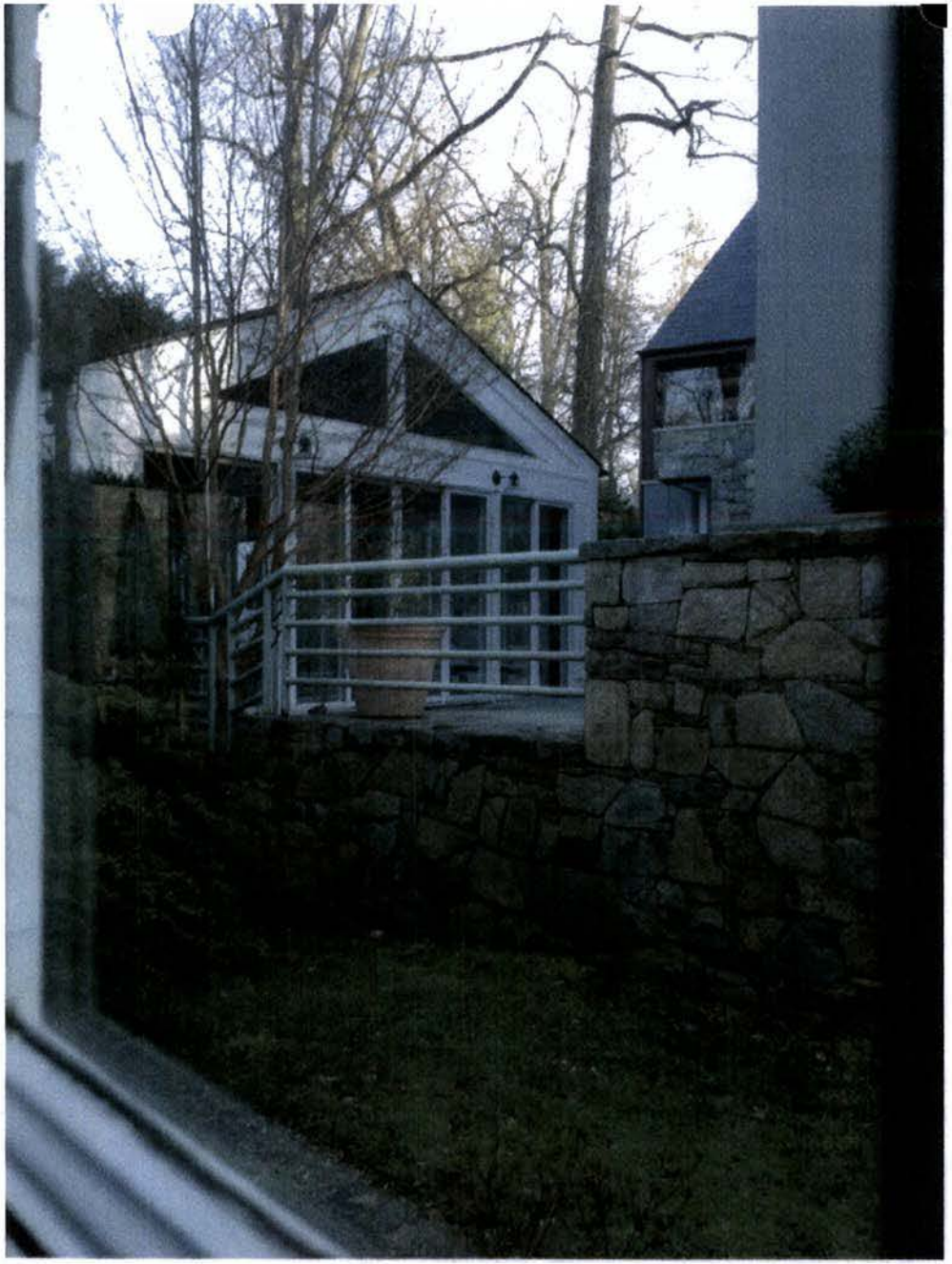
BALCER
BZA 18543

1. Photographs of Family Room and Bedroom 1
2. Photographs of Bedroom 2 – Windows 1 and 2
3. Wall Test Report – Approved 9/10/10
4. Plat Submission – Approved 12/4/12
5. Photgraphs of Deck
6. Photographs of Backyard
7. Photographs of Side Yard
8. Photograph of Side Yard
9. Application for Variance/Special Exception - 2/8/13
10. Revised Application

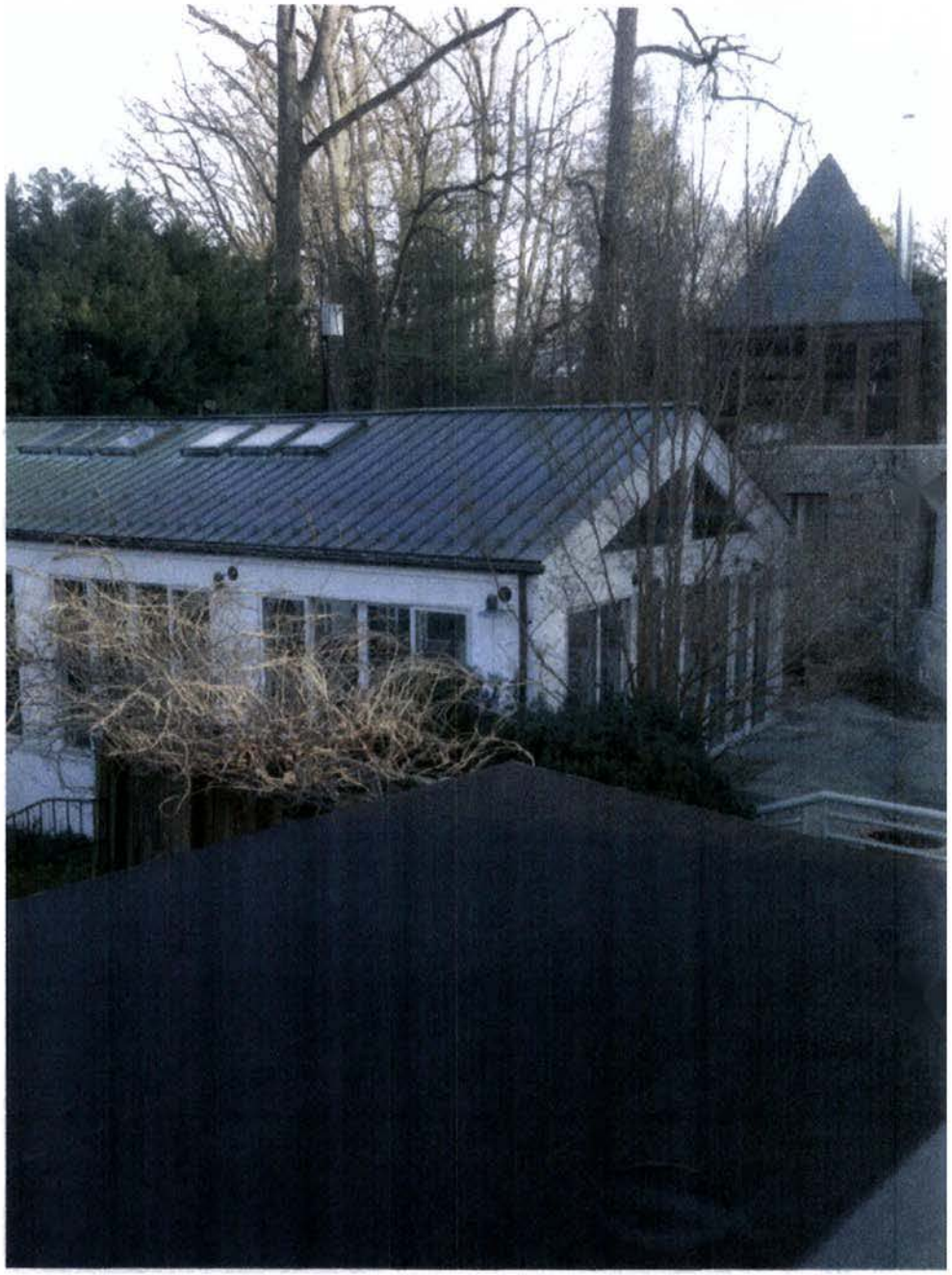
APR 30

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18543
EXHIBIT NO. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.18543
EXHIBIT NO.36



view from family room



view from bedroom #1

EXHIBIT 1

view from bedroom #2, window 1

view from bedroom #2, window 2

EXHIBIT 2

3

J.E.S.
8/26/10

DISTRICT OF COLUMBIA GOVERNMENT
Office of the Surveyor

Wall Report for: SQUARE 1430 LOT 6

Scale: 1 inch = 20 feet Recorded in Book 188 Page 72

S.O. SEAL

S.O. Receipt No. 50-00743

Received by: [signature]
SURVEYOR, D.C.

Date: September 10, 2010

WALL TEST REPORT

REGISTERED LAND SURVEYOR'S CERTIFICATION

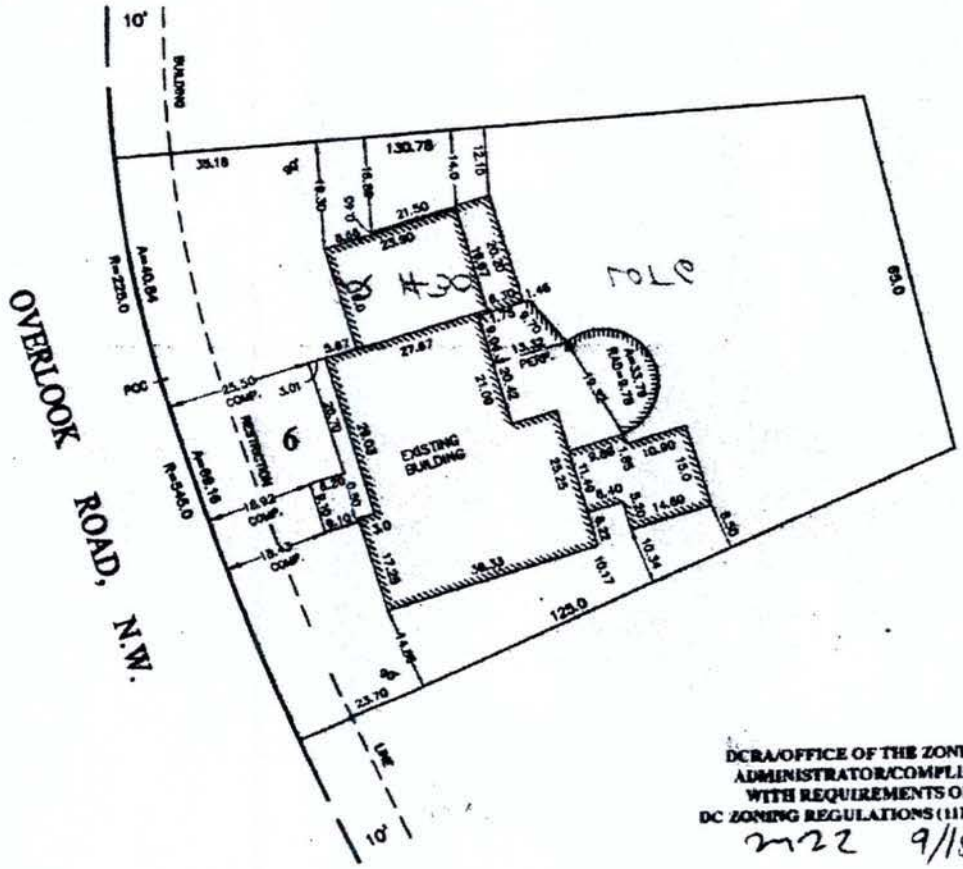
I certify that the wall locations shown hereon have been determined by me or under my direction, in accordance with Chapter 28 of Title 10 DCMR, and that I have not engaged in the construction layout of this site.

[signature]
Signature

9/7/2010
Date

RLS SEAL

DISTRICT OF COLUMBIA
JOSEPH E. SNIDER
No. 2003-05
REGISTERED LAND SURVEYOR



DCRA/OFFICE OF THE ZONING ADMINISTRATOR/COMPLIES WITH REQUIREMENTS OF DC ZONING REGULATIONS (11DCMR)
MZZ 9/15/10

STONE WALLS LOCATED

EXHIBIT 3

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 1, 2012

Plat for Building Permit of SQUARE 1430 LOT 6

Scale: 1 inch = 20 feet Recorded in Book 182 Page 72

Receipt No. 13-00577

Furnished to: MORGAN WELCH

Surveyor, D.C.

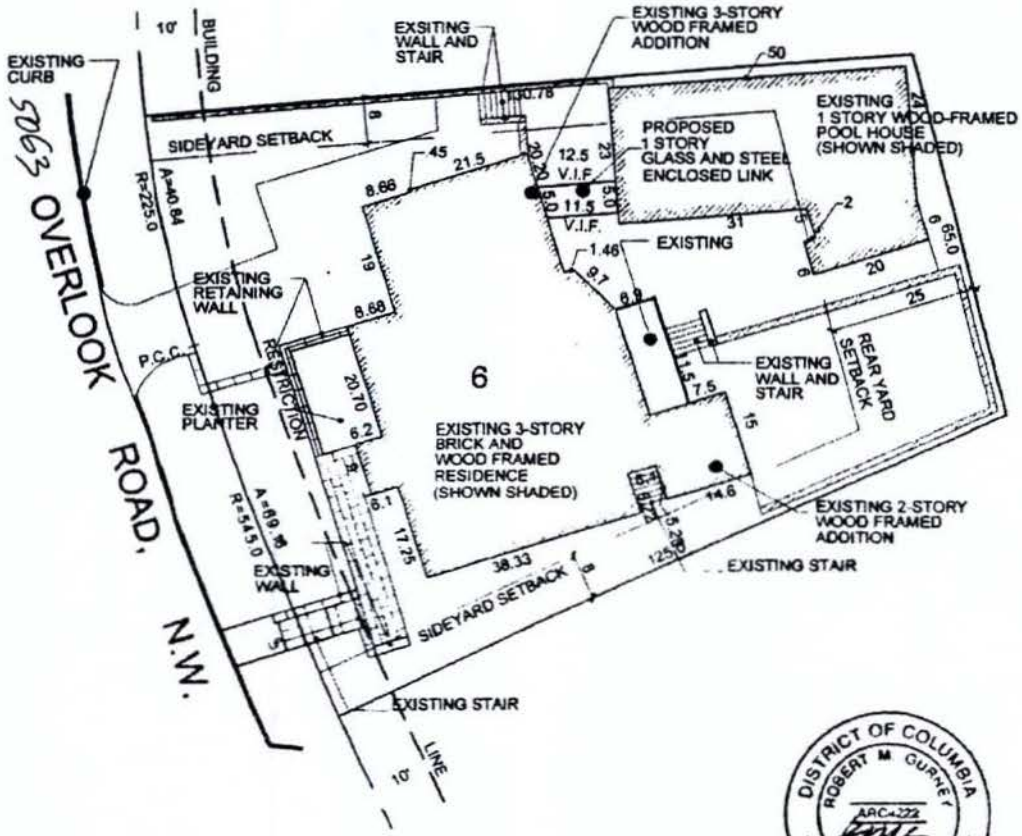
By: A.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that the area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 12/4/2012

(Signature of owner or his authorized agent)

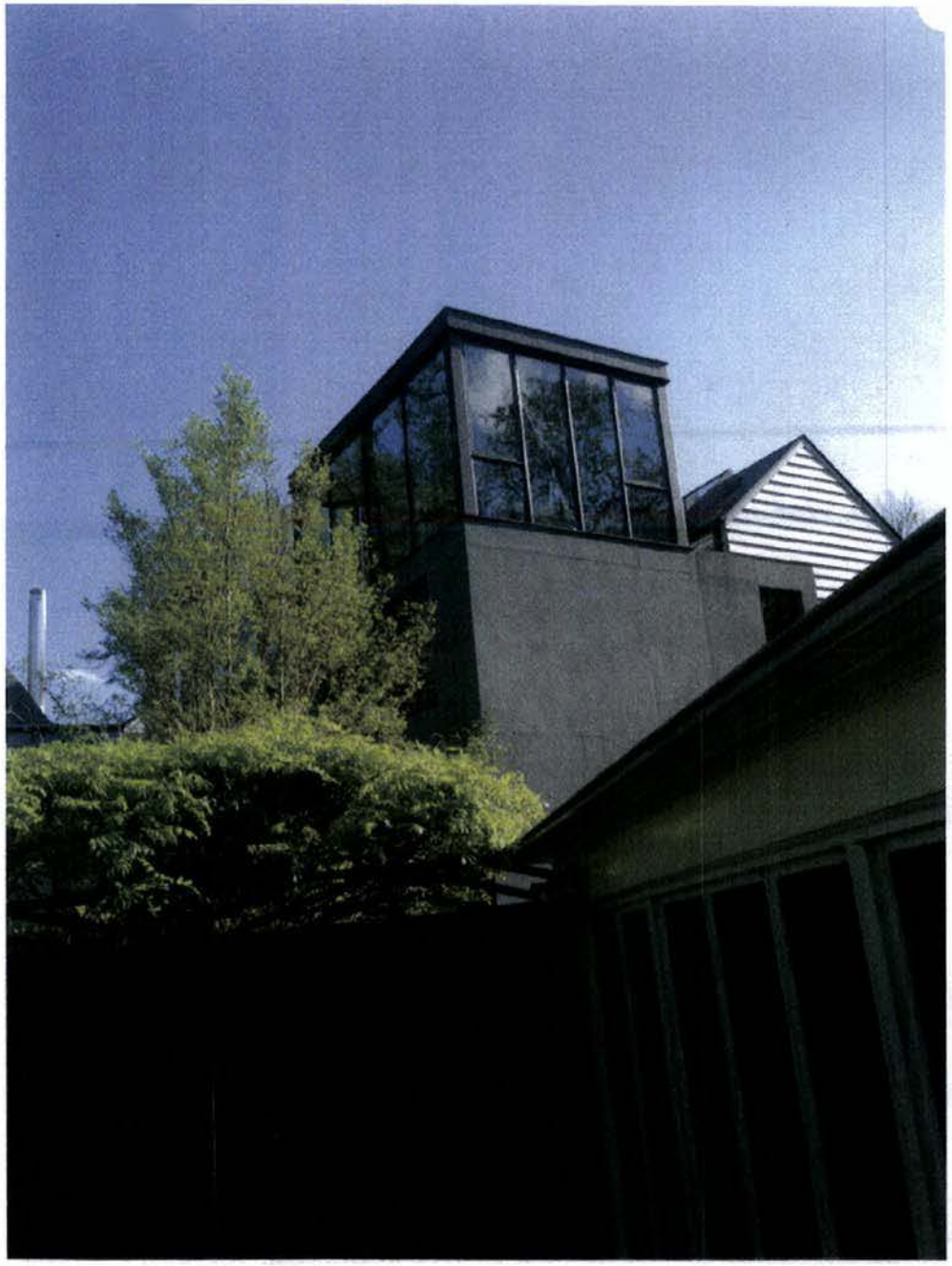
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



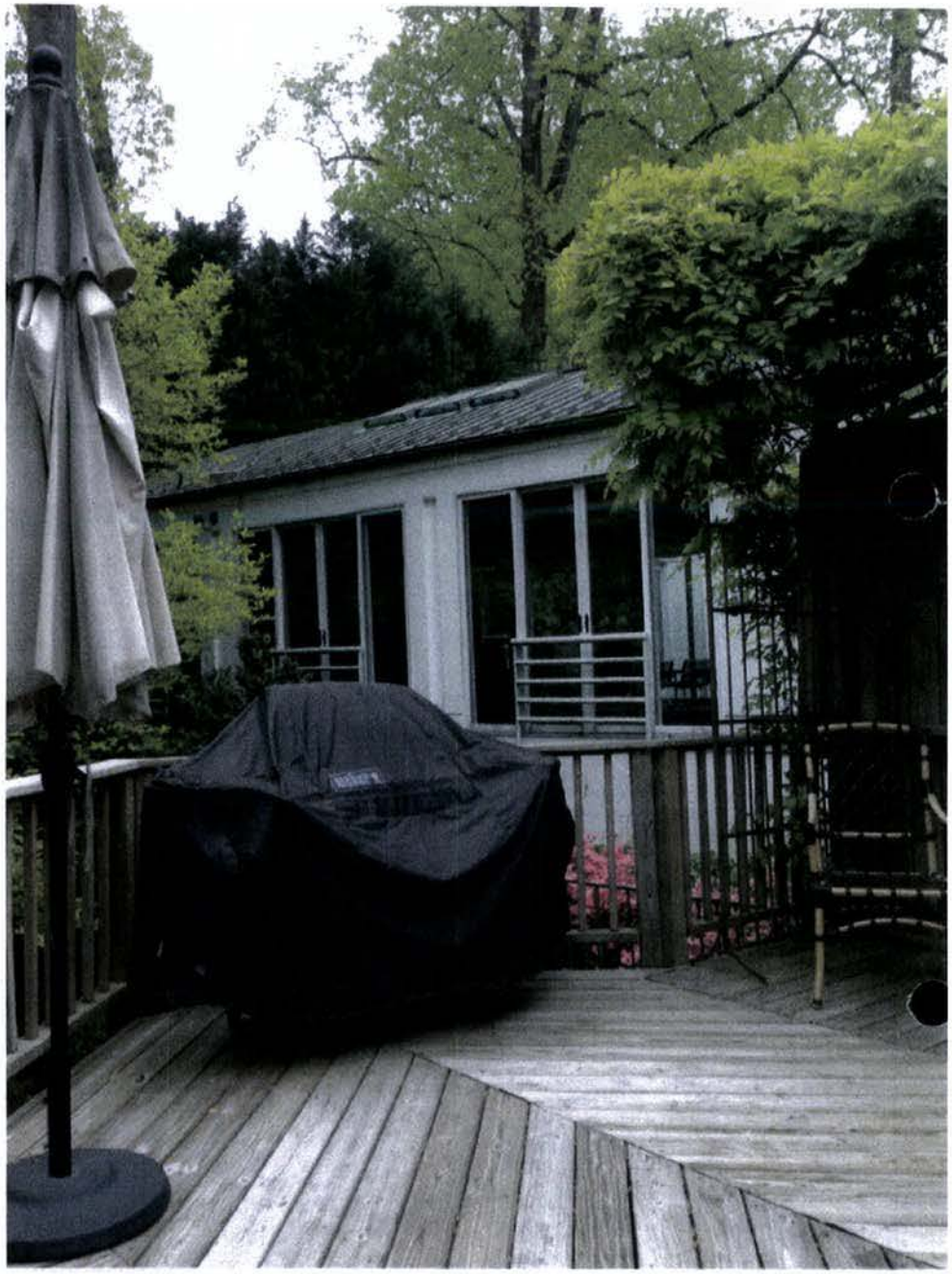
DISTRICT OF COLUMBIA ROBERT M GURNEY ARC-222 REGISTERED ARCHITECT

SR-13-00577(2012)
* E-MAIL

EXHIBIT 4

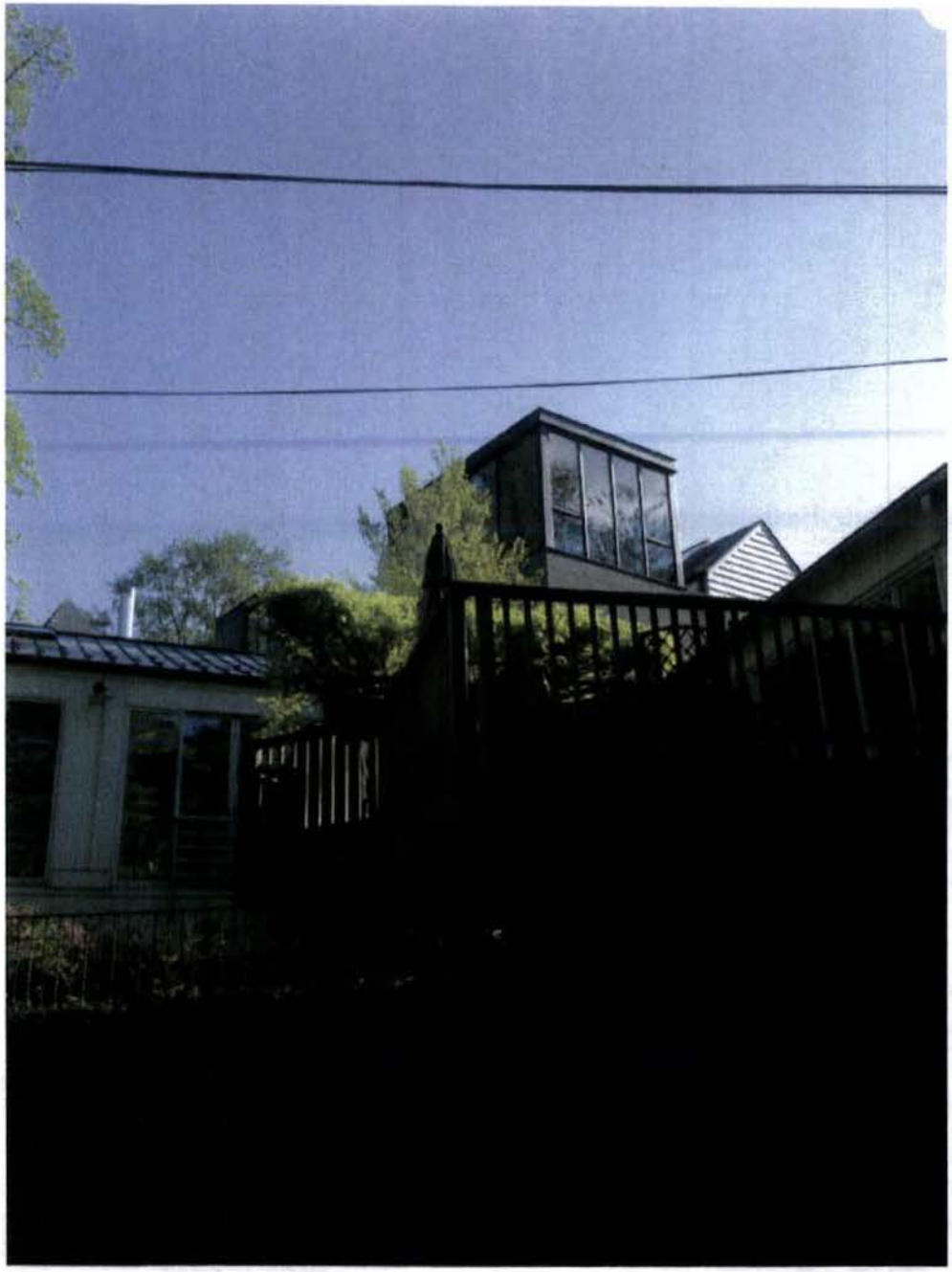


view from deck

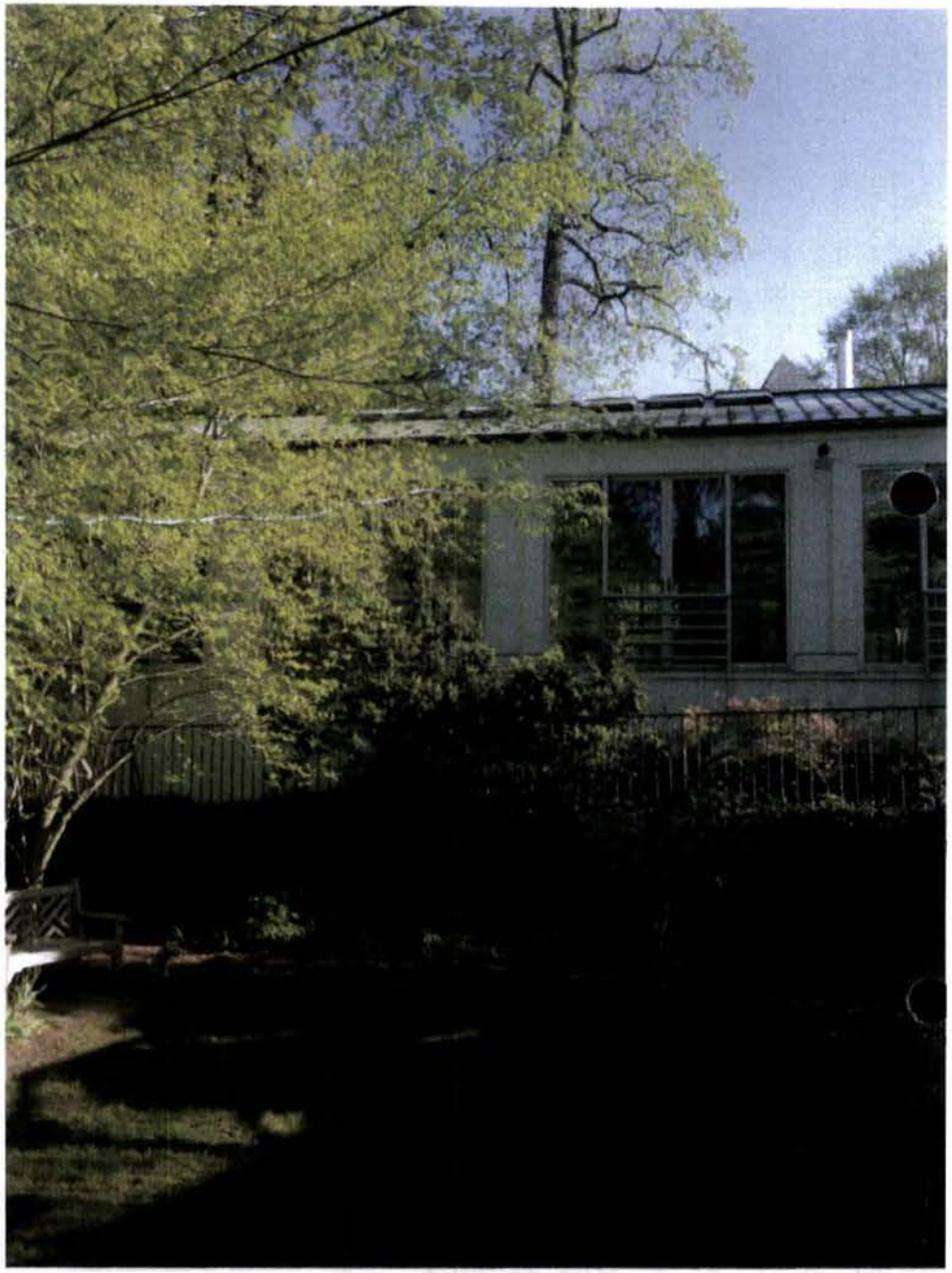


view from deck

EXHIBIT 5



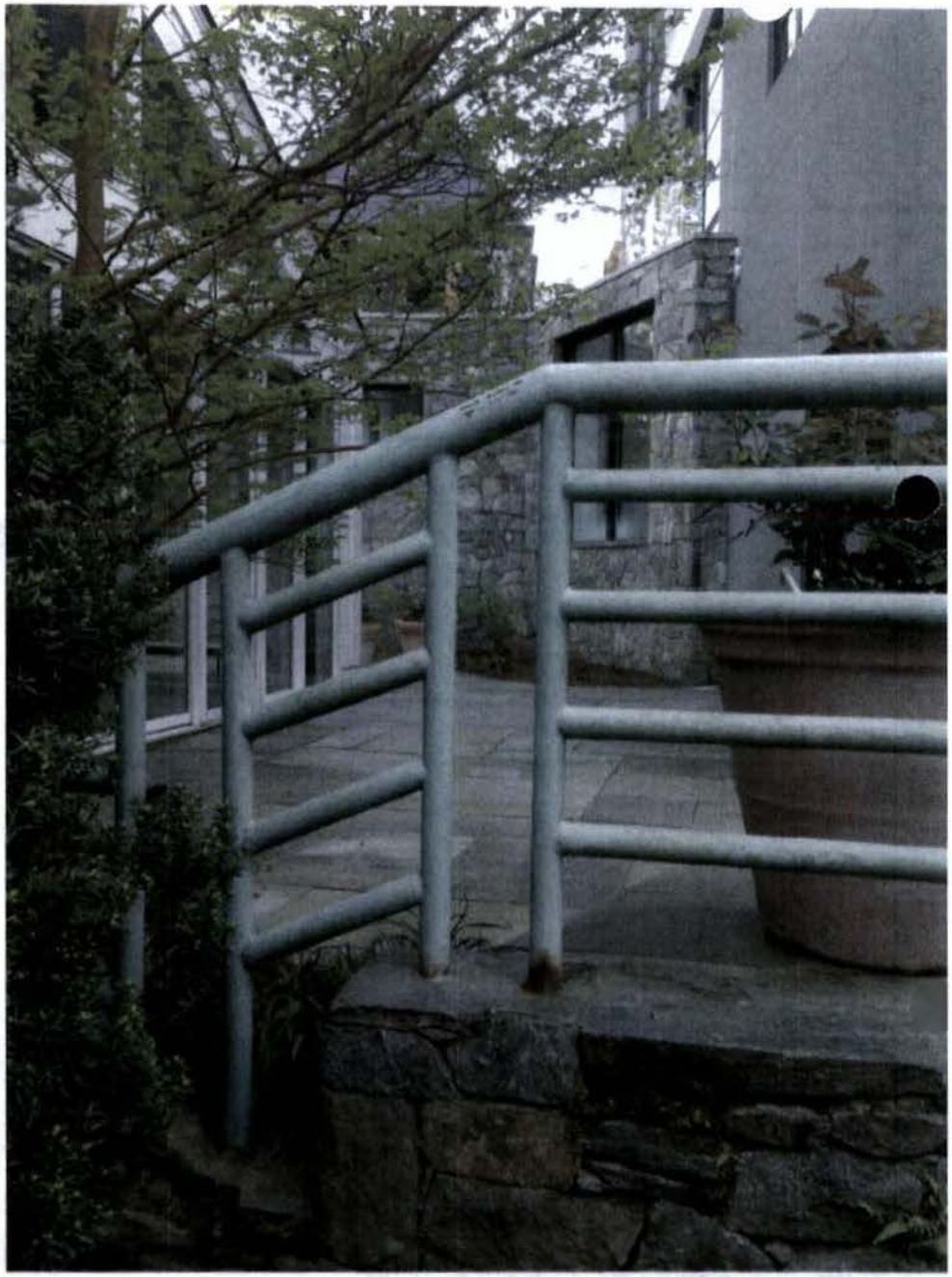
view from backyard



view from back yard

EXHIBIT 6

view from side yard



view from side yard

EXHIBIT 7

view from side yard

EXHIBIT 8

9

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 – Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations, an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought: Area Variance / Use Variance / Special Exception	Type of Relief Being Sought: Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
5063 OVERLOOK RD NW	1430	0006	R-1-A	Special Exception	223.1
					(404.1) + (405.9)

Present use(s) of Property:	Single-Family Dwelling
Proposed use(s) of Property:	Single-Family Dwelling
Owner of Property:	YVES BALCER
Telephone No:	301 675 7826
Address of Owner:	5063 OVERLOOK RD. NW
Single-Member Advisory Neighborhood Commission District(s):	

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Pursuant to 223.1 and 3104.1 the applicant seeks Relief for a 1-story addition (60 SF), connecting the house and pool house.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ○ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
- ○ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

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 application/petition 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)

Date:	2/8/2013	Signature*:	Robert M Gurney

To be notified of hearing and decision (Owner or Authorized Agent*):

Name:	ROBERT M. GURNEY	E-Mail:	SARAH@ROBERTGURNEYArchitect.com
Address:	5110½ MACARTHUR BLVD. NW		
Phone No(s).:	202 237 0925	Fax No.:	202.237.0927

* *To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.*

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

FOR OFFICIAL USE ONLY

Exhibit No. 1 Case No._____

Special Exception per attached DCRA Memorandum dated January 24, 2013

Existing and Intended Use of Structure: The existing structures on the property are the main house (single-family dwelling) and an existing pool house. The proposed structure is a 60 SF 1-story addition that will link the two existing structures. The intended use is for structure to remain a single-family dwelling.

223.1

Refers to 3104.1 – The proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the neighboring properties. The addition is located in the R-1-A district. The proposed use is to remain as is, a single-family detached dwelling. The proposed 60 SF addition will connect two existing structures, the main house and the pool house The proposed lot occupancy is 32%, which is under the maximum lot occupancy of 40% for residential. The proposed structure is 1 story high, under the maximum height of 3 stories/ 40'-0" for the R-1-A district. We are requesting relief from the side and rear yard setbacks. By connecting the existing house with the pool house, the pool house will violate section 404.1 and 405 9 regarding the setback requirements.

223.2

"The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:"

a.) **light and air:**

The proposed addition is 60 square feet and 9'-0" tall. It is 5'-0" wide x 12'-0" long. The structure is constructed of a steel frame, glass roof, and glass walls. The addition is fully transparent. The purpose is to connect the existing house and existing pool house, so the owner can access the pool without going outside Our intent is to build a structure that minimally affects the surrounding landscape as well as the neighbors. When looking at the front of the house, the neighbor to the right will not be able to see the proposed structure, so this will not affect them in the sense of light or air. The neighbor to the left is exposed to the addition, but there are no windows on the neighbor's house that look directly out to the addition. Because the addition is 9'-0" tall, fully transparent, and the neighboring property having no windows that look directly onto the addition, the neighboring property will not be affected in the respect of light and air. The addition is also located in the rear yard and cannot be seen from the street or the neighboring properties across the street.

b.) **privacy:**

The only neighbor that would see the addition is the neighbor to the left (when looking at the front of the house). There are currently a stone wall and bushes dividing the two properties. The grade of the neighbor's property is approximately 5' feet lower than the top of the stone wall (see attached image) There are not windows on the neighbor's house looking directly out to the addition. The only way the neighbor would see the addition is if they were walking on the side of their house and they looked up over the stone wall and bushes. They may see a glimpse of the glass enclosure from a side window at the front of their house, but the privacy and enjoyment of the neighboring property will not be compromised.

c.) **scale:**

18543
4

The 9'0" high glass enclosure is completely hidden in the rear yard and is not seen from the street, therefore the addition will not visually intrude upon the character, scale and pattern of houses along the street frontage.

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."*
See attached images and drawings.

223.3
"The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy (70%) in the R-3, R-4, and R-5 Districts:"
See attached Notes and Computations. New lot occupancy is 32%.

223.4
"The board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties."

223.5
"This section may not be used to permit the introduction or expansion of a nonconforming use. "
The proposed use is single-family dwelling.

Special Exception per attached DCRA Memorandum dated April 2, 2013 (revised)

Existing and Intended Use of Structure: The existing structures on the property are the main house (single-family dwelling) and an existing pool house. The proposed structure is a 60 SF 1-story addition that will link the two existing structures The intended use is for the structure to remain a single-family dwelling.

223.1

Refers to 3104 1 – The proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the neighboring properties The addition is located in the R-1-A district. The proposed use is to remain as is, a single-family detached dwelling The proposed 60 SF addition will connect two existing structures, the main house and the pool house The proposed lot occupancy is 38% (including the new structure), which is under the maximum lot occupancy of 40% for residential The proposed structure is 1 story high, under the maximum height of 3 stories/ 40'-0" for the R-1-A district. We are requesting relief from the side and rear yard setbacks By connecting the existing house with the pool house, the pool house will violate section 404.1 and 405 9 regarding the setback requirements

223.2

"The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular"

a.) **light and air:**

The proposed addition is 60 square feet and 9'-0" tall It is 5'-0" wide x 12'-0" long The structure is constructed of a steel frame, glass roof, and glass walls The addition is fully transparent. The purpose is to connect the existing house and existing pool house, so the owner can access the pool without going outside. Our intent is to build a structure that minimally affects the surrounding landscape as well as the neighbors. When looking at the front of the house, the neighbor to the right will not be able to see the proposed structure, so this will not affect them in the sense of light or air The neighbor to the left is exposed to the addition The neighbor's volume with white siding looking directly at the glass addition does not have any windows (See attached image) Because the addition is 9'-0" tall and fully transparent, the neighboring properties will not be affected in the respect of light and air The addition is also located in the rear and cannot be seen from the street or the neighboring properties across the street

b.) **privacy:**

The only neighbor that would see the addition is the neighbor to the left (when looking at the front of the house) The purpose of the glass addition is to create a throughway from the house to the pool house. It is not a space where one will be for long periods of time There is currently a stone wall, a railing, and bushes dividing the two properties. The grade of the neighbor's property is approximately 5'0"-6'0" feet lower than the top of the stone wall (see attached image)

c.) **scale:**

The 9'-0" high glass enclosure is completely hidden in the rear yard and is not seen from the street, therefore the addition will not visually intrude upon the character, scale and pattern of houses along the street frontage

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."*

See attached images and drawings.

223.3

"The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy (70%) in the R-3, R-4, and R-5 Districts "

See attached Notes and Computations New lot occupancy is 38%

223.4

"The board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties "

223.5

"This section may not be used to permit the introduction or expansion of a nonconforming use. "

The proposed use is single-family dwelling.

Condition:

The ANC raised concerns regarding building up higher than the existing pool house height in the future We are not proposing to build up higher than the pool house height now and will not do so in the future. We would like to incorporate this condition as part of this application in seeking relief from the side and rear setbacks The Office of Zoning has confirmed that any future change to the pool house would need to be presented to the ANC and BZA.

view from wall of windows

view from wall of windows

EXHIBIT 11

wall of windows from side yard

EXHIBIT 12

wall of windows from rear property

EXHIBIT 13