i) The Board may modify or waive not more than 2 of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:
  - 1) The owner-occupancy requirement of paragraph (f) shall not be waived
  - 2) Any modification(s) approved shall not conflict with 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 2 of the requirements of this subsection shall be deemed a request for a use variance.

# View From Street Unchanged





Proposed Structure Maintains Single Family Appearance and Character



Proposed Structure Maintains Single Family Appearance and Character

# Special Exception- Rear Yard (§223)

- The Application Satisfies Section 223 for Enlargement of the Existing One-Family Dwelling
  - ▣ As proposed, the Project will provide no rear yard.
  - ▣ The projects meets the requirements of §223
    - No Undue Effect on Light and Air
    - No Undue Compromise of Privacy of Use and Enjoyment
    - No Visual Intrusion upon the Character, Scale and Pattern of Houses along the Subject Street Frontage
  - ▣ Lot Occupancy Not to Exceed 70% in the R-3 District
    - Under the Proposed Project, the Property will have a lot occupancy of 43.5% and thus will comply with the requirement.

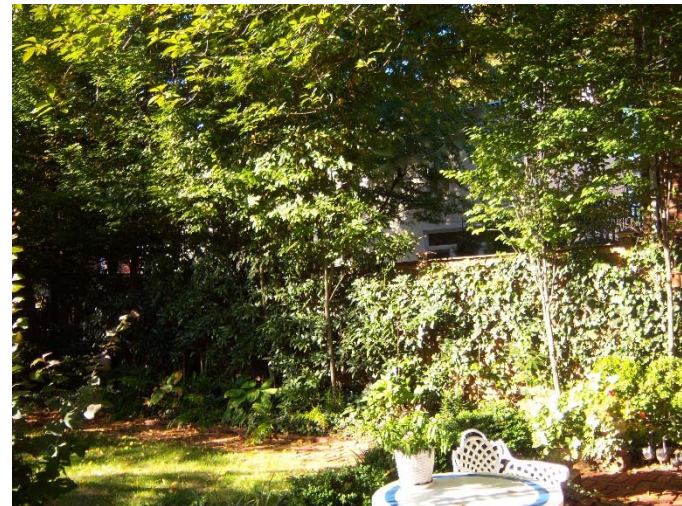
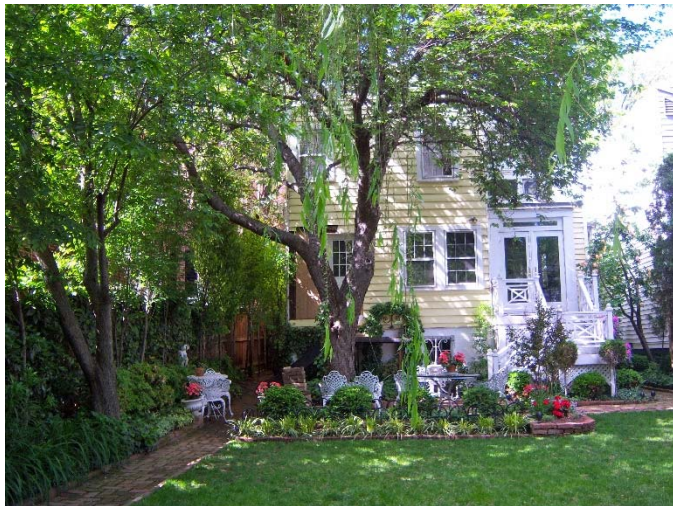
## Pending Litigation Irrelevant to Requested Relief

- Pending litigation is outside the scope of the requested relief
- In reviewing an application for special exception relief, “[t]he Board’s discretion . . . **is limited to a determination of whether the exception sought meets the requirements of the regulation.**” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981 (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973))). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*



Properties in Vicinity Eligible for Special Exception

# No Under Effect on Light and Air



# No Visual Intrusion or Impact on Privacy

- The Board concurs with the Appellant's assertion that the factors at issue with respect to § 223- primarily the impacts on light and air available to neighboring properties as well as the effect on privacy of use and enjoyment of neighboring properties- **do not require an unchanging view of the Applicant's lot from adjoining properties. The preservation of existing landscaping in the courtyard is not mandated by the Zoning Regulations**
- See, BZA No. 18398, Application of Kenneth L. and Ellen J. Marks

# Previous BZA Approval



- The Board previously determined that the Applicant satisfied special exception standard for rear yard relief.

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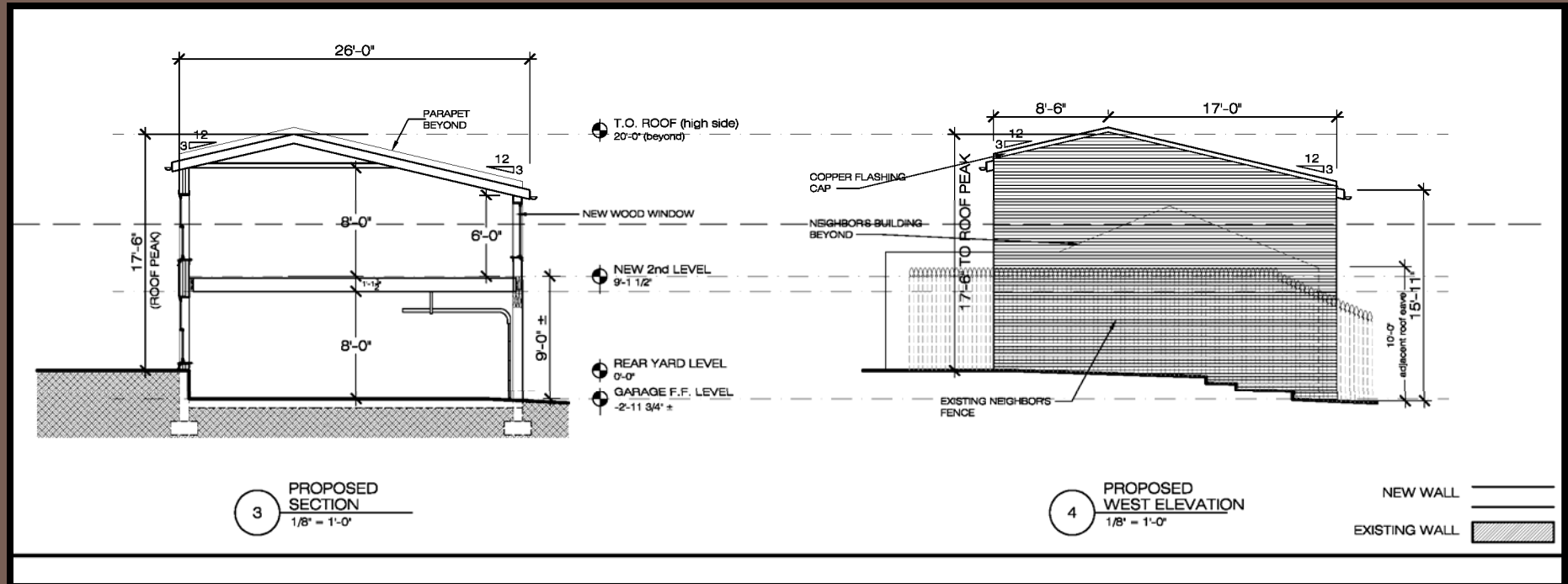
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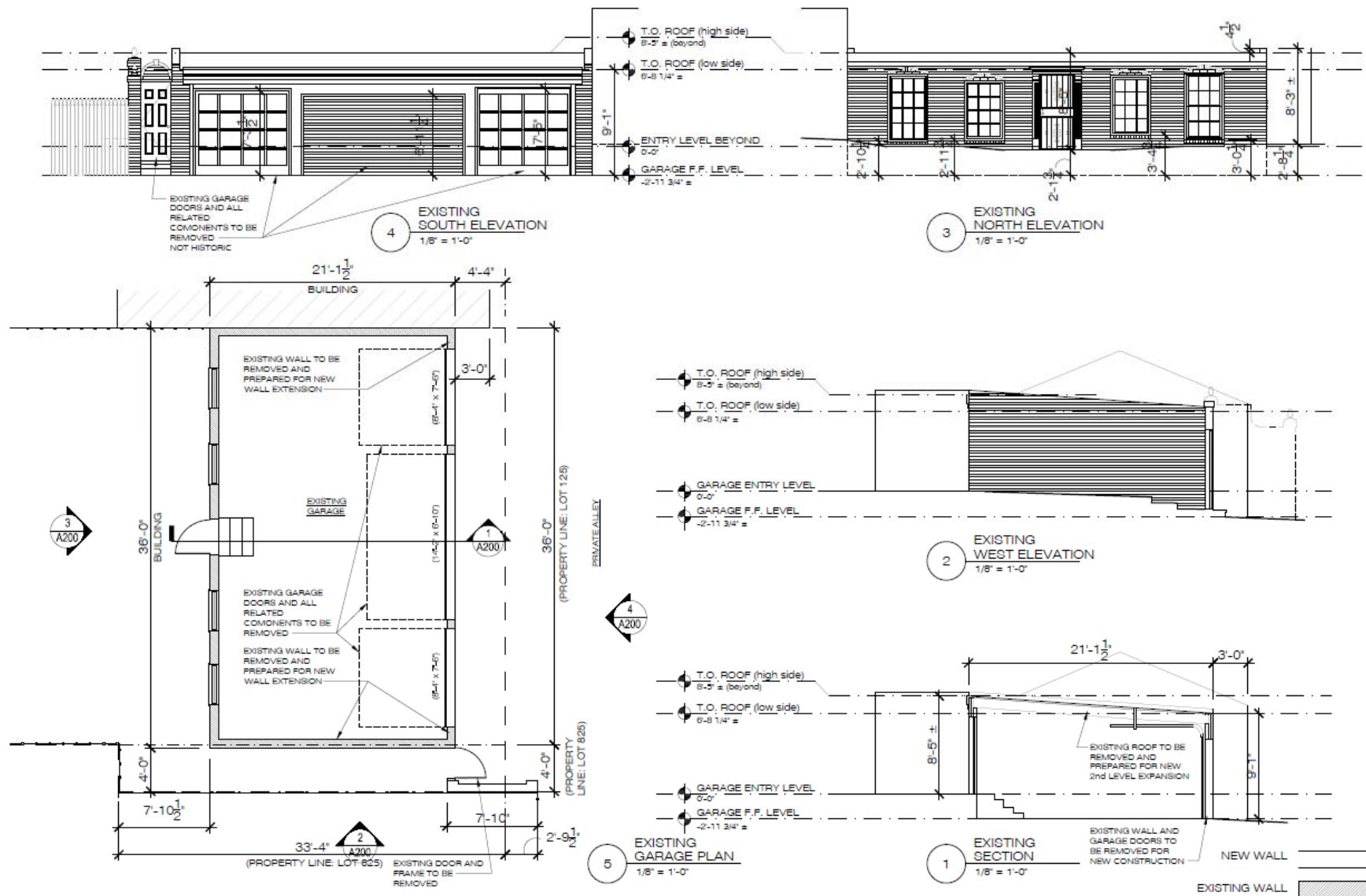


# BZA Case History at Property

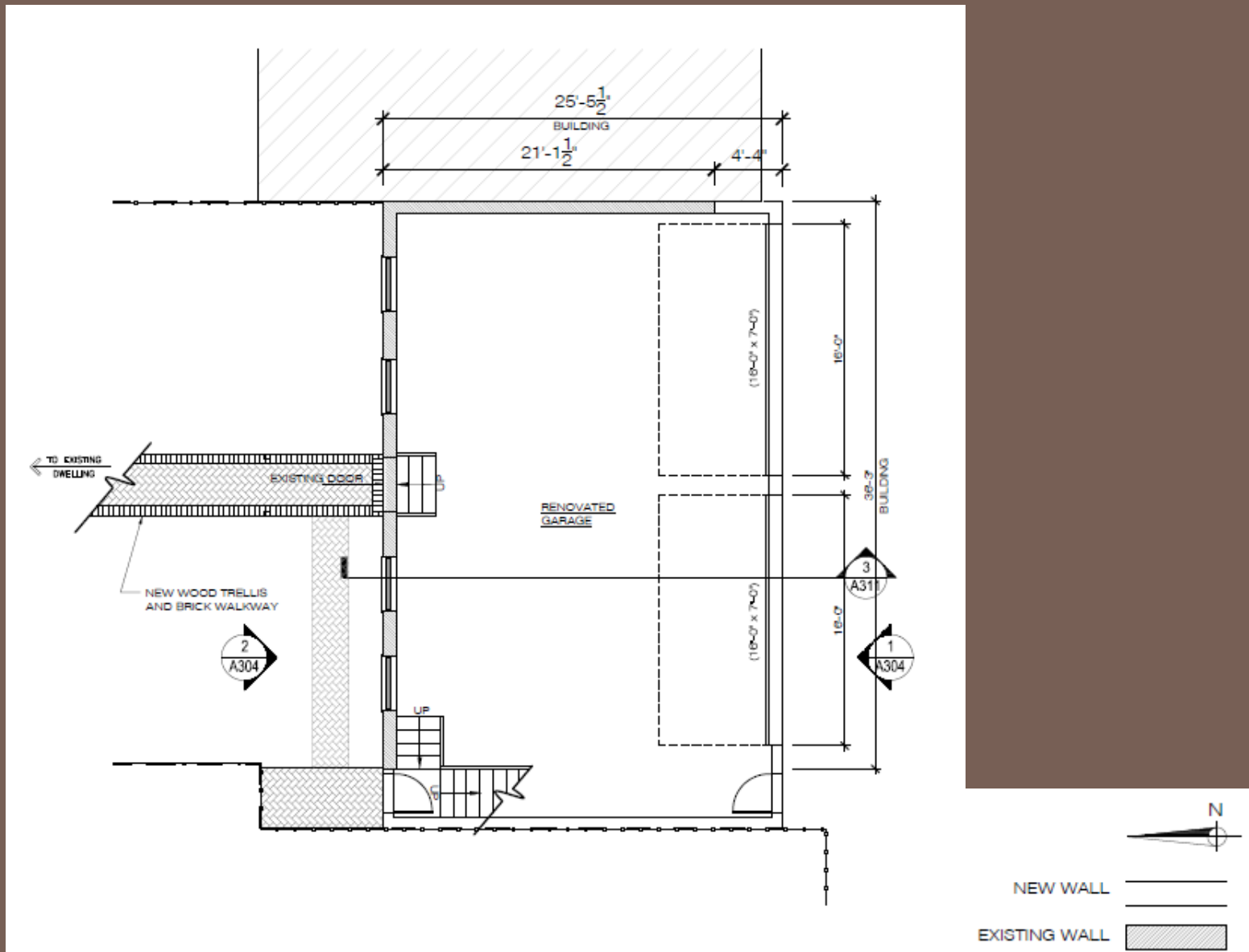
| BZA Case No. | Relief Requested                                                                                                | Result                                      |
|--------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| 17535-A      | Special Exception under 223 to add a covered walkway to Property and under 202.10 to add an accessory apartment | <b>Approved</b>                             |
| 17535        | Special Exception under 223 to add a covered walkway to the Property                                            |                                             |
| 17401        | Area variance for an addition to an accessory structure                                                         | Application Withdrawn                       |
| 16696        | Area variance from § 2500.4 to permit an accessory private garage in excess of 15 feet.                         | Denied: No exceptional practical difficulty |



## Proposed West and Section Elevation

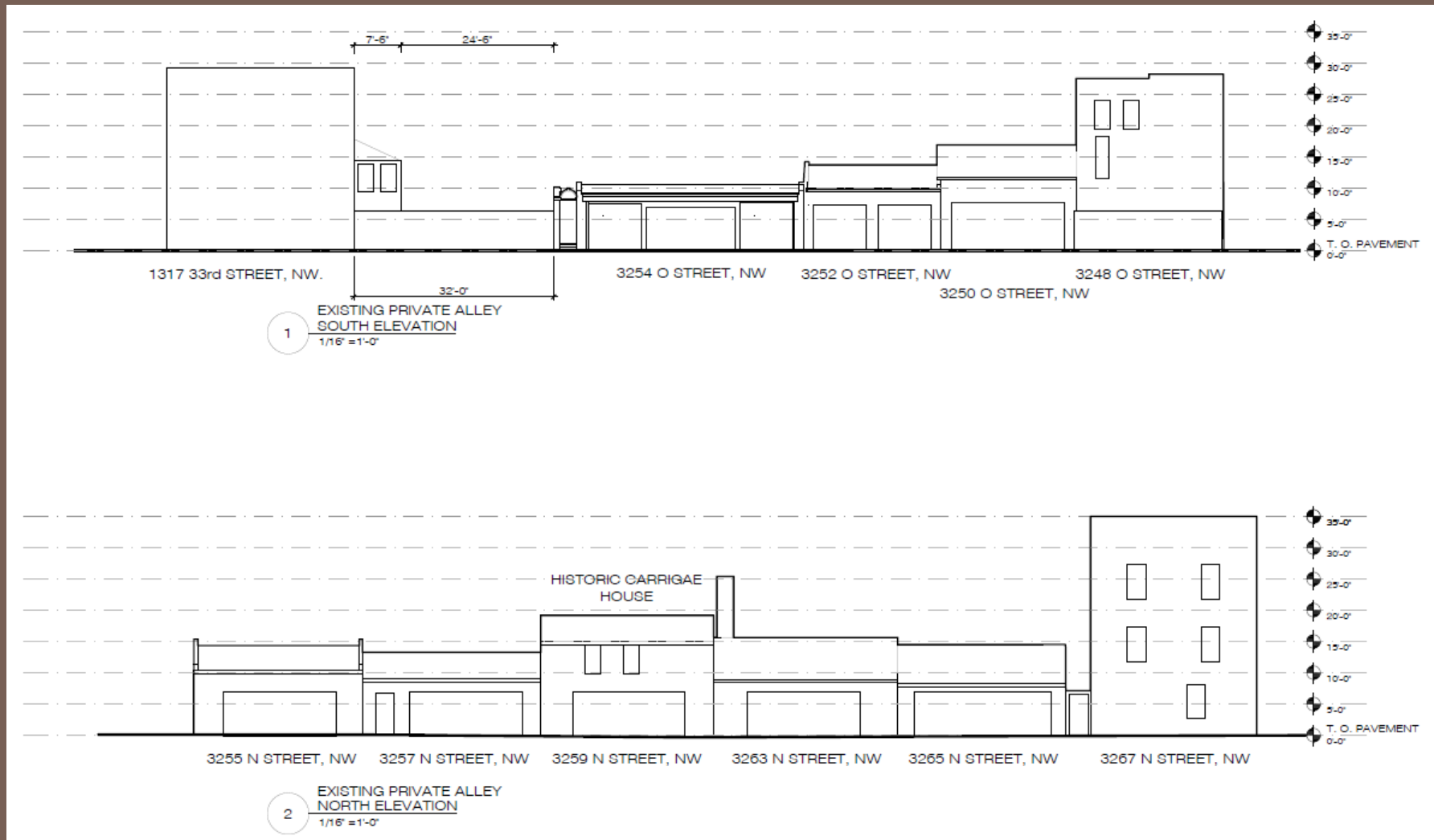


Existing Garage Plans and Elevations



## Garage Plans





## Existing Private Alley Elevations



# Baist Map

1913 Baist  
Map

