

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
BRIAN P. MURPHY (DC, MD)
ASHLEY E. WIGGINS (DC, MD, VA)
MERIDITH H. MOLDENHAUER (DC, MD)
Y. AJOKE AGBOOLA (MD, DC*)
SAMANTHA MAZO (DC, MD)
PATRICIA MILLERIOUX (DC)

*PENDING

DIRECT DIAL: (202) 530-1482
DIRECT E-MAIL: mmoldenhauer@washlaw.com

January 28, 2016

VIA IZIS

Marnique Heath, Chairperson
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210S
Washington, DC 20001

Re: BZA Application for 3254 O Street NW
Lots 125 & 825, Square 1230 (the "Property") – Special Exception Application

Dear Chairperson Heath & Members of the Board:

Please accept for filing the enclosed application of Mary Goodman (the "Applicant"). The Applicant requests special exception relief pursuant to 11 DCMR §3104.1, subject to §202.10 of the Zoning Regulations to allow the Applicant to add an accessory apartment to an existing single family detached dwelling in the R-3 District at the premises 3254 O Street NW.

The application package includes the following materials:

1. Application Form;
2. Fee Calculator Form;
3. Statement of Intended Use;
4. Zoning Self-Certification Form;
5. Proposed Architectural Plans & Elevations;
6. List of Names and Mailing Addresses of Owners within 200 Feet;
7. Statement of the Applicant;
8. Authorization Letter;
9. DC Zoning Map; and
10. Surveyor's Plat.

We believe that the application is complete and acceptable for filing, and request that the Board schedule a public hearing for the application as soon as possible. If you have any questions, please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meredith Moldenhauer

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MARY GOODMAN**

**3254 O STREET, NW
ANC 2E**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Mary Goodman (the “Applicant”), the owner of property located at 3254 O Street, NW, Lots 125 and 825 in Square 1230 (the “Property”) in support of her application for special exception relief to add an accessory apartment to an existing one family detached dwelling in the R-3 District.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception relief requested pursuant to 11 DCMR §3104.1, subject to §202.10 of the Zoning Regulations.

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 125 and Lot 825 in Square 1230, contains approximately 5,533 square feet of land area and is located in Northwest Washington, D.C. Lot 125, the primary lot, contains approximately 5,400 square feet of lot area, and is improved with a two-story single-family dwelling and a one-story garage. Lot 825 is a sliver of land adjacent to the south western portion of Lot 125 that contains approximately 133 square feet of land, and is partially improved with an addition to the garage that permits pedestrian access to the rear of the Property. In addition to this unique lot arrangement, the Property abuts a 22-foot private alley.

Square 1230 is bounded by Potomac Street NW to the east, N Street NW to the south, 33rd Street NW to the west, and O Street NW to the north. *See* Baist Atlas Map at **Tab A**. The Property is located within the Georgetown Historic District and is in the jurisdiction of the Commission of Fine Arts.

B. Description of the Improvements in the Surrounding Area

The Square is located in Georgetown and is zoned R-3. *See* Zoning Map at **Tab B**. Square 1230 is occupied primarily by rowhomes, single family detached and semi-detached dwellings, a few flats and one condominium. In close proximity, approximately three blocks west of the Property, is the undergraduate campus of Georgetown University. Approximately three blocks south of the Property is Georgetown's "Main Street", M Street NW.

C. Description of the Traffic Conditions and Mass Transit Options in the Surrounding Area

The Property is well serviced by a number of public transportation facilities and services including Metro, Metrobus routes, Capital Bikeshare, and Zipcars. The Property is located approximately 10 blocks (0.9 miles) from the Rosslyn Metro Station. Metrobus routes G2, 31, 30S, D5, 30N, 33, 38B, and D1 all serve the Property. The DC Circulator routes Georgetown-Union Station and Dupont-Georgetown-Rosslyn also serve the Property. In addition, the Property is within close proximity to a number of the District's bike sharing and car sharing programs. Four Capital Bikeshare stations are located within 0.5 miles of the Property. The closest station is located at the intersection of O Street NW and Wisconsin Avenue, only 0.1 miles from the Property, and has 17 docks. Several Zipcar spaces are also located within walking distance, including one vehicle behind 3237 N Street NW. On walkscore.com, the Property received a walkscore of 99 out of 100 and is deemed a "Walker's Paradise"; a bikescore of 86 out of 100 and is deemed "very bikeable"; and a transitscore of 70 out of 100 and is deemed "excellent transit".

D. Description of the Proposed Development

As shown on the architectural plans, *See Architectural Plans and Elevations at **Tab C***, the Applicant proposes to construct a meaningful connection between the existing two-story single family detached dwelling and the existing one-story garage. The meaningful connection would incorporate the existing one-story garage into the existing two-story single-family detached dwelling forming one “Principal Structure”, which would be under the maximum 60% lot occupancy for the Property. Secondly, the Applicant proposes to add an accessory apartment to the dwelling by constructing a second story addition to the rear of the Principal Structure above what is currently the existing one-story garage. The accessory apartment will have one bedroom, a study, and one bathroom.

IV. NATURE OF SPECIAL EXCEPTION RELIEF AND STANDARD OF REVIEW

Pursuant to 11 DCMR §3104, and subject to 11 DCMR §202.10, the Board is authorized to grant a special exception to permit an accessory apartment within a single family dwelling where it finds that 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 adversely affect the use of neighboring property, subject in each case to the special conditions specified. 11 DCMR §3104.1.

Unlike an area variance, relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. 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.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

The proposed accessory apartment complies with the requirements of 11 DCMR §202.10, and pursuant to the requirements of 11 DCMR §3104, the proposed accessory apartment is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to adversely affect the use of neighboring property.

A. The Proposed Accessory Apartment Complies with Section 202.10

Section 202.10 permits, through a special exception, the addition of an accessory apartment to a single family dwelling subject to the following provisions, which the proposed accessory apartment satisfies:

1. §202.10(a)

Pursuant to 11 DCMR §202.10(a), the minimum lot area for a single family dwelling in the R-3 seeking to add an accessory apartment is four thousand square feet (4,000 s.f.). The Property has a lot area of 5,533 square feet and therefore complies with the lot area requirement.

2. §202.10(b)

Under §202.10(b), the one family detached dwelling should have at least two thousand square feet (2,000 s.f.) of gross floor area, exclusive of garage space. The existing house has more than 2,000 square feet of gross floor area, even exclusive of the space in the garage structure.

3. §202.10(c)

Section §202.10(c) states that the accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house. Pursuant to the architectural plans, upon completion of the addition and the meaningful connection between the existing house and the existing garage, the Principal Structure will have a gross floor area of approximately 4,593 square feet. The proposed accessory apartment will occupy approximately 22.1% (1,018 square feet) of the gross floor area of the Principal Structure, and therefore complies with this requirement.

4. §202.10(d)

Pursuant to §202.10(d), the new accessory apartment may be created only through the internal conversion of the house, without any additional lot occupancy or gross floor area, and garage space may not be converted. The proposed accessory apartment is being created through the internal conversion of the Principal Structure, and the existing garage space will remain. However, as the proposed trellised walkway and the second story rear addition for the accessory apartment increase the gross floor area of the Principal Structure, the Applicant seeks a waiver of this condition from the Board pursuant to §202.10(i), as discussed in detail below.

5. §202.10(e)

Under §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. The proposed accessory apartment does not create any additional entrances to the house from O Street NW; therefore this provision does not apply.

6. §202.10(f)

Section 202.10(f) requires that either the principal dwelling or accessory apartment be owner occupied. The Applicant intends to occupy the principal dwelling or the accessory apartment. Therefore, this provision does not apply.

7. §202.10(g)

Under §202.10(g), the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6). It is anticipated that the aggregate number of persons occupying the principal dwelling and the accessory apartment combined shall not exceed six persons. The accessory apartment only has one bedroom and has an intended maximum occupancy of two (2) persons.

8. §202.10(h)

Pursuant to §202.10(h), an accessory apartment may not be added when a home occupation is already located on the premises. A home occupation is not on the Property, as such, this provision does

not apply.

9. §202.10(i)

Pursuant to §202.10(i), the Board may modify or waive up to two(2) of the requirements specified in §202.10(a)-(h), excluding (f), provided that the modification 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. As noted above, the Applicant requests that the Board waive §202.10(d). Section 202.10(d) requires that the new accessory apartment be “created only through the internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted.” As shown on the Architectural Plans, the proposed addition includes a trellised walkway that will establish a meaningful connection between the existing residence and the existing garage to form one Principal Structure, and a second story rear addition to the Principal Structure above what is currently the existing garage. The proposed additions result in an increase of the gross floor area and lot occupancy at the Property. However, as required by §202.10(i)(2), this modification does not cause a change in the single family residential appearance or character of the R-3 District. The proposed additions will be located behind the existing house and will not be visible from O Street NW. Therefore, the single-family residential appearance and character of the R-3 District will not be altered or changed. Moreover, as the structures that abut the alley range in height from approximately 13 feet to 35 feet, the proposed second story addition to the Principal Structure will not detract or alter the residential appearance or character of the private alley.

B. Harmony with the General Purpose and Intent of the Zoning Regulations and Maps

The proposed accessory apartment is in harmony with the general purpose and intent of the Zoning Regulations and Maps. The proposed accessory apartment satisfies the requirements of the

regulations set forth in §202.10. The Property is located on a large lot with a substantial amount of land area; the proposed additions are behind the existing the house and are not visible from the street; and though the proposed additions increase the lot occupancy and gross floor area of the house, those increases have no impact on the residential appearance and character of the home as viewed from O Street NW or the private alley. Consequently, the proposed accessory apartment does not impact the character or feel of the neighborhood at all.

C. No Adverse Effect on the Use of Neighboring Property

The proposed accessory apartment will have no adverse effect on the use of neighboring property. As the addition to the Property will be located in the rear, along the alley, the addition of an accessory apartment will not affect the air or light available to adjacent Property owners. Moreover, the residential use of the Property will continue. Additionally, the residential view and character of the Property is not being altered, and the proposed accessory apartment's height is similar to the height of existing alley buildings. Lastly, as the existing garage will remain at the Property, the accessory apartment will not have an impact on the available parking in the neighborhood.

VI. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



Meridith H. Moldenhauer
Y. Ajoke Agboola
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000