

District of Columbia Office of Zoning
441 4th Street, NW, Ste. 200-S
Washington, DC, 20001

RE: BZA 18620 (2315 15th Street NW)

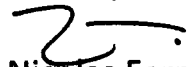
Monday, August 19, 2013

Dear Sir/Madam,

Attached please find an amended form 120 (including narrative attachment) to add requested relief for 2001.3 for the special exception case number 18620 (2315 15th Street NW). I will also notify my ANC (1B) of these amendments.

Please contact me if you have any questions or concerns.

Thank you,



Nicolas Ferreyros

(713) 377-0689

2315 15th Street NW

Washington, DC, 20009

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18620

EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.18620
EXHIBIT NO.26



RE 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	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
2315 15th Street, N.W.	2660	220	R5-B	Special Exception	223.1, 2001.3, 3104.1

Present use(s) of Property: One-Family Dwelling

Proposed use(s) of Property: One-Family Dwelling

Owner of Property: Nicolas Ferreyros

Telephone No: (713) 377-0689

Address of Owner: 2315 15th Street, N.W.

Single-Member Advisory Neighborhood Commission District(s): ANC 1B

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

The property owner of 2315 15th Street, N.W., Nicolas Ferreyros, is requesting approval of a Special Exception under 11 DCMR 223 for the addition of a partial third floor including a small roof terrace, on an existing one-family row dwelling at that address that is non-conforming for % Lot Coverage and Rear Yard.

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: 08/19/2013

Signature*: 

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

Name: Nicolas Ferreyros

E-Mail: styglan1@yahoo.com

Address: 2315 15th St., N.W. Washington, DC 20009

Phone No(s): (713) 377-0689

Fax No.: na

* 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. 18620

Attachment to Form 120
Special Exception Application
Applicant and Owner Nicolas Ferreyros
Address 2315 15th Street, N W WDC 20009

Existing and Intended Use of the Structure

The existing structure is a row dwelling, one-family dwelling with party walls on both the south and north property lines. The Owner proposes to add a partial third floor above the existing second floor with small roof terrace on the west side. The site grade slopes sharply from the east terrace to the west facade. As reviewed with the Zoning Administrator and due to this slope, the lower level is largely a cellar by definition using the perimeter calculation method, and allows a maximum of 377.28 gsf to be built, the proposed partial 3rd floor is 375.42 gsf. This lower level is below the main floor level, contains an open entryway and former garage that is proposed to be restored (see paragraph below) and projects approximately 5'-11 3/4" beyond the main building face above.

There will be no change of use and the intended use will remain the same as the existing use.

There is currently a curb cut for a previous garage that was enclosed circa 1942 and the Owner is planning on restoring this garage as part of the project and as requested by the Zoning Administrator. However, the garage work is not a part of the Special Exception application and the Owner reserves the right to not restore the garage if a valid permit for the original work can be identified that 'grand-fathers' the existing condition.

The applicant is requesting relief from **§3104.1**, **§223** and **§2001.3** as noted below.

How the Application Meets the Specific Tests

Requirements of §3104.1

Granting of the special exceptions 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 in accordance with the Zoning Regulations and Zoning Maps

The property is currently zoned R5-B which allows a 50' height limit and has no restriction on the number of stories. The R5-B zone is intended to allow a moderate height and density and also allows one-family dwellings. The subject property is one of four small, one to two family dwelling on this street that were apparently built at the same time in the late 1930s. To the south are three larger, multi-family structures. The two adjacent properties to the south have been developed into multi-family apartment/condominium buildings that extend to

approximately the permitted height in the R5-B zone and also include roof structures. The adjacent structure immediately to the north is a one-family dwelling that has a roof structure addition whose height is taller than the height of the proposed partial third floor. The next structure to the north is a two-family dwelling (flat) which has had a full third floor added to it and whose height is also taller than the height of the proposed partial third floor. The proposed partial third floor will be lower in height than those structures to both the north and the south. The owner of the one-family dwelling immediately to the south has also advised that he is anticipating adding a roof structure or addition. The proposed third floor is well within the height limitations of the district and will in fact, be lower than most of its immediate neighbors. Therefore the proposed partial third floor will be in harmony with the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring properties.

Requirements of §223

The addition or accessory structure shall not have a substantially adverse effect 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*

The subject property and structure is one of four small, one to two family dwellings on this street that were apparently built at the same time in the late 1930s. To the immediate south is the last of the four small dwellings. To the north are the other two of the four dwellings. Further to the south are three larger, multi-family structures. The Meridian Hill/Malcolm X park is across the street. The property is bounded by neighbors on the east, north and south.

The structure on the property behind and to the east of the subject property is larger and taller than the existing, subject structure; the height of the proposed partial third floor will be approximately the same height as the top of that structure. This structure also extends to within approximately 3' of the subject property's south property line and the east property's rear yard space continues further to the south. This structure also has an approximate 4' deep dogleg.

configuration for light and air for the several windows along it's west face. The structures to the north are higher than the subject property and the subject property's proposed partial third floor. The roof line and face-on-line wall of the property immediately to the north already act as privacy walls between that property and the subject property and the proposed partial third floor will also have a wall along the north property line that reinforces that privacy. The owner of the one-family dwelling immediately to the south has also advised that he is anticipating adding a roof structure or addition, therefore each of the four structures will have an addition on top of the existing structure. Finally, the structures further to the south are already 50' in height. Due to building code regulations, the walls at the north and south property lines will not have windows so privacy will not be compromised. The exterior lighting will be minimal and low on the walls so as not to light upward or outward. Therefore, the proposed partial third floor will not unduly affect light and air nor will it unduly compromise the use and enjoyment of neighboring properties.

The street has an eclectic blend of large and small structures. The subject property and structure is one of four similarly sized structures, two of which already have partial or full third floor or roof structures added to the original building. The larger, multi-family condominium buildings further to the south also have roof structures, trellises and guardrails which are similar in appearance and size to those components of the proposed partial third floor and terrace. Therefore, there is already a precedent for the possibility of an addition and these type of architectural elements. The proposed partial third floor addition is in keeping with the general size of neighboring additions and is treated as a discrete addition on top of the existing structure, consisting of a series of small architectural pieces or planes which are set back from the main, west facade and also from the east facade and property line to conform with rear yard setbacks (the proposed addition is not utilizing the exception possible under §404.4). Due to the steep slope of 15th Street in this section, the sightlines of the buildings are relatively restricted along the 15th Street public way corridor. Therefore, the proposed partial third floor addition and small terrace do not substantially alter or visually intrude upon the pre-existing architectural conditions, character, scale and pattern of it's neighbors along the adjacent street frontage.

Requirements of §2001.3

Enlargements or additions may be made to the structure, provided

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13, and*
- (b) The addition or enlargement itself shall:*
 - (1) Conform to use and structure requirements, and*
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure, nor create any new nonconformity of structure and addition combined*

The Applicant is requesting relief from part (a) of the above section and in tandem with the requested relief from §223 based on the noted % Lot Occupancy

The proposed addition meets the requirements of part (b) above for use and structure requirements, is located on the existing structure so as to maintain the required 15' matter-of-right rear yard setback, does not increase the % LO non-conformance of the current structure and does not create any new non-conformity of structure and addition combined. There are no adverse affects created by the proposed addition and this issue is further addressed in the section above