

(T) 301.577.6066 (F) 301.577.6001 (W) www.redlefgroup.com (A) 6902 Forbes Boulevard, Seabrook, Maryland, 20706

April 18, 2012

Mr. Richard Nero
Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 200 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING

2012 APR 19 PM 3:49

RE: Application #18394

Dear Mr. Nero,

Enclosed, as requested, is an amendment to the Application for Special Exception for Application #18394 (58 Rhode Island Avenue, NW). The following documents have been amended, and have been enclosed as one original and twenty copies:

1. Revised Form 135 – Self Certification (Lot Occupancy amended to 70%)
2. Revised Detailed Statement of Existing and Intended Use of the Structure (Lot Occupancy amended to 70%). Please replace the previously submitted Detailed Statement with this revised Detail Statement since I added more information to explain the Applicant's burden of proof. Please note that it is front-and-back.

Please feel free to contact me if additional information is needed. Thank you so much for your assistance.

Sincerely,



Tenika M. Felder, AIA
Enclosures



Redlef Group
ARCHITECTS

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18394

EXHIBIT NO.

17

Board of Zoning Adjustment
District of Columbia
CASE NO.18394
EXHIBIT NO.17



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
58 Rhode Island Avenue, NW	3111	24	R-4

Single-Member Advisory Neighborhood Commission District(s): 5C. Chairperson: Bradley A. Thomas

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			223

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

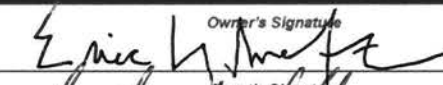
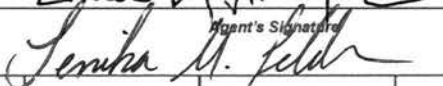
The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

		Eric E. Schultz	
		Tenika M. Felder, AIA	
Date	04/09/2012	D.C. Bar No.	
		or	Architect Registration No.
			ARC101645

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations.
	Explanation _____

Signature		Date	
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ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. _____

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1,740 SF	1,800 SF	-----	1,740 SF	N/A
Lot Width (ft. to the tenth)	Front: 18.0'. Rear: 16.0'	18.0'	-----	Front: 18.0'. Rear: 16.0'	N/A
Lot Occupancy (building area/lot area)	60%	-----	60%	70%	Yes/ 10%
Floor Area Ratio (FAR) (floor area/lot area)	0.56	-----	None Prescribed	0.71	N/A
Parking Spaces (number)	2 in Rear	1 per Dwelling Unit	-----	2 in Rear	N/A
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	None	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	40.4'	20.0'	-----	19.3'	Yes/ 0.7' or 3.5%
Side Yard (ft. to the tenth)	None	None Required	-----	None	N/A
Court, Open (width by depth in ft.)	5.4'W x 16.8'D	4" per ft of height, not less than 6'	-----	5.4'W x 16.8'D	Yes/ Relief from min. required
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	33.5'	-----	40.0'	New Deck: 8.4'. New Trellis: 16.6'	N/A

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If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

**APPLICATION FOR SPECIAL EXCEPTION
58 RHODE ISLAND AVENUE, NW, WASHINGTON, D.C. 20001**

The proposed Deck and Trellis Structure shall not unduly affect the light and air available to the subject property's neighboring buildings; nor shall the proposed Deck and Trellis Structure unduly compromise the privacy of use and enjoyment to the subject property's neighboring buildings.

Left of Subject Property (60 Rhode Island Avenue, NW)

To the left of the subject property (60 Rhode Island Ave), is an existing 6ft high wooden privacy fence which currently separates both properties. The proposed deck will be adjacent to the neighbor's open concrete driveway, and will not abut the neighbor's building. The proposed Trellis structure will be built on an angle away from the property line, and will be an open wood structure, thus not unduly affecting the light and air to this neighbor's residence.

Right of Subject Property (49 T Street, NW)

To the right of the subject property (49 T Street, NW), is an existing residence, which sits off of the subject property's property line approximately 1'-4". As shown in the attached photographs, the neighboring building has existing windows at intervals along the wall adjacent to the subject property's right property line. So as not to unduly affect the light and air available to these existing windows, the new deck will sit off of the property line, creating a 2'-0" wide space between the new deck and the neighbor's building. Additionally, cable railings will be installed on the deck to allow the maximum amount of light and air to penetrate the 2'-0" wide space for the neighbor's windows, while at the same time, providing a measure of privacy for both the subject property and the neighboring property.

The proposed Deck and Trellis Structure, together with the original building, as viewed from the street, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The Owner of the subject property has an existing 6-foot high wood privacy fence along the rear and left property lines, providing privacy for the proposed Deck addition. Additionally, although the proposed Trellis Structure is 16'-6" high from grade to the top of the shade framing member, the only framing members that are visual from the street are two posts, the beam supporting the shade framing members, and the actual shade framing members (See Rear Elevation). Due to the openness of the framing members, the proposed Deck and Trellis Structure, will be a visual asset, not a visual intrusion to both the subject property and the neighboring properties.

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**APPLICATION FOR SPECIAL EXCEPTION
58 RHODE ISLAND AVENUE, NW, WASHINGTON, D.C. 20001**

Detailed Statement of Existing and Intended Use of the Structure

The existing structure, located at 58 Rhode Island Avenue, NW (Square 3111, Lot 24), is a single-family row dwelling in an R-4 District, owned and occupied by Mr. Eric Schultz. Mr. Schultz is desirous of building a 1st-floor Deck and Deck Staircase to the Rear of the existing property for his personal use, and as a means of egress from the 1st-floor of the existing building to the existing grade of the subject property.

Applicant's Burden of Proof for Special Exception Application

1. Subsection 223.1

Pursuant to Title 11 DCMR-Zoning Regulations 3104.1, Subsection 223.1, Mr. Schultz is seeking a Special Exception to build a 1st-floor Deck and Deck Staircase to the rear of his property. Granting said special exception for the 1st-Floor Deck and Deck Staircase Addition will be in harmony with the general purpose and intent of the Zoning Regulations, and will not adversely affect the use of the neighboring property.

2. Subsections 223.2 and 223.3

Facing the rear yard, the existing 1st-floor is approximately 6'-6" above grade to allow entry into the Basement Level of the Structure. Consequently, the Floor Level of the Deck is proposed at 8'-5" above grade to allow sufficient head room for access to the Basement. Also proposed is a small, open Trellis structure to the left side of the deck to (1) provide shade (since the deck will be located on the South side of the property); and (2) to provide privacy from the adjacent neighbor's yard (60 Rhode Island Avenue, NW). The new Trellis structure will be approximately 16'-6" high, from grade to the top of the shade framing members.

In an R-4 District, the following regulations are required:

Lot Occupancy: 60% maximum

Rear Yard: 20 ft. minimum

Open Court: 4" per foot of height, but not less than 6 ft.

Mr. Schultz is seeking relief from the aforementioned regulations for the reasons as follows:

1. Lot Occupancy. The subject property contains an Open Court, located to the rear-left of the property. Including the square footage of said Open Court, the property is at the maximum 60% Lot Occupancy requirement. Therefore, a Special Exception is needed for relief of this requirement, since the proposed deck and steps will increase the Lot Occupancy by 10%, from 60% to 70%.
2. Rear Yard: The subject property currently contains a rear yard of 40.4ft. Although the new proposed deck is only 14ft deep, the new deck steps will protrude into the minimum rear yard requirement of 20ft by 8", making the new rear yard 19'-4". Therefore, the Owner is seeking a Special Exception for relief from the minimum rear yard requirement.
3. Open Court. The subject property currently contains an Open Court, located to the rear-left of the property. Due to the minimum Open Court requirement, this will require that any structure be located a minimum of 6ft away from the rear-left property line. This will include a deck structure, as well as, the deck staircase. Since the lot width at the rear of the property is only 16'-0", complying with this requirement will significantly impact the allowable size of the rear deck, especially since both the deck and the deck staircase will have to be located within the remaining allowable buildable area. Therefore, the Owner is seeking a Special Exception from relief of this requirement, especially since the new deck structure is an open structure, and will not negatively impact the existing Open Court in any way.