

Burden of Proof

Special Exemption Application

To: Office of Zoning
Government of the District of Columbia
Suite 210
441 4th St. NW
Washington DC 20001

From: Vivian M. Fernandes-Authorized Agent
Acanthus Architects
2714 Quebec St. NW
Washington DC 20008

Subject: BZA # 18928

Jaime Zaldivar and Charles Osborne
115 V St. NW. Sq. 3119, lot 0036

Jaime Zaldivar and Charles Osborne, "The Applicant" requests an approximately 500 sf addition to the third floor, due to the fact that the lot is nonconforming. The current row house occupies 67% of the lot. The house is located in an R-4 zone allowing 40' in height.

Relief Sought: The Applicant requests special exception relief under § 223 from the requirements of §403 Lot Occupancy.

§223 - Additions to a One-Family Dwellings or Flats

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.

Basis for Grant of Special Exception:

(a) 223.1 The light and air available to neighboring properties shall not be unduly affected;

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(b)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:

The privacy of use and enjoyment of neighboring properties should not be unduly compromised as currently, it does not appear there is a roof deck on the residence to the west. It does appear there may be roof decks on residences located across the 10' alley to the east of the Property; however due to the separation of distance & raised parapet walls, it does not appear the privacy of use and enjoyment of neighboring properties will be affected.

(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;

The addition will not substantially visually intrude upon the character, scale and pattern of houses along the street or alley frontage; however it will be visible from both the alleys and V Street NW. It is in keeping within the zoning height limit and will be constructed of materials that are generally compatible with the surrounding area (brick, metal railings).

(d)223.3 The lot occupancy of all new and existing structures on the lot shall not exceed seventy percent (70%) in the R-3, R-4, and R-5 Districts.

The lot occupancy of the existing structure is 67.7% and with the third-floor addition will continue to be 67% which is more than the 60% required by right. Relief is requested by the Applicant.

Along with this application, we have included, photos, plans, DC Office of the Surveyor Plat, Memorandum from Zoning; memorandum from DDOT, favorable reports from ANC and OP.

Sincerely
Vivian M. Fernandes
Architect and Agent