

Board of Zoning Adjustment  
DC Office of Zoning  
441 4th Street NW Suite 200S  
Washington, DC 20001

April 6, 2016

## Burden of Proof

Phillip and Elizabeth Ash, owners of 3240 19<sup>th</sup> St NW, Washington DC 20010, is seeking relief for an addition per section 11-403. The current use of the property is Single Family Semi-Detached Dwelling and will remain as such. The lot is zoned R-4. In its current condition, the dwelling exceeds the maximum lot occupancy requirement of 40% and is 40.1%. The requested relief is to increase the lot occupancy to 50%, to allow for the construction of a rear deck and stair.

Mr. and Mrs. Ash's property is unique due to the exceptionally dramatic change in grade from the front of the lot to the rear, which prohibits my clients' use of the rear yard, as it is 10 feet below the main level at an existing basement level patio, and 14 feet below the main level beyond the patio. It is also unique because it is a semi-detached structurally built as a row dwelling, without visual or spatial connection to its small and steep side yard along the existing alleyway. Neighboring row dwellings on that block with similar site grade conditions have generous rear decks, due to their being allowed to occupy 60% of the lot area per 11-403.

My clients' property's uniqueness clearly places them at a disadvantage compared to similar properties on that block because it happens to be at the end of the row, and have a largely unusable, triangular shaped and steeply graded side yard, making it a semi-detached dwelling from a zoning perspective. This classification prohibits my clients' from being able to build a rear deck without relief from 11-403. The rear deck proposal was approved by the ANC, and by the HPRB at the concept level in January, 2015.

We also feel that this modest increase in lot occupancy 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 Maps.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

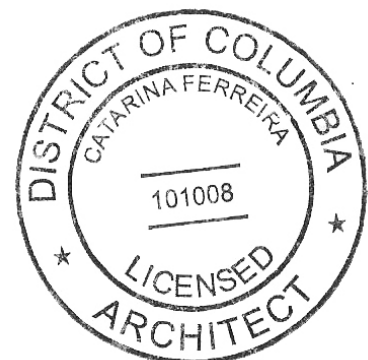
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Board of Zoning Adjustment  
District of Columbia  
CASE NO.19260  
EXHIBIT NO.24