

BZA Application:

3254 O Street NW

BZA Case No. 17535A

Presented by:

Meridith Moldenhauer

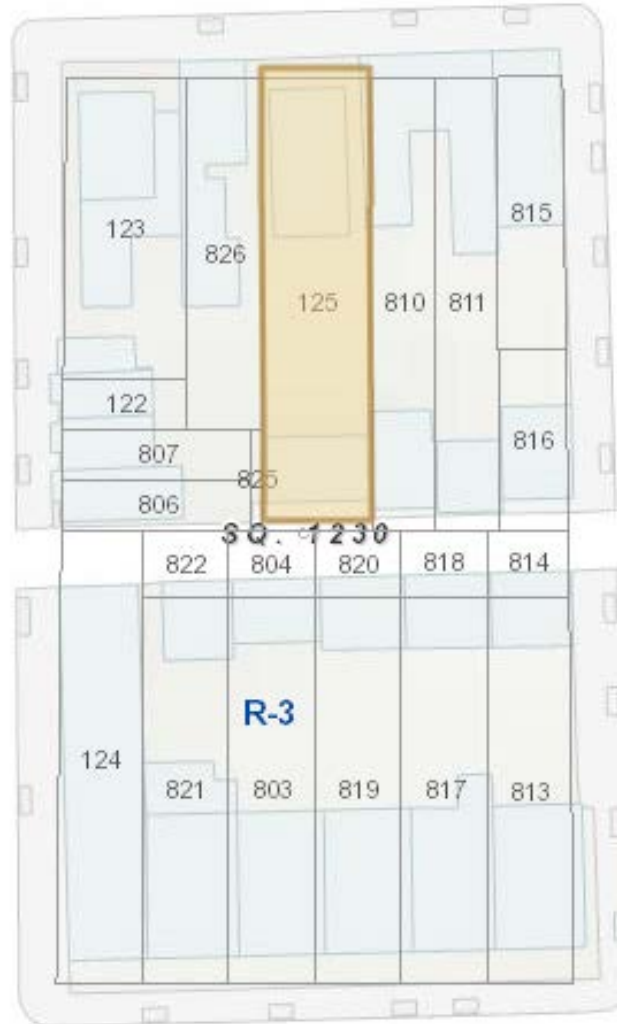
Griffin, Murphy, Moldenhauer &
Wiggins, LLP



Board of Zoning Adjustment
District of Columbia
CASE NO.17535A
EXHIBIT NO.49

Zoning Map

R-3 Zoning District

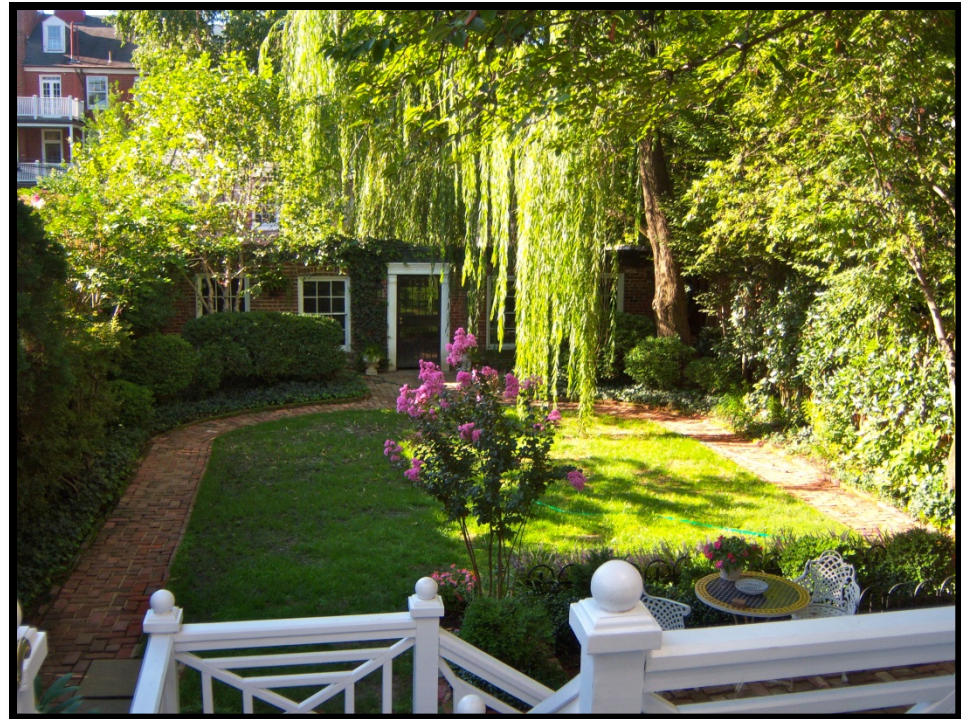


Property is Detached & Setback



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



3258 O STREET, NW
BEYOND

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

3252 O STREET, NW 3250 O STREET, NW 3248 O STREET, NW

1
EXISTING PRIVATE ALLEY
SOUTH ELEVATION
N.T.S.



3255 N STREET, NW

3257 N STREET, NW

3259 N STREET, NW

3263 N STREET, NW

3265 N STREET, NW

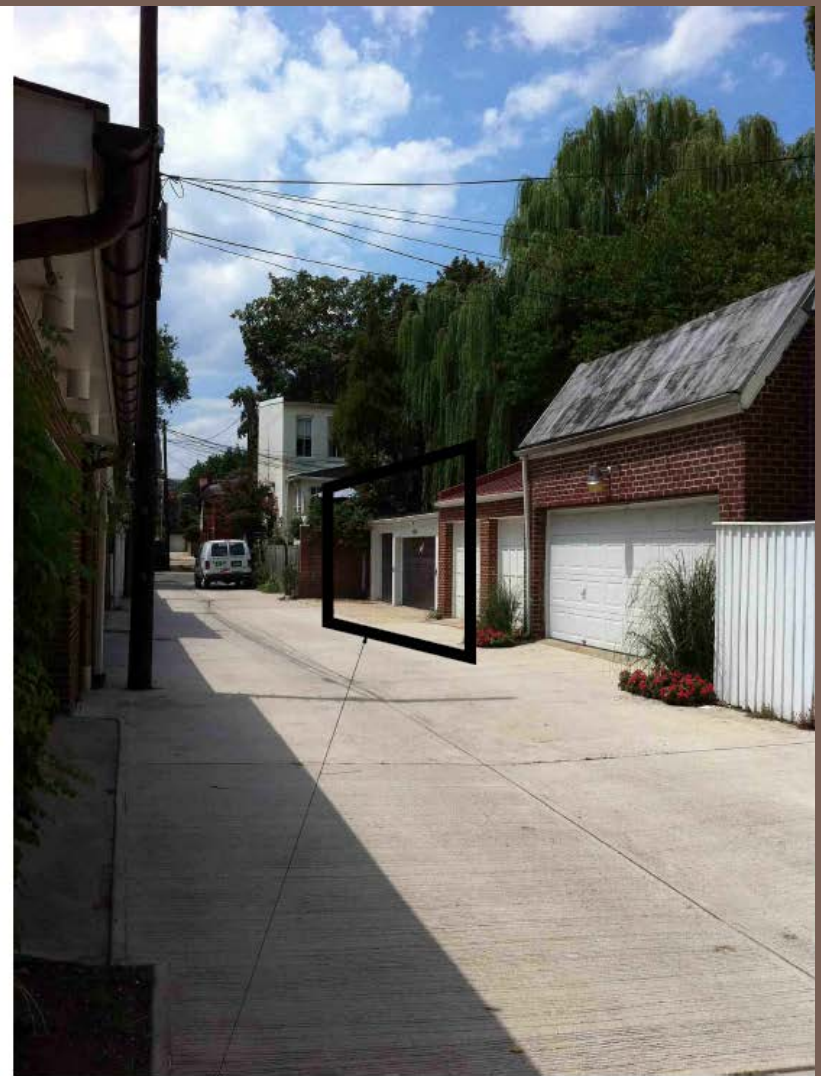
3267 N STREET, NW

2
EXISTING PRIVATE ALLEY
NORTH ELEVATION
N.T.S.



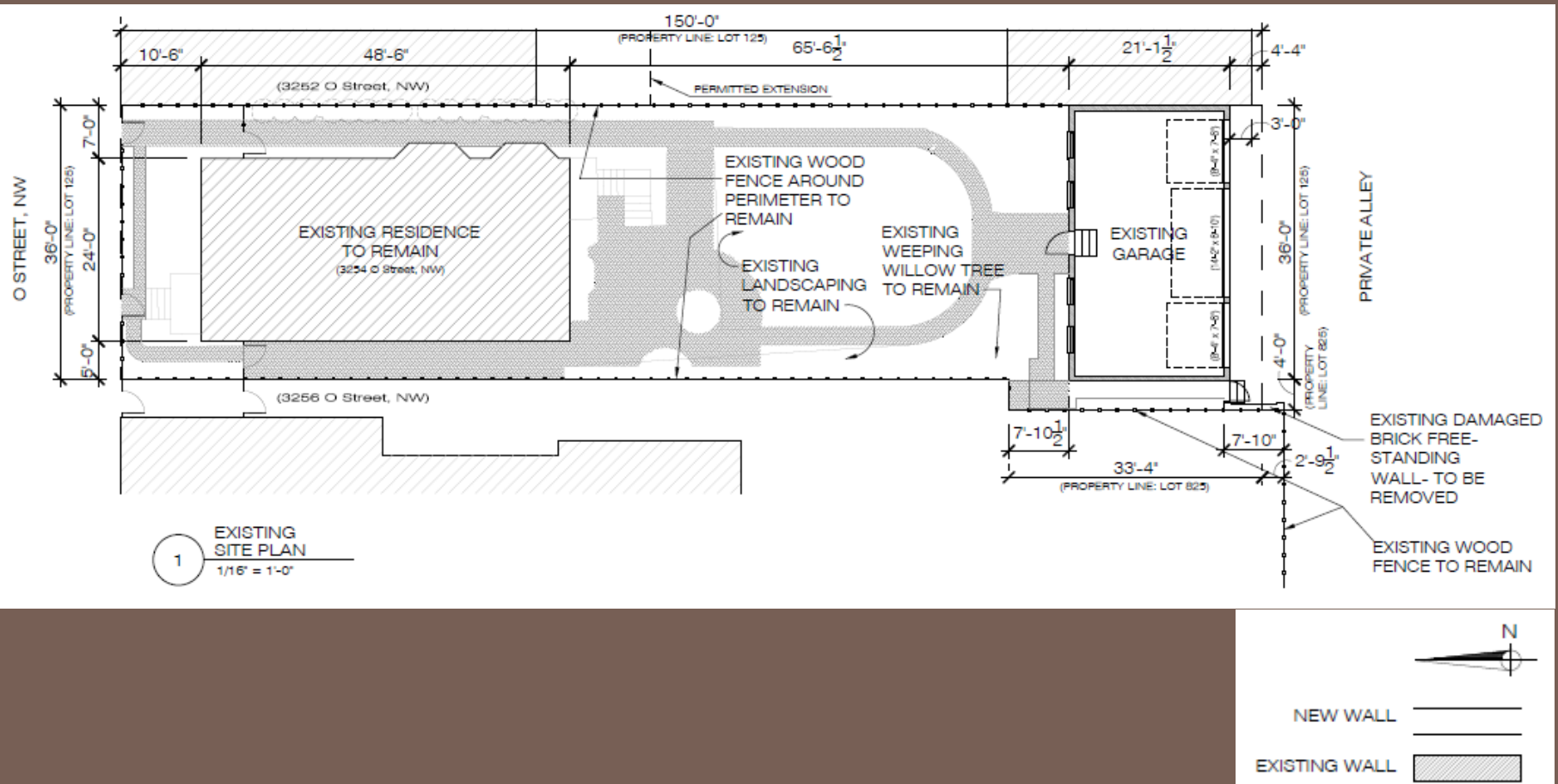
2 VIEW FROM
33rd STREET, NW
N.T.S.

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



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

View of Rear Alley



Existing Site Plan

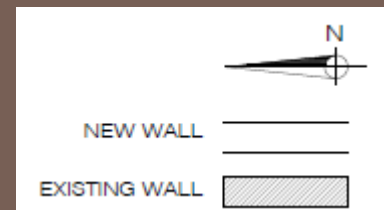
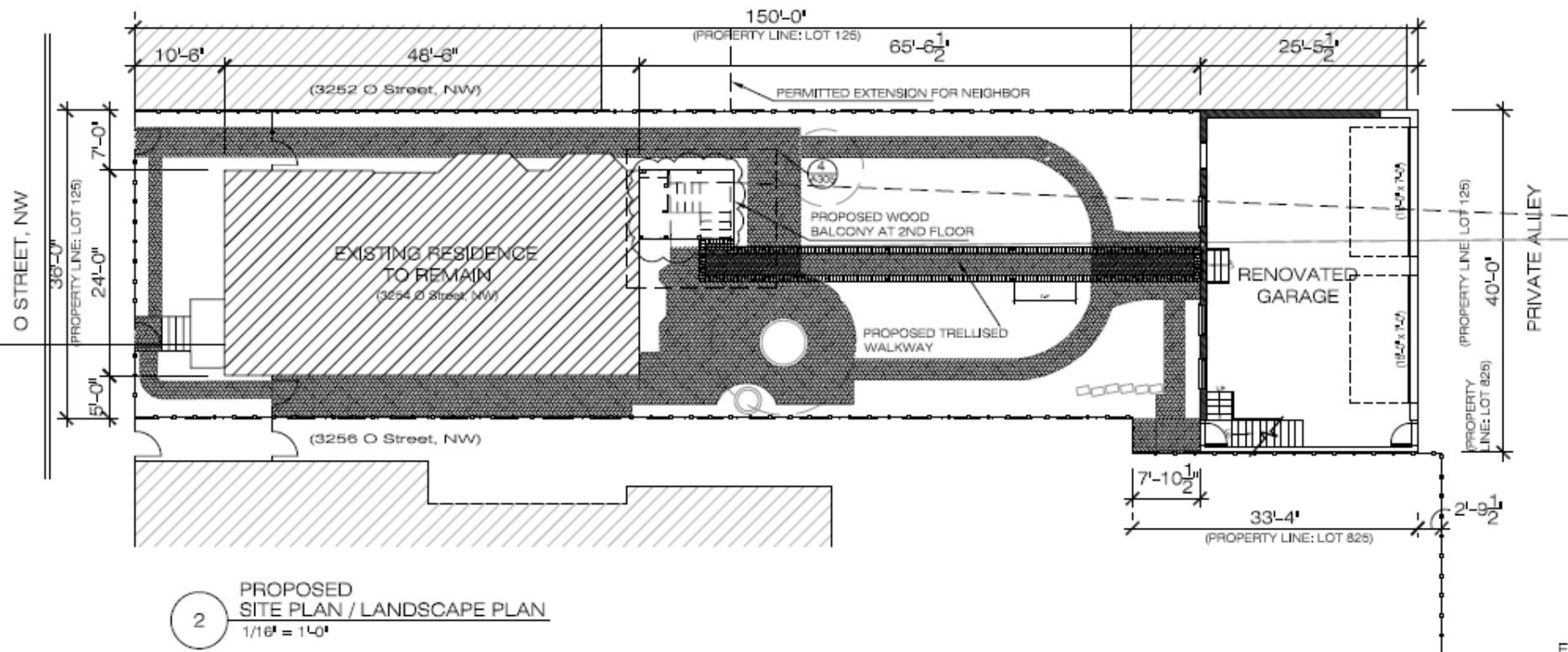


2 EXISTING
NORTH ELEVATION
N.T.S.

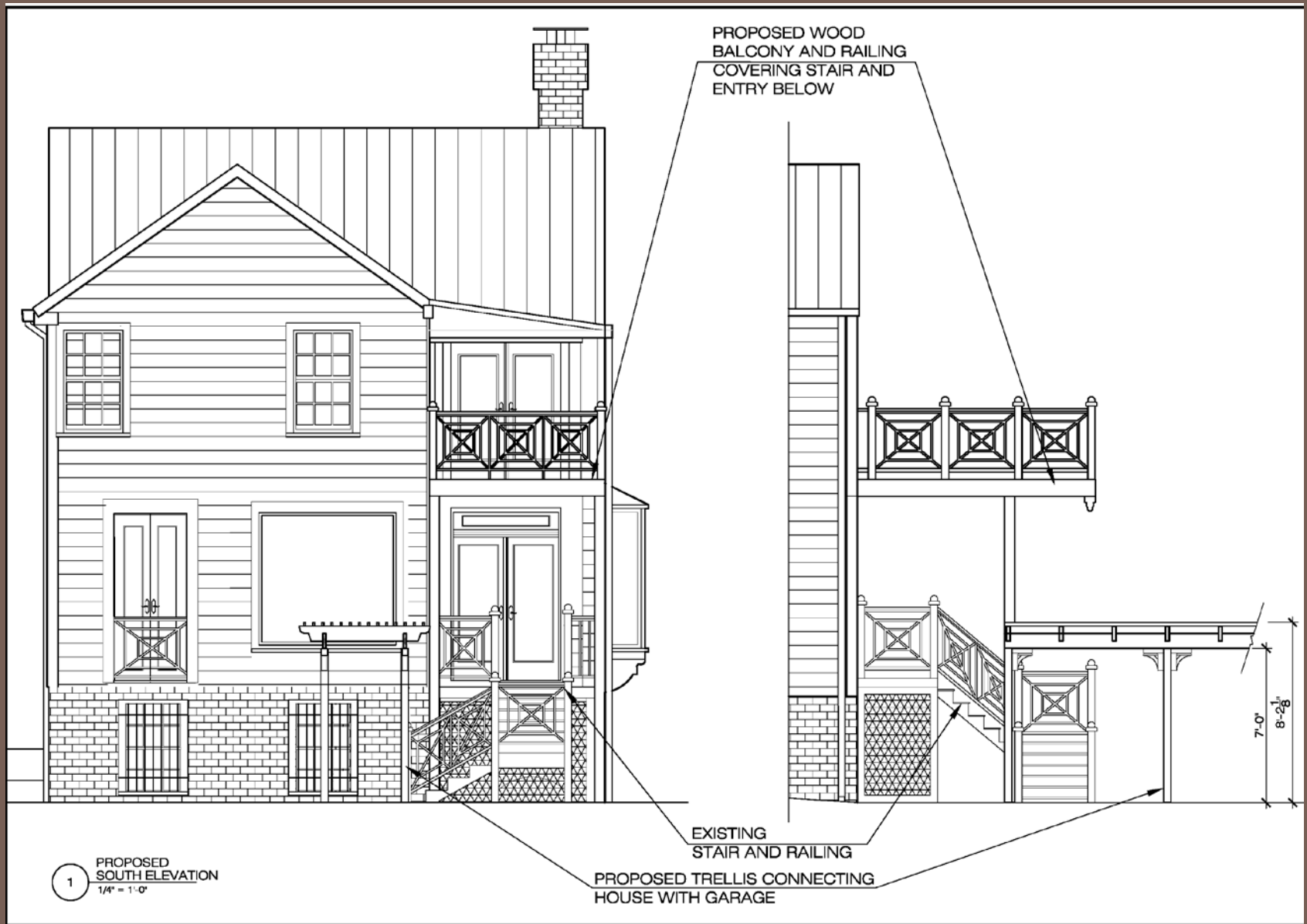


1 EXISTING
SOUTH ELEVATION
N.T.S.

Existing Accessory Garage Elevations



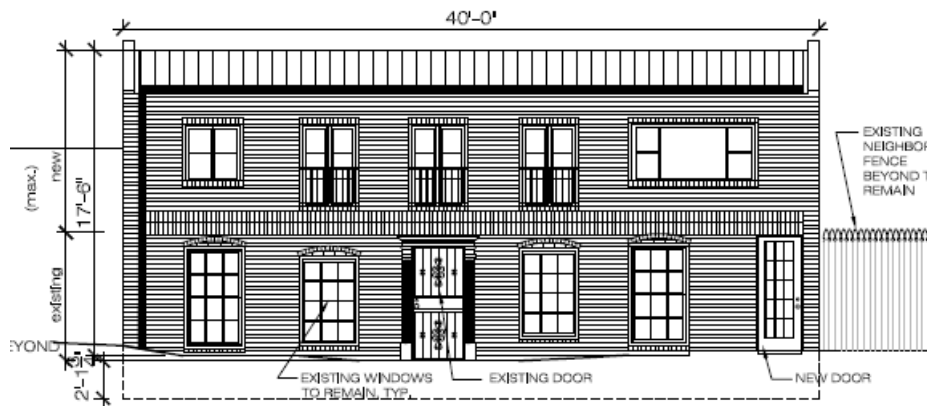
Proposed Site Plan/Landscaping Plan



Proposed South Elevation

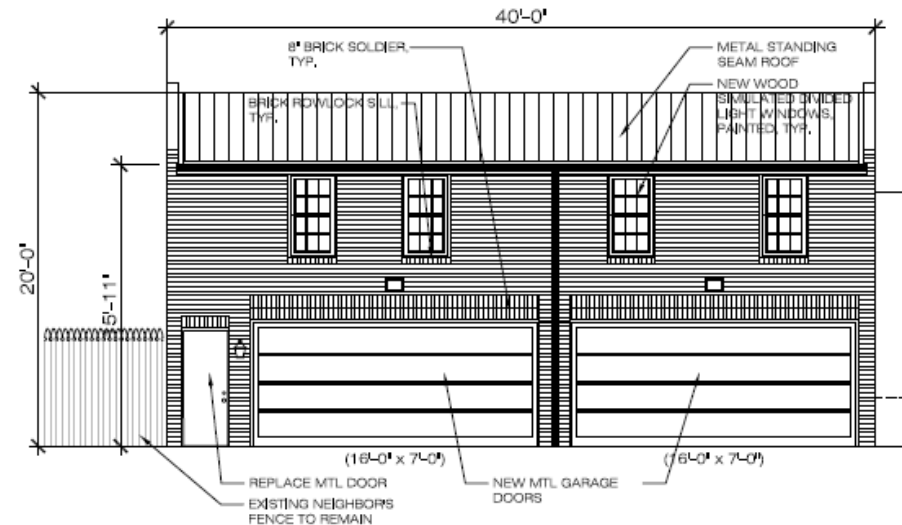
Proposed North and South Elevation

North Elevation



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

South Elevation



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



South Elevation

NOT HISTORIC

Scale: 1/4"

Old Plans-Substantially Different From Proposed Project

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)

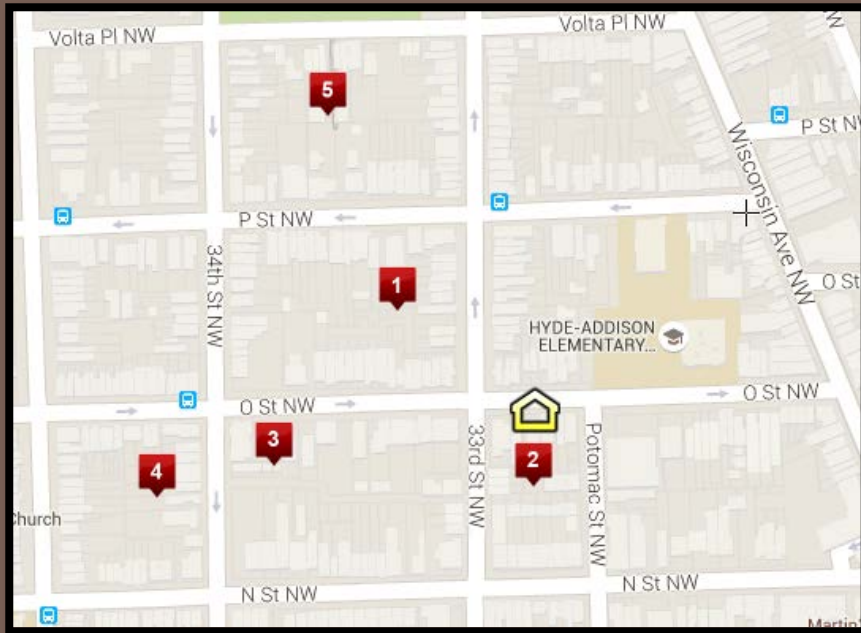
- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street
- (f) Either the principal dwelling or accessory apartment unit must be owner occupied
- (g) The aggregate number of persons that may occupy the house, including the principal dwelling 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)

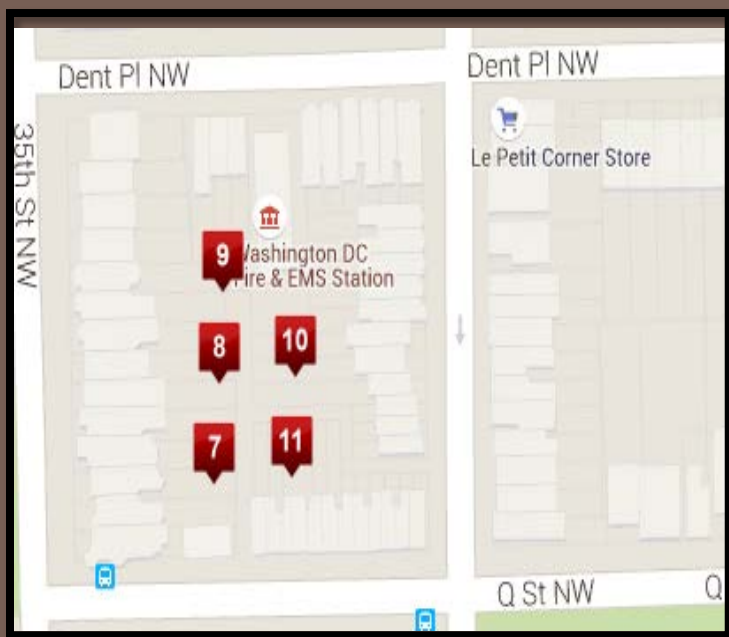
- (i) The Board may modify or waive not more than 2 of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:
 - 1) The owner-occupancy requirement of paragraph (f) shall not be waived
 - 2) Any modification(s) approved shall not conflict with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

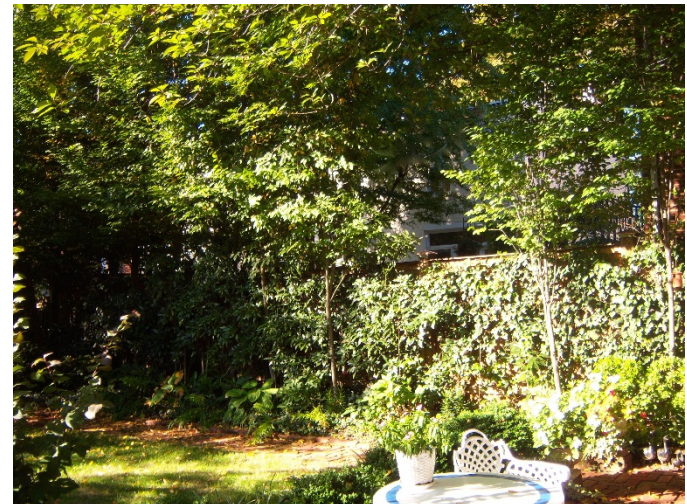
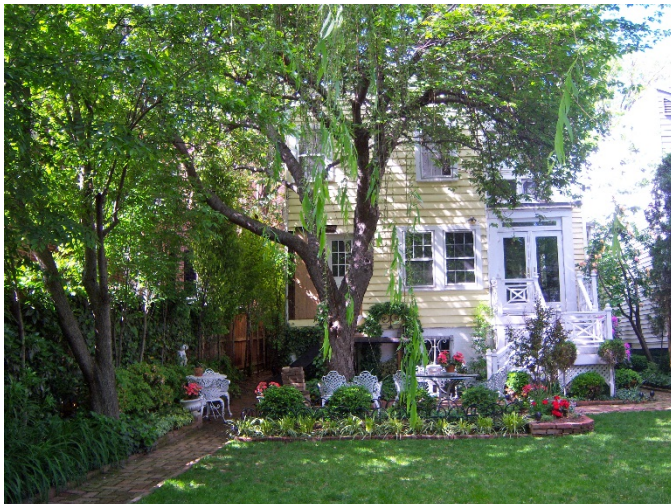
Special Exception- Rear Yard (§223)

- 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.*

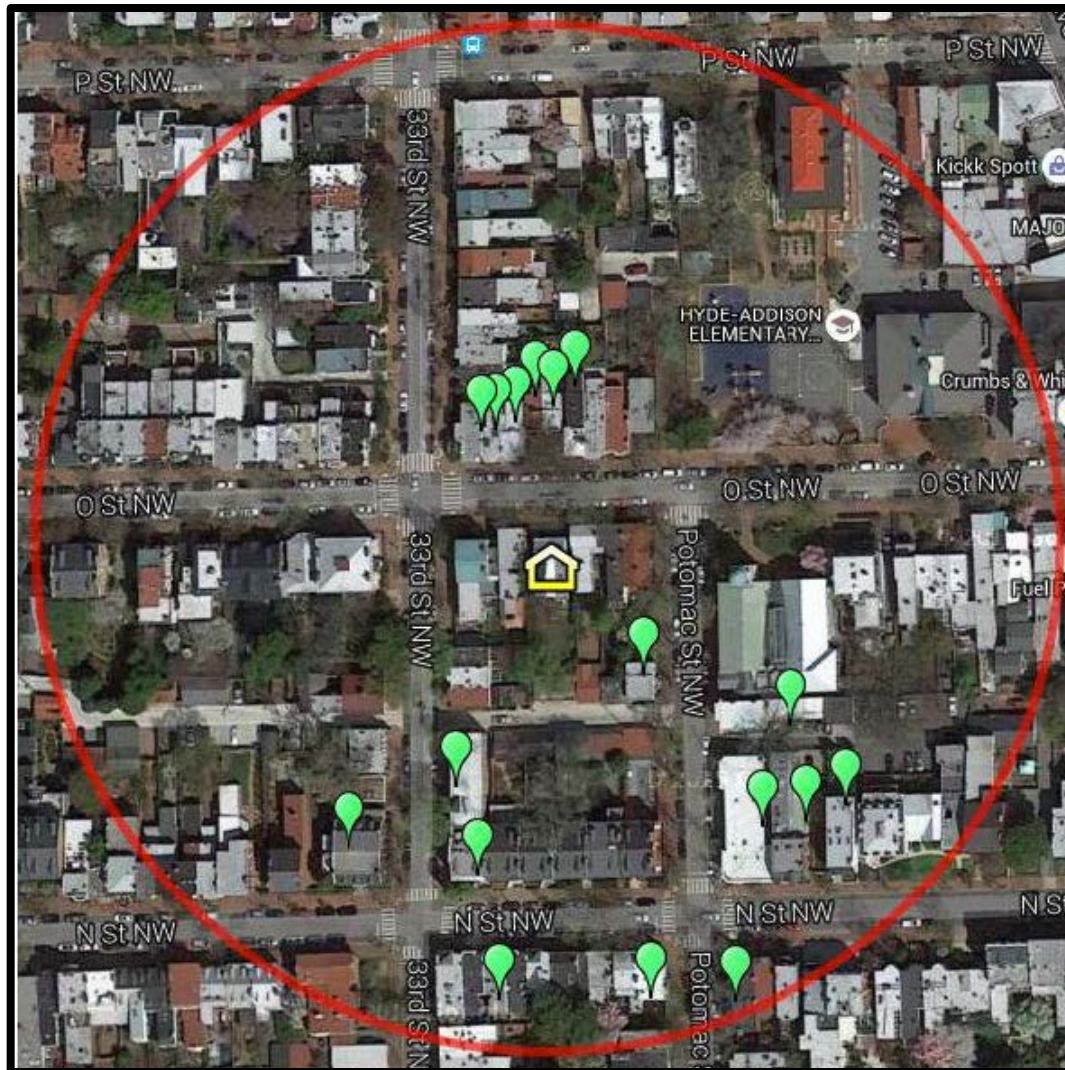
No Under Effect on Light and Air



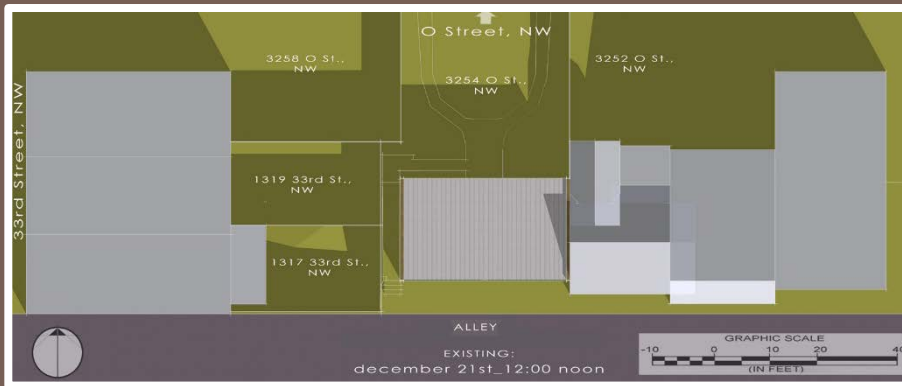
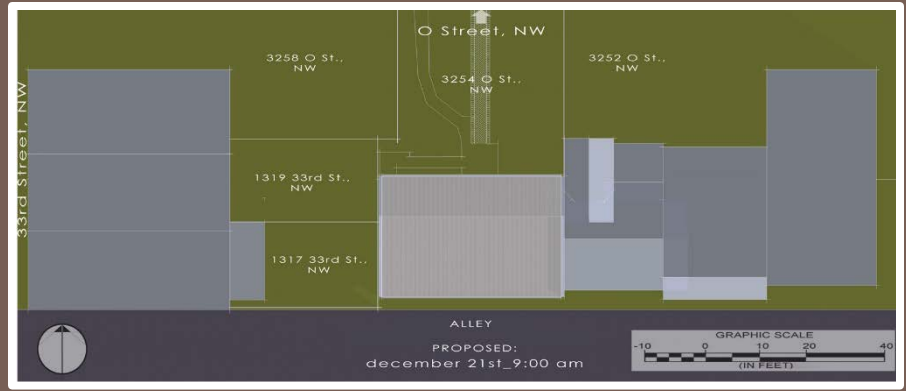
No Visual Intrusion or Impact on Privacy

- 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

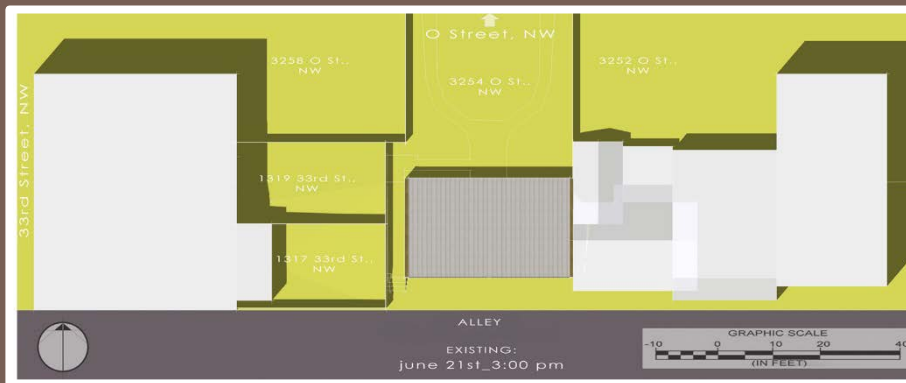
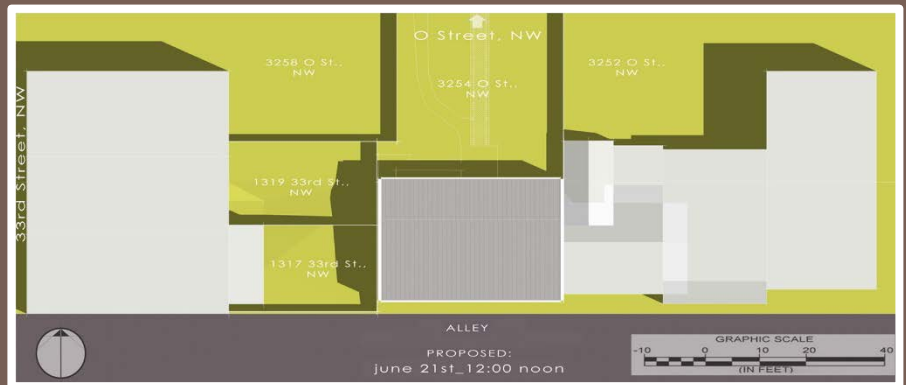
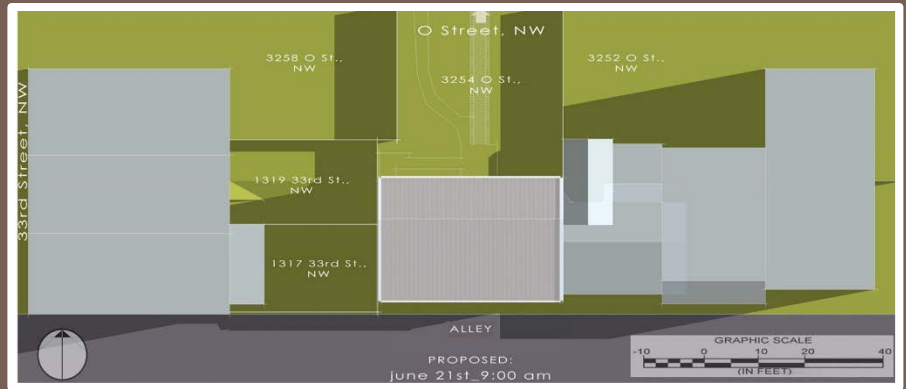
Letters of Support



- 0.1 mile radius
- 3 Letters in Square
- 27 Letters Total



Shadow Study: Winter



Shadow Study: Summer

Adjacent Backyard Parking Pad



- Proposed project will have no adverse impact on 3258 O Street NW

BZA Application:

3254 O Street NW

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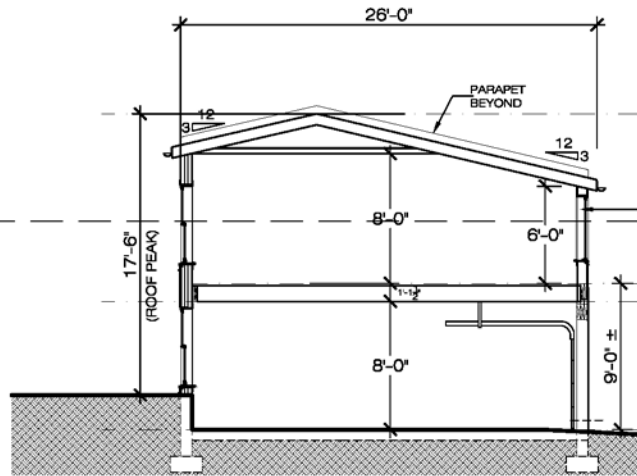
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BZA Case History at Property

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	
17535	Special Exception under 223 to add a covered walkway to the Property	Approved
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 Use Variance: No exceptional practical difficulty; Based on Prior Residential Design



3
PROPOSED SECTION
1/8" = 1'-0"

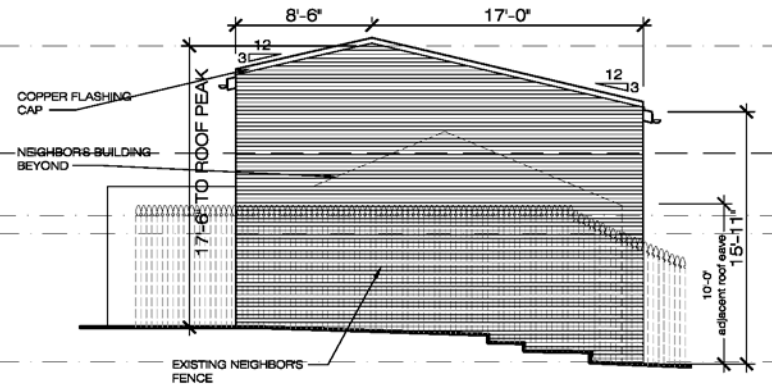
T.O. ROOF (high side)
20'-0" (beyond)

NEW WOOD WINDOW

NEW 2nd LEVEL
9'-1 1/2"

REAR YARD LEVEL
0'-0"

GARAGE F.F. LEVEL
-2'-11 3/4" ±

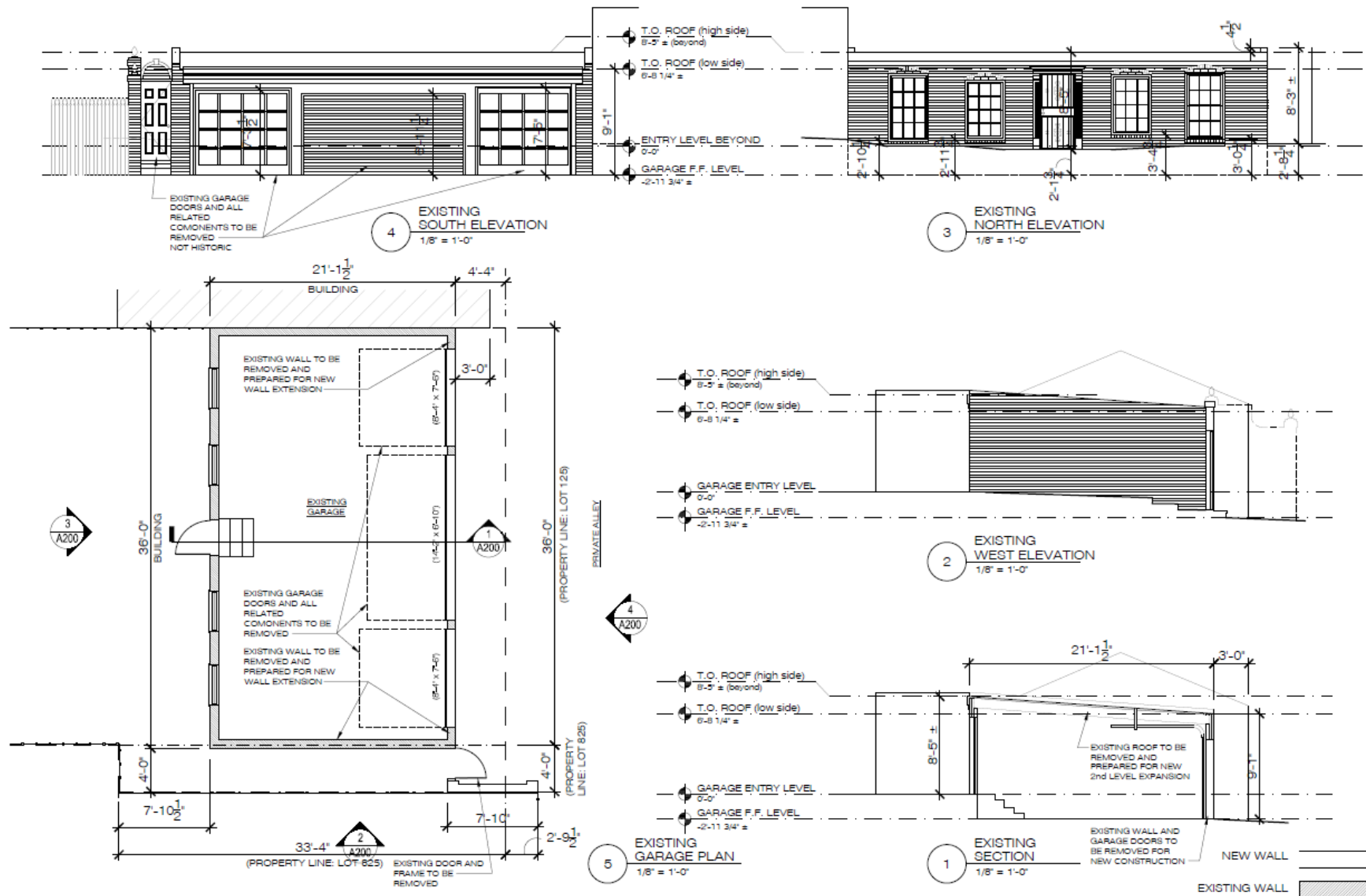


4
PROPOSED WEST ELEVATION
1/8" = 1'-0"

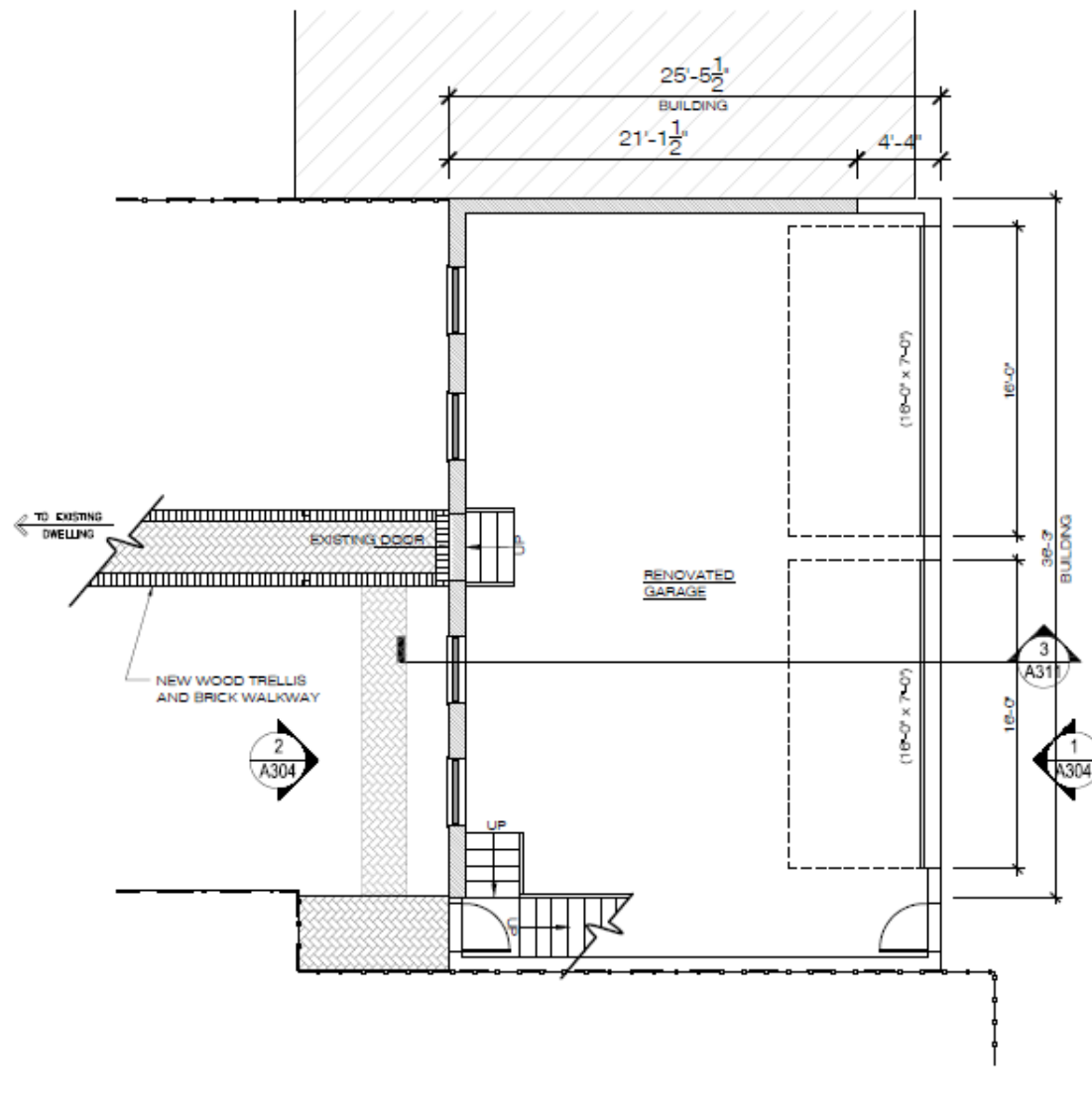
NEW WALL ———

EXISTING WALL ———

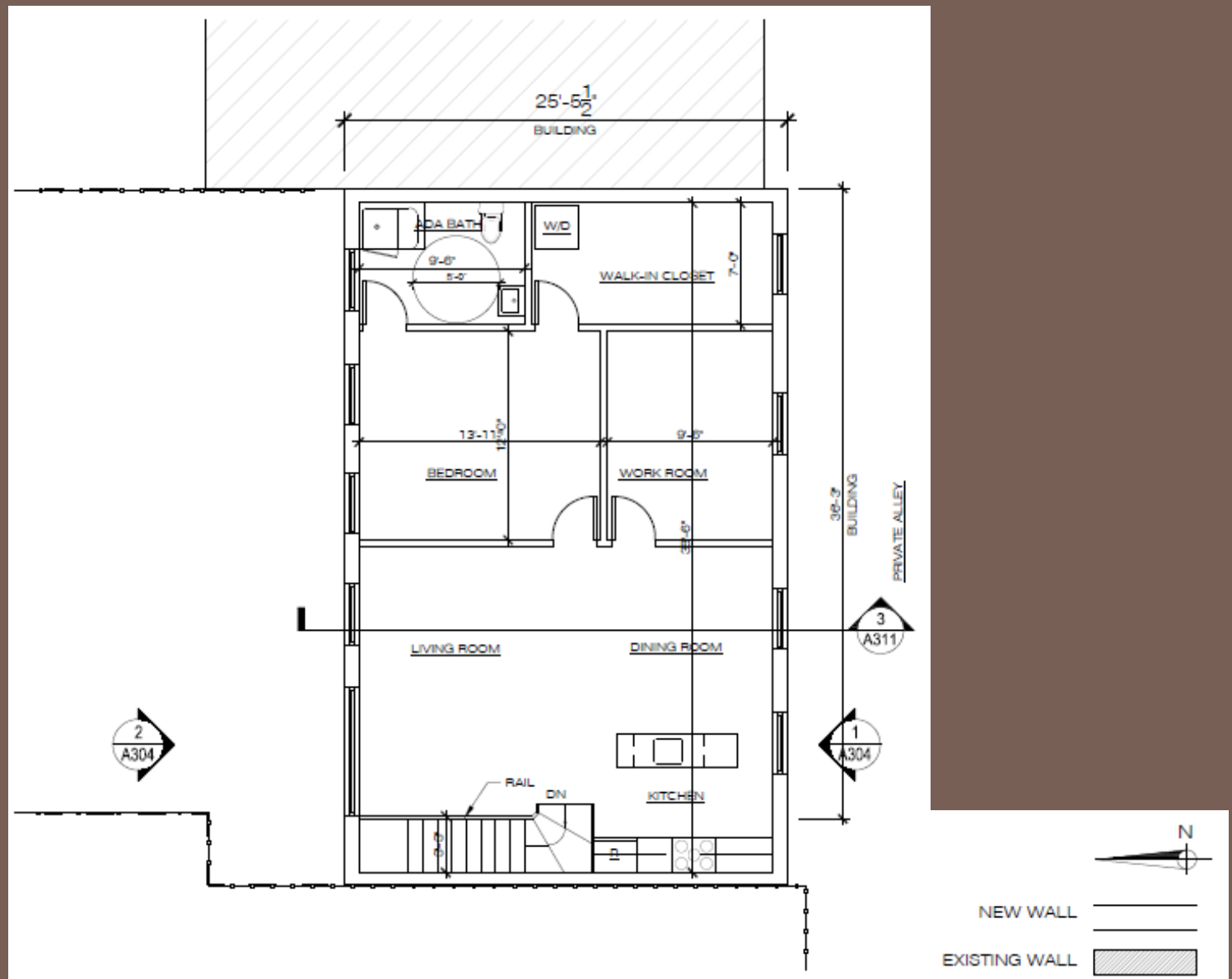
Proposed West and Section Elevation



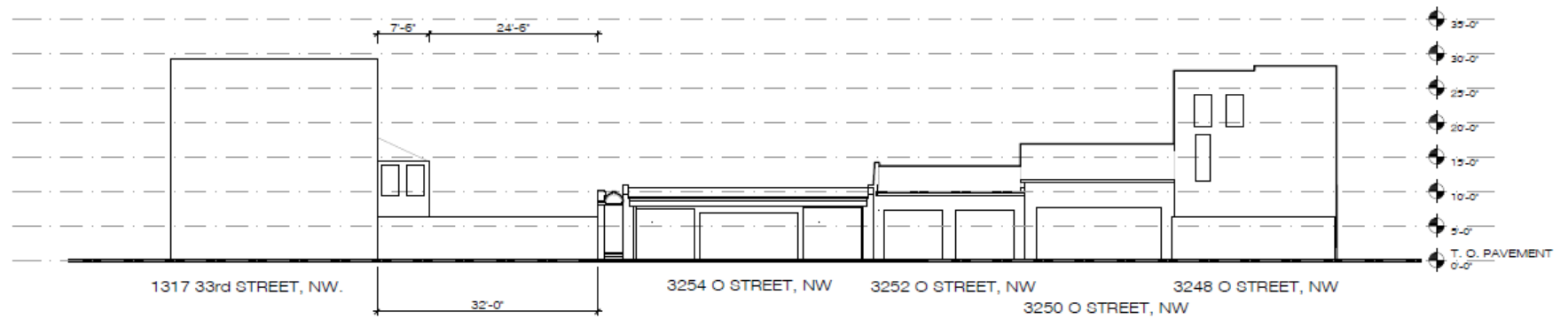
Existing Garage Plans and Elevations



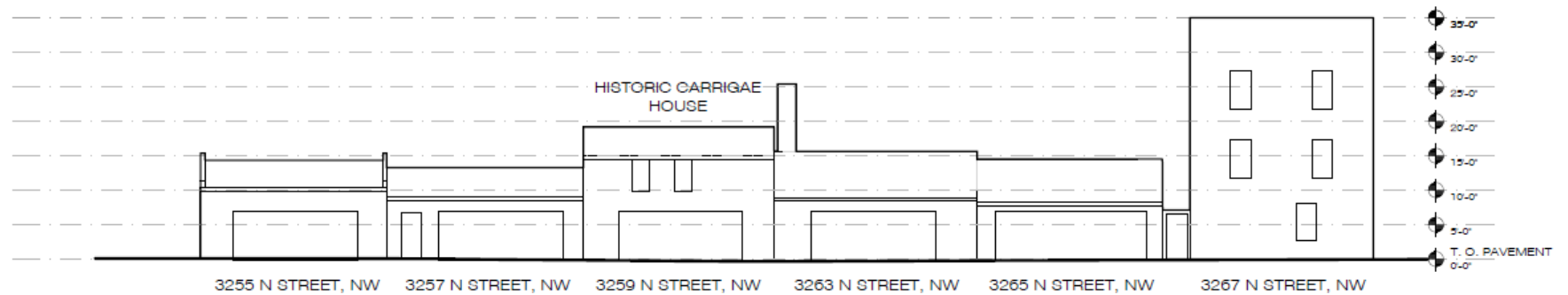
Garage Plans



Second Floor Plans

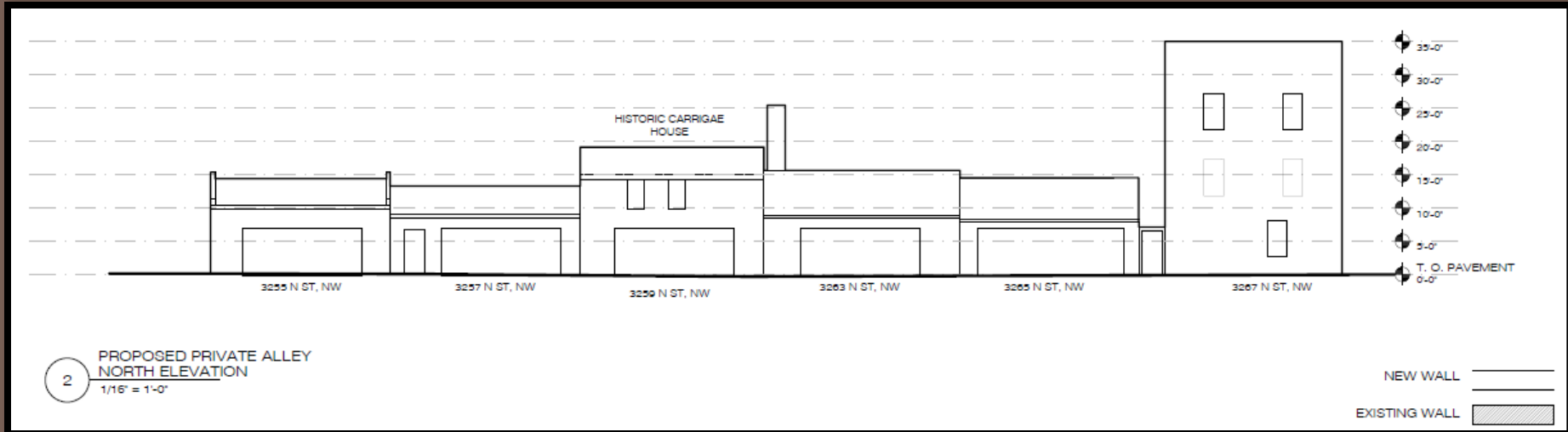
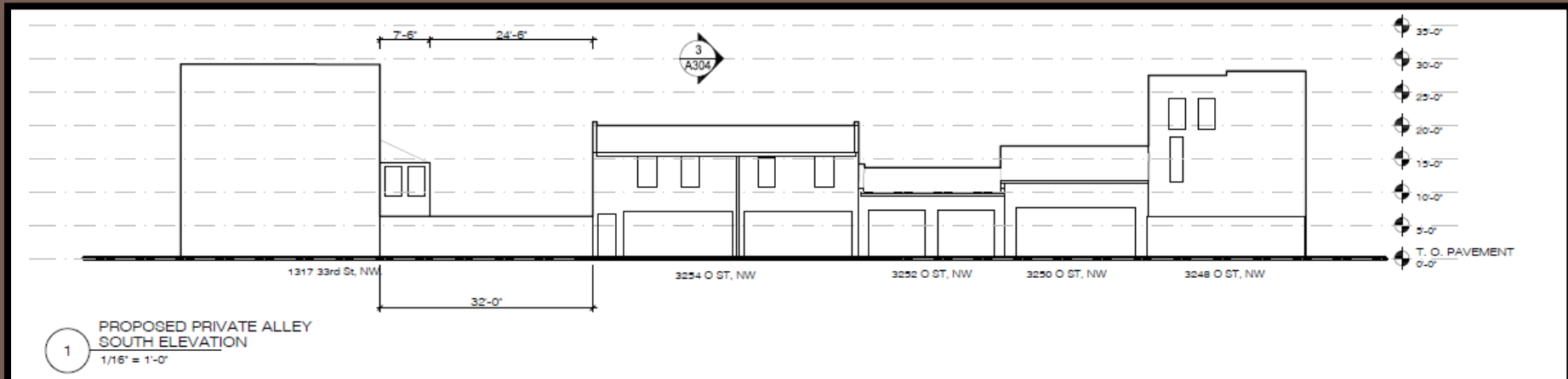


EXISTING PRIVATE ALLEY
SOUTH ELEVATION
1/16" = 1'-0"



EXISTING PRIVATE ALLEY
NORTH ELEVATION
1/16" = 1'-0"

Existing Private Alley Elevations



Proposed Private Alley North Elevation