

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Amended Burden of Proof Statement of Didier Martin
3132 O Street, NW (Square 1243, Lot 71).

I. INTRODUCTION.

This Statement is submitted on behalf of Didier Martin (the “**Applicant**”), owner of the property located at 3132 O Street, NW (Square 1243, Lot 71) (the “**Property**”). The Property has 3,840 sq. ft. of land area and is located in the R-3/GT Zone. It is currently improved with a row building with three floors, including a basement floor (the “**Building**”). As discussed more fully below, the Applicant is proposing to convert a portion of the existing basement space to an accessory apartment (the “**Accessory Apartment**”). The upstairs space will be retained as the principal dwelling unit (the “**Principal Dwelling Unit**” or “**PDU**”). Accordingly, the Applicant is requesting special exception relief pursuant to U-253 in order to have an Accessory Apartment in an R-3/GT Zone.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2 and U-253.

III. BACKGROUND.

A. Description of Property and Surrounding Area

The Property, located in the R-3/GT Zone, is an interior lot measuring 3,840 square feet. It is improved with a two-story single-family dwelling with a basement. Abutting the Property to the north is O Street, NW. Abutting the Property to the south is the rear of Dumbarton Avenue Methodist Episcopal Church. Abutting the Property to the west is 3134 O Street, NW. Abutting the Property to the east is 3130 O Street, NW. The area is made up of single-family dwellings and various institutional uses.

B. Proposed Project

The current Building has two floors and a basement. The existing basement contains a spare bedroom and utility areas but is not configured or approved for an accessory apartment use. The Applicant proposes to convert the existing bedroom at the front of the basement and the laundry

area into a self-contained studio Accessory Apartment. The utility space will continue to be a shared space with internal access from the PDU. The proposed work includes the installation of a full kitchen and bathroom, upgrades to the existing bedroom to create a studio apartment, and ensure compliance with light, ventilation, and egress requirements. There is already a dedicated exterior entrance to the space which will remain. All work will occur within the existing building envelope.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

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.

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

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposal retains the existing building footprint and only involves interior alterations to create a basement-level studio apartment as an accessory unit. Accordingly, the proposed Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

The granting of the special exception will also not tend to adversely affect the use of neighboring properties, as the proposal does not increase the existing footprint and will result in only one Accessory Apartment. As noted below, the maximum number of occupants permitted in the principal unit and Accessory Apartment combined are limited to six. This is the same number of unrelated persons legally permitted to reside in the principal unit currently. Therefore, the Accessory Apartment does not permit an increase in density over what is permitted now by right.

C. Specific Special Exception Requirements of U-253

U-253.4: In the 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.

As discussed above, the proposal meets the general special exception requirements of X-901.2, as well as the applicable requirements for locating an accessory apartment in a principal dwelling unit.

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

The principal dwelling unit shall be owner-occupied for the duration of the Accessory Apartment use.

U- 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 total number of persons that may occupy the Accessory Apartment shall not exceed six persons, including the PDU and Accessory Apartment combined.

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

(a) The house shall have a minimum of [1,200 sq. ft. of] gross floor area, exclusive of accessory apartment;

The house has 4,335 square feet of gross floor area, exclusive of the space meeting the minimum 1,200 sq. ft. area requirement.

(b) The accessory apartment unit may not occupy more than thirty-five percent (35%) of the gross floor area of the house;

The Accessory Apartment is approximately 430 sq. ft. in GFA, less than 10% of the total gross floor area of the house. Therefore, it occupies no more than thirty-five percent (35%) of the gross floor area of the house.

(c) Except as provided in Subtitle U § 253.7(d), if an additional entrance is created to a house it shall not be located on a wall of the house that faces a street; and

The north façade is the only street facing façade. The existing entrance is located facing west, towards the interior of the Property, not north to O Street.

(d) An additional entrance to a house in an R-3 zone may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination by the appropriate body that the additional door is compatible with the character of the historic district.

This does not apply.

V. CONCLUSION.

For the reasons set forth in this Statement, the Applicant respectfully requests approval of the requested special exception relief to permit an accessory apartment within the principal dwelling at 3132 O Street, NW.

Respectfully Submitted,

Alexandra Wilson

Alexandra Wilson
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