

**FORM 120 ADDENDUM – APPLICANT'S BURDEN OF PROOF FOR SPECIAL EXCEPTION APPLICATIONS – revised**

**1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map:**

This property was included on the attached copy of the approved **Foxhall Crescents Utility Plan dated 6.20.79**, (See **Exhibit 10**), which shows all subdivision utilities and streets extending into this property. Therefore, it is clear that the intent was for this lot to be built upon, as were all other lots in the development, which were indeed all ultimately built with homes;

There are no restrictions of record on the deed or other documents of record or restrictive covenants that would affect the development of this lot with a detached single family dwelling;

The Zoning Report on this property, dated November 18, 2013, (See **Exhibit 8**) Confirms that the lot is in the R-1-A District, which permits matter of right development of a single residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, a maximum lot occupancy of 40 percent and a maximum height of three stories/40 feet;

The proposed three story detached single family dwelling (See **Exhibit 10**) meets or exceeds all zoning requirements for lot area, lot width, height, lot occupancy, parking space, front yard, rear yard and side yard;

Moreover, a previous Board of Zoning Adjustment Application No. 15882 and accompanying ORDER dated January 5, 1994, did approve a special exception for a similar three story dwelling to be built upon this lot – (See **Exhibit 9**).

**2. How allowing the use will not adversely affect the use of the neighboring property – ie. Traffic, noise, lighting, etc.**

The use of this property is consistent with approved residential use on the original development plan, which shows a proposed detached single family dwelling sited on the lot;

There are no additional impacts on traffic, noise, lighting, nor any other impact that a detached single family dwelling would have that were not anticipated by the original Foxhall Crescents development plan.

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BOARD OF ZONING ADJUSTMENT  
District of Columbia  
CASE NO. 18708  
EXHIBIT NO. 37

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### **3. Notes on Addition to Filing:**

**Section 2516.5(b) Front Yard Requirement Relief**

**Section 2516.6(b) Proposed 16' Ingress/Egress in lieu of 25' Width Requirement**

**Section 2516.6(c) and (d) Flexibility Regarding 60' Diameter Turning Area Requirement**

The above **Addition to Filing** is required according to DC Office of Planning review. A change in the regulations in 2007 now requires any theoretical lots with no street frontage the above relief requirements to be included in the Special Exception.

**The justification for the above relief requests is that the original approved development plan for Foxhall Crescents (See Exhibit 10) shows all streets and utilities extending into this lot.**

The **front yard**, as shown on the original development plan, is what is proposed in the new plan; a 0 - 8' setback from the driveway not the **25' front yard** required in the Zoning Regulations.

The **Proposed 16' Ingress/Egress in lieu of the 25' Width Requirement** is proposed because the original approved development plan for Foxhall Crescents shows a 16' driveway in front of this property.

The **Flexibility Regarding 60' Diameter Turning Area Requirement** is asked for do to a comment from DC Office of Planning, during their review of the application.

Preliminarily, they said that a turnaround does not appear necessary, since the driveway serves only one property. However, in the event a turnaround is found to be necessary by further reviews, then the flexibility to add a turnaround is requested.

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September 8, 2014

Stephen Varga  
DC Office of Zoning  
441 4<sup>th</sup> Street, NW Suite 200S  
Washington DC 20001  
RE: BZA Case # 18708 - 4509 Foxhall Crescents  
Permission to file papers for hearing

Dear Stephen/DC Office of Zoning:

I hereby give my permission for Ed Jacobsen to file papers on my behalf for the above hearing.

If you have any questions, do not hesitate to contact me.

Thanks.



Amir Motlagh

Owner

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