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E 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
3416 13th St. NW	2838	0027	R4	Area Variance ☒	11-404
3416 13th St. NW	2838	0027	R4	Area Variance ☒	11-406
				☒	
				☒	

Present use(s) of Property: Single Family Residence

Proposed use(s) of Property: Single Family Residence

Owner of Property: Jared S. Pettinato

Telephone No:

202-368-3929

Address of Owner: 3416 13th St. NW, Washington, DC 20010

Single-Member Advisory Neighborhood Commission District(s): 1A/04

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

The owner of 3416 13th St. NW seeks to build a deck of a size reasonable enough for a couple of chairs and a table, so he can maximize the utility of the outdoor space. The property has an angled back property line. Complying with the twenty-foot setback would result in a deck with a strange shape and an area too small to use. If the owner builds only a landing, it would leave a strange area north of the landing that would not be usable.

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: December 7, 2013

Signature*:

Jared S. Pettinato

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

Name: Jared S. Pettinato

E-Mail:

pettinato@stanfordalumni.org

Address: 3416 13th St. NW, Washington, D.C. 20010

Phone No(s): (202) 368-3929

Fax No.:

* 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

Board of Zoning Adjustment

Exhibit No. 1

Case No.

18717

District of Columbia
CASE NO. 18717
EXHIBIT NO. 1

7 December 2013

Jared S. Pettinato

FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

District of Columbia Board of Zoning Application

Homeowner's Addendum of Requested Information for Item 5

December 7, 2013

RECEIVED
D.C. OFFICE OF ZONING
2013 DEC 11 PM 12: 54

5. At the time of filing this application, all applicants are REQUIRED to submit the following information (including one (1) original and ten (10) collated copies):

A. Either a memorandum from the Zoning Administrator at DCRA directing the applicant to the BZA or a Form 135 – Zoning Self-Certification, which requires certification by a licensed architect or attorney.

I have attached a Form 135 as **Exhibit A**.

B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor, showing boundaries and dimensions of the existing and proposed structures and accessory buildings and structures.

I have attached the plat as **Exhibit B**.

C. Architectural plans and elevations in sufficient detail to clearly illustrate any proposed structure to be erected or altered, proposed landscaping/screens, and building materials. Submittal of plat and plans shall not exceed 11 x 17 in size. (See Form 130 – Required Specifications for Plats, Plans and Elevations – for the required information on these drawings.)

I have attached the architectural plans as **Exhibit C**.

D. A detailed statement of existing and intended use of the structure.

I will use the deck for my residence space as an access point from the first floor to the back yard. Also, it will contain a waterproof storage space underneath the deck for hand tools, ladders, and other home-improvement and maintenance implements.

E. A detailed statement explaining how this application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See the Form 120 Addendum – Applicant's Burden of Proof for Variance and Special Exception Applications.)

R-4 zoning applies to my house, and Rule 11-404.1 restricts, for R-4-zoned properties like this one, "the minimum depth of" a "rear yard . . . for each structure" to "20 feet." I am seeking to build a deck and storage space that will comply with this instruction for most of its width. The back yard, however, has an angle slant, so the deck could not exist.

Further, Rule 11-406.1 requires courts to be at least ten feet wide. This court would be only two feet, six inches wide.

This proposed deck satisfies the three zoning regulation tests for an area variance.

1. The physical characteristics of the property (a) makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – i.e. shape and size of the property, unusual topography or slope, soil problems, etc.

I seek to build a deck of a size reasonable enough for a couple of chairs and a table, so I can maximize the utility of the outdoor space. The property has an angled back property line. Complying with the twenty-foot setback would result in a deck with a strange shape and an area too small to use. If I built only a landing, it would leave a strange area north of the landing that would not be usable.

The narrow court is necessary to save the tree. Building a staircase from the deck requires either (a) a court or (b) removing the tree. I prefer to keep the tree.

2. Granting the application will not be of substantial detriment to the public good – i.e. traffic, noise, lighting, etc.

Granting this application will not impair any public good. This block contains a convergence of backyards and no alley. Therefore, it would not affect any traffic. The zoning laws already recognize my right to build a door to a landing, and the deck I propose would cause no more noise or light than a door and a landing. Because I would be building on my own property, I see no other public goods that the proposed deck could conceivably impact. The court will allow me to keep the tree, which is in the public good.

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

These property boundary rear setbacks for R-4-zoned properties exist to ensure more open backyards. Allowing this proposed deck would not undermine that purpose. Because it would only be only approximately seven feet high, it would not impact the visual openness of the area. Instead, by allowing a full use of the space, it would advance the general intent to ensure that property owners have useful back yards. Several of my neighbors have decks in the back, so this use would be consistent with the character of the neighborhood. Certainly, the City Council did not intend the court restrictions to result in destroying trees.

F. Three color images, not-to-exceed 8½ x 11, showing pertinent features of the structure and the property involved (front, rear, and sides, if possible and applicable).

I have attached the photos as **Exhibit D**.

G. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, and two (2) sets of self-stick labels of the names and mailing addresses of the owners of the properties. (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 1101 4th Street, SW – West Building, Washington, D.C. 20024.)

I have attached the names and mailing addresses of those property owners and I have attached the labels as **Exhibit E**.

I am attaching only two total copies of the self-stick labels. I assumed you did not need twenty copies.

H. The name and mailing address of any individual who has a lease with the owner for all or part of any structure located on the property involved in the application.

Susan Webb
3416 13th St. NW
Washington, DC 20010

Elizabeth Cooney
3416 13th St. NW
Washington, DC 20010

I. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change from a conforming use to a non-conforming use is requested, provide a copy of the past authorized uses.

This is a One Family Rental house. DC law does not require a certificate of occupancy for this use. See <http://brc.dc.gov/nonprofit/requirementsorg/coo.asp>. In lieu of one, I am attaching my basic business license as **Exhibit F**.