

April 18th, 2025

Board of Zoning Appeal
441 4th ST, NW
Washington, DC 20001

RE:
Special Exception at
3253 P St NW
Washington, DC 20007

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of CJB Investments (known as the “Applicant”), owner of the property located at 3253 P ST NW (Square 1225, Lot 0206) (the “Subject Property”). The Subject Property is an existing two-story with a cellar, single-family row building (the “Building”) located in the R-3/GT zone. The rear yard contains an existing detached one-story garage.

The Applicant is proposing to construct a second story to the existing detached garage and converting both floors into an accessory apartment. Accordingly, the following relief is required:

1. Special Exception Relief from U § 253.4

Subtitle U § 253.4 requires an accessory apartment in the R-3/GT zone to obtain 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. We are proposing to convert the existing one-story accessory structure being used as a garage into a two-story accessory apartment.

2. Special Exception Relief from U § 253.9 (a)

Subtitle U § 253.9 (a) An accessory apartment proposed in the R-3/GT zone shall only be permitted on the second story of a detached accessory building. The project proposes both floors to be used as an accessory apartment. The first floor contains an open space with the kitchen, a powder room, and the living and dining space. The second floor contains a bedroom and bathroom. The maximum occupancy will be two people.

3. Special Exception Relief from D § 1105.4

Subtitle D § 1105.4 allows a maximum height of twenty-two feet (22 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum of two (2) stories for an accessory building. The project proposes the new second floor to follow the exterior walls of the existing first floor garage. The existing garage is four hundred seventy-point eighty square feet (470.80’ sq. ft.). This requires a relief of twenty-point eighty square feet (20.80’ sq. ft.) for the second floor.

II. **Background**

A. **Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 3253 P ST NW and is in the R-3/GT zone district. It is a rectangular-shaped lot measuring 2,7910.72 square feet in land area. Abutting the Subject Property to the north is 3212 & 3214 Volta PI NW, two single-family row buildings. Abutting the Subject Property to the east is 3249 P ST NW a single-family row building. Abutting the Subject Property to the south is P ST NW. Abutting the Subject Property to the west is 3255 P ST NW, a single-family row building.

B. **Proposed Project**

The Applicant is proposing to construct a second floor over the existing one-story garage. Both floors will be converted into an accessory apartment with a building area of four hundred seventy-point eighty square feet (470.80' sq. ft.). The lot occupancy remains the same at fifty-one-point three percent (51.3%). The rear yard setback and accessory building height comply with the zoning regulations.

III. **The Applicant Meets the Requirements for Special Exception Relief**

A. **Overview**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle E § 5201 the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

B. **General Special Exception Requirements of Subtitle X § 901.2.**

The granting of a special exception in this case "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" and "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ..." (11 DCMR Subtitle X § 901.2).

1. Special Exception Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Zoning Regulations specifically permit the requested special exception relief for an accessory structure to be used as an accessory apartment. The project additional request of twenty-point eighty square feet (20.80 sq. ft.) is minimal, and the massing is complimentary with adjacent

structures. The Project meets all other development standards of the R-3/GT zone. Accordingly, the proposed Project and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Relief will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the accessory structure will also not adversely affect the use of neighboring properties as the proposal meet all other development standards of the R-3/GT zone and any potential impacts on light, air, and privacy do not rise to the level of undue.

C. The Application Meets the Specific Requirements of E § 5201.

The proposed accessory structure will maintain an existing area of four hundred seventy-point eighty square feet (470.80' sq. ft.) and comply with all other zoning regulations for matter of right accessory structures.

5201.4(a) The light and air available to neighboring properties shall not be unduly affected;

The accessory structure is the allowed maximum of four hundred fifty square feet (450 sq. ft.) complying with the zoning regulations. An additional twenty-point eighty square feet (20.80 sq. ft) in the rear yard does not cause any adverse effects on the light and air of neighboring properties.

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

Privacy and use of enjoyment shall not be unduly compromised by the Project. The accessory structure only contains windows and doors on the South facade facing the Applicants rear yard. The accessory structure is seventy-four feet and ten inches (70 ft. 10 in.) from the rear facades of the main homes. Therefore, the privacy between a matter-of-right Addition and the proposed Addition does not rise to the level of undue.

(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 area is predominately characterized by two-story dwellings with detached one story accessory structures. The accessory structure will be similar to the existing massing of other homes in the area. The total length of the accessory structure will be twenty-two feet (22 ft.) by twenty one feet and four half inches (21 ft. 4.5 in.) and the height falls within the zoning standards.

Furthermore, the proposed Project will use similar design elements as other properties in the area. Accordingly, the proposed Project, together with the original Building, as viewed from alleys, and other public rights of way, shall not substantially visually intrude upon the character, scale, and pattern of accessory 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 included materials sufficient to 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.

The Applicant will comply with any special treatment.

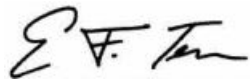
5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The Applicant is not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

IV Conclusion

For the reasons stated above, this Application meets the requirements for special exception relief by the Board and the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,



Agent

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