

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist
 JL Joel Lawson, Associate Director, Development Review
DATE: July 10, 2025

SUBJECT: BZA Case 21325: Request for special exception relief to construct an accessory apartment and second story addition to an existing accessory structure of a semidetached, two-story (w/ cellar) principal dwelling unit in the R-3/GT Zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- **Accessory Buildings, D § 1105.4** - 450 sq. ft. max. required, 470 sq. ft. existing (one story); 470 sq. ft. (second story addition proposed; and
- **Accessory Apartment, U § 253.4 & 253.9** - Accessory apartments in the R-3/GT require special exception approval from the Board of Zoning Adjustment

II. LOCATION AND SITE DESCRIPTION

Address:	3253 P Street NW
Applicants:	CJB Investments, LLC
Legal Description:	Square 1255; Lot 0206
Ward / ANC:	Ward 2 / ANC 2E
Zone:	R-3/GT, Georgetown Residential House
Historic Districts:	Georgetown Historic District
Lot Characteristics:	The 2,792 square foot lot is rectangular in shape and has 18.10 feet of frontage along P Street NW. An alley easement on the adjacent lot runs alongside the left side of the lot.
Existing Development:	The lot is currently improved with a two-story (w/ cellar) semidetached rowhouse, a detached garage, asphalt driveway, and a brick patio with retaining walls.
Adjacent Properties:	The subject property is bounded to the north by single-family row buildings in the R-3/GT Zone, to the south by Hyde-Addison Elementary School and single-family row homes in the R-3/GT Zone, to the east by single-family row homes in the R-3/GT Zone, and to the west by single-family row homes in the R-3/GT Zone.

Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by low to moderate density attached and semidetached row homes. The alley easement across the neighboring lot provides access to one story garages at the rear of the properties.
Proposed Development:	The Applicant is proposing to construct a second floor over an existing single-story, detached garage.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3/GT Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width D § 202	18 ft. min.	18.1 ft.	No change	None requested
Lot Area D § 202	2,000 sq. ft. min.	2,792 sq. ft.	No change	None requested
Height (Accessory building) D § 203	22 ft. max.	approx. 9 ft.	19.16 ft.	None requested
Maximum Building Area (Accessory building) D § 1105.4	450 sq. ft. max.	470 sq. ft. (one floor)	470 sq. ft. (second floor)	Special exception requested
Rear Yard D § 207	20 ft. min.	74.84 ft.	No change	None requested
Side Yard D § 207	5 ft. min. (if detached)	N/A	N/A	None requested
Lot Occupancy D § 210	60% max. by right 70% max by sp. ex.	51.29%	No change	None requested
Parking C § 701	1 space min.	1 space	No change	None requested

IV. OP ANALYSIS

Subtitle D § 5201 MAXIMUM BUILDING AREA OF AN ACCESSORY STRUCTURE

5201.1 Not relevant to this application

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy as limited in Table D § 5201.1(a); ...*
- (b) Maximum building area of an accessory building;*

¹ Information provided by the applicant

The application is requesting special exception relief from the accessory building maximum building area requirements as permitted by this section.

- (c) *Yards, including alley centerline setback; and*
- (d) *Pervious surface*

5201.3 Not relevant to this application

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed accessory building addition would expand upward the existing building footprint of the garage. If granted, the addition should not unduly affect the light and air available to neighboring properties. On this property, a second story could be constructed by-right to a height of 22 feet, provided it did not exceed the 450 sq.ft. footprint (approximately 20 sq. ft. smaller than proposed). The Applicant has submitted a shadow study as part of their architectural plans which compares this by-right scenario to the proposal, and shows that the additional square footage requested through this special exception relief would result in minimal additional shadowing impacts on neighboring properties. Likewise, the proposed relief should not result in an undue impact on air circulation through the rear of the properties.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed accessory building addition, if granted, should not unduly compromise the privacy of use and enjoyment of neighboring properties. The proposed windows would be placement facing the Applicant's rear yard, and do not represent vantage points that would unduly compromise the privacy of neighboring properties. There would be no windows or doors facing onto adjacent properties, and no roof deck is proposed.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed accessory building addition, if granted, should not substantially visually intrude upon the character, scale, and pattern of houses along P Street NW and alleyways. It would be visible from the street via the alley easement across the adjacent lot, but would be well set back from the street and largely screened by the existing houses. There is no rear alley adjacent to the lot. Furthermore, the addition is proposed to be designed using similar brick material as the existing principal structure, promoting a design philosophy that does not represent a significant departure from the character, scale, or pattern of neighboring buildings.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant has provided graphical representations including plans, shadow studies, color photographs, and elevations to adequately represent the relationship of the proposed addition to adjacent buildings and views from public ways.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not recommend additional treatment for the protection of nearby properties in the case of the subject application.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.

The relief for the proposed addition would not result in the introduction or expansion of nonconforming uses beyond what is authorized in this section.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The requested relief would result in an accessory building addition that would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. It would not result in a structure that is inconsistent with the R-3/GT Zone in terms of bulk or use. The height would remain within the permitted maximum height regulations of the zone.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As discussed above, the proposed accessory building addition should not adversely affect the use of neighboring properties. The submitted shadow study projects minimal impacts to the shadows cast to neighboring properties when compared to a by-right addition, and the requested relief from the maximum building area of an accessory building does not represent a significant deviation from the by-right provisions.

- (c) *Subject in specific cases to the special conditions specified in this title.*

Special conditions have not been specified for the subject application.

Subtitle U § 253 ACCESSORY APARTMENT IN AN ACCESSORY STRUCTURE

253.1 One (1) accessory apartment may be established in an R zone, subject to the provisions of this section.

The application proposes one accessory apartment on the subject property.

...

253.4 In the R-1B/GT or R-3/GT zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.

The subject property is in the R-3/GT zone. The accessory apartment is proposed to be located within an accessory building and the Applicant has requested special exception relief.

253.5 Either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment use.

The application states that the Applicant intends to reside within the principal dwelling on the subject property for the duration of the use.

253.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-1B/GT or R-3/GT zone where 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 application stipulates that the Applicant would abide by this requirement.

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

Not applicable. The accessory apartment would be within an accessory building.

253.8 An accessory apartment in an accessory building in an R zone, except the R-1B/GT or R-3/GT zone, shall be permitted as a matter of right subject to the following conditions:

Although the site is within an R-3/GT Zone, Section 253.9 below requires that a proposal in that zone also address these conditions.

(a) There shall be permanent access to the accessory building apartment;

The accessory building apartment would be located near an alley easement.

(b) The dwelling use of the accessory building shall be coterminous with the permanent access;

The Applicant has provided floor plans and architectural elevations, which show that the dwelling use of the accessory building will be coterminous with the permanent access.

(c) The permanent access shall be provided by one (1) of the following:

(1) A permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a

side setback or shared recorded easement between properties;

- (2) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or*
- (3) The accessory building is within three hundred feet (300 ft.) of a public street accessible through an improved public alley with a minimum width of fifteen feet (15 ft.);*

The accessory building would be accessed via a permanent 8.5 foot wide alley access easement to the public street.

- (d) An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or storage for a dwelling unit on the lot;*

The accessory building would not be used simultaneously for any accessory use.

- (e) An accessory building that houses an apartment shall not have a roof deck; and*

The proposed accessory building with an apartment would not have a roof deck.

- (f) An accessory apartment proposed within an accessory building that does not meet the conditions of this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject the following conditions:*

- (1) The accessory building shall be located such that it is not likely to become objectionable to neighboring properties because of noise, traffic, parking, or other objectionable conditions; and*

The accessory building would be located behind the row building at 3253 P Street, NW, on the location of an existing garage that is detached from the principal dwelling. The subject garage is part of an attached row of garage units for adjacent properties. It is not expected that an accessory apartment residential use as proposed would result in undue noise, traffic, or other objectionable conditions to neighboring properties.

- (2) Evidence that there are adequate public utilities for the health and safety of the residents.*

The Applicant has not provided explicit evidence that there are adequate public utilities for the health and safety of the residents in their submission. However, OP notes that the addition of a single unit would not typically result in significant impacts on existing public utilities.

253.9 An accessory apartment proposed in the R-1B/GT or R-3/GT zones shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following conditions:

- (a) It shall only be permitted on the second story of a detached accessory building; and*

Per the Applicant's submitted floor plans (Exhibit 31A), the first floor is proposed to also house the accessory apartment. This concurs with the Applicant's request for additional relief from the provisions of Subtitle U § 253.9 as noted in their burden of proof (Exhibit 11). Subtitle U § 253.10 (below) provides that the Board may approve modifications or waivers to no more than two of the requirements of this section.

- (b) *Any balcony or projecting window shall not face a principal building in single household residential use; and provided the balcony is located entirely within the permitted footprint of the accessory building.*

Not applicable as the architectural plans do not propose projecting windows or balconies.

253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:

- (a) *The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;*
- (b) *Subtitle U § 253.6 shall not be modified or waived in the R-1B/GT or R-3/GT zone; and*
- (c) *Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.*

The Applicant has requested a modification to Subtitle U § 253.9(a), to allow the unit to occupy both floors of the accessory building. The intent of that provision was to allow an accessory unit on the second floor to preserve vehicle parking for the site below. In this case, parking would not be impacted as the drawings show a parking space on the property to meet the zoning requirement.

253.11 In addition to Subtitle U § 253.10, the Board of Zoning Adjustment may approve as a special exception the inclusion of a balcony or projecting windows for the accessory apartment.

No balconies or projecting windows are proposed for the accessory apartment.

253.12 Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a variance.

The application only includes one modification from the requirements of this subsection, so variance relief is not required.

253.13 Prior to renting an accessory apartment in any zone, the property owner shall obtain a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and the property shall be inspected for relevant housing code compliance.

The applicant will be required to conform with all licensing requirements.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has indicated to OP that it has no objection to the approval of the subject application as presented. As of the date of this report, no comments from other District agencies have been received.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 24 is a report from ANC 2E noting that the ANC does not oppose the requested relief. Although OP does not normally comment on an ANC letter, in this case, the ANC letter appears to question whether the property is limited to 40% lot occupancy, which would result in a need for lot occupancy relief. OP confirmed with the Zoning Administrator's Office that this is defined as a

rowhouse, and the permitted by-right lot occupancy would be 60%. Thus, the proposal would conform to lot occupancy requirements.

VII. COMMUNITY COMMENTS

A request for party status in opposition submitted as Exhibits 22 and 23.

Location Map

