

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



APR 17 2013

Clarence Mobley, Agent
1600 Monroe Street, N.E.
Washington, D.C. 20018

Re: BZA Application No. 18583 (3014 South Dakota Avenue, N.E.) Oliver Samuels

Dear Mr. Mobley,

The Office of Zoning received the above-referenced application on April 15, 2013. Your application requests expedited review of a special exception under Section 223 of the Zoning Regulations. Please supplement your application filing by submitting a burden of proof statement that addresses the provisions listed in Section 223. I have included a copy of the Section 223 for your convenience.

Please call me on (202) 727-2806, if you have any questions relevant to the foregoing.

SINCERELY,

RICHARD S. NERO, JR.
Deputy Director of Operations

Attachment

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18583
EXHIBIT NO. 11

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

- 223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 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) The light and air available to neighboring properties shall not be unduly affected;
 - (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
 - (c) The addition or accessory structure, together with the original 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 subject street frontage; and
 - (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.
- 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 percent (70%) in the R-3, R-4, and R-5 Districts.
- 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 .

SOURCE: Final Rulemaking published at 45 DCR 1146, 1447 (March 13, 1998); as amended by Final Rulemaking published at 48 DCR 8979, 8983 (September 28, 2001); and as amended by Final Rulemaking published at 54 DCR 9564 (October 5, 2007).