

# APPLICATION OF BEHZAD HOSSIENKHANI TRUSTEE

BZA NO. 21167

---

527 FLORIDA AVENUE NW

# NATURE OF RELIEF SOUGHT

---

- Special Exception from the following provisions:
- Subtitle G, Chapter 2, § 210.1(% of lot occupancy)
- Subtitle G, Chapter 2, § 207.6 (Rear Yard setback)
- Subtitle C, Chapter 2 § 202.2 (a), (b) (c) (nonconforming structure provisions)
- Pursuant to Subtitles X, §§ 900.2, G, 5200.1 and G, 207.14

# BURDEN OF PROOF FOR SPECIAL EXCEPTION

- The Board is authorized to grant special exceptions, as provided in this title, where in the judgment of the Board of Zoning Adjustment, the special exceptions:

---

- (a). Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b). Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

# BURDEN OF PROOF SPECIAL EXCEPTION

***(A). WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING REGULATIONS AND ZONING MAPS.***

---

- The intent and purpose of the MU-4 zone district set forth under Subtitle G, Chapter 1, §§ 101.1 and 101.2 within which subject property is located, is in summary to provide for mixed-use development ranging from commercial, institutional to multiple-dwelling residential development at varying densities, specifically housing, residential, office, service and employment centers.
- The subject property proposes to devote the entirety of the building to a residential use (Flat), and the building is significantly less than the maximum density in the underlying zone district allowed and therefore is in harmony with the general purpose and intent of the Zoning Regulations

# COMPLIANCE WITH BURDEN OF PROOF

***(B). WILL NOT TEND TO AFFECT ADVERSELY, THE USE OF NEIGHBORING PROPERTY IN ACCORDANCE WITH THE ZONING REGULATIONS AND ZONING MAPS.***

---

- The subject property is among a cluster of neighboring properties which share common rear yards, one of which together abuts the 15 feet public alley.
- All adjoining properties north-west and south-east of subject property fronting on Florida Avenue NW are located within the same MU-4 zone district.
- The subject property shares partial abutting lot lines with only two of the row dwelling North of it and located in RF-1 zone district. The immediately adjoining area of the two properties are in fact the rear yards of the properties located in the RF-1 zone district.
- The deck is unenclosed and will not result in casting a shadow on adjoining properties and will not tend to affect adversely the privacy of use of adjoining properties.
- The project will comply with all other development standards applicable in the underlying zone district of location, save for the areas of relief it is otherwise compelled to request.
- For the foregoing reasons, the applicant submits that granting the special exception requested will not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

# COMPLIANCE WITH BURDEN OF PROOF

---

***(c). Will meet such special conditions as may be specified in this title***

The Applicant seeks special exception relief from the minimum required rear yard pursuant to Subtitle G, Chapter 2, § 207.14 and the conditions specified and set forth under (a) through (e), (1), (2) and (3)

# COMPLIANCE WITH CONDITIONS

---

- *(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;*
- No apartment window is located within forty feet (40 ft.) directly in front of the building given the context of the cluster of properties congregating in the rear of the subject property
- Further, there will be no net change in the existing distance between apartment windows and/or another building.
- *(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*
- The immediately adjoining zone district is the residential RF-1 zone district. Hence no office window exists within the requisite distance.

# COMPLIANCE WITH CONDITIONS

---

- *(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;*
- The buildings not parallel to the subject property are located within the RF-1 zone district and arranged in such physical manner that sight lines into habitable space is foreclosed by distance
- *(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and*
- The subject project of application is a two-unit residential use not subject to any parking and loading requirement. Moreover, the subject property is only pedestrian accessible from the rear via a 15-foot public alley

# COMPLIANCE WITH CONDITIONS

---

- *(e) Upon receiving an application for relief from rear yard requirements of this section, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with coordination of reviews in writing from all relevant District of Columbia departments and agencies, including:*
- *(1) The District Department of Transportation;*
- *(2) The Department of Housing and Community Development; and*
- *(3) The Historic Preservation Office if the application involves a historic district or historic landmark.*
- The subject property of application is located within the Ledroit Park Historic District.
- The approval of HPO is predicated on BZA Approval

# APPROVED FLOOR PLANS

**MU-4 Zoning District - ZONING APPROVAL for the INTERIOR RENOVATIONS to an existing Single-Family Row Dwelling and Change-of-Use to a TWO-FAMILY FLAT per submitted plans. NO OTHER WORK AUTHORIZED UNDER THIS PERMIT.**

**ZONING APPROVAL is subject to the following CONDITIONS:**

- NO EXTERIOR STRUCTURES: No work has been proposed or authorized for any Additions, Stairs, Fences, Areaways, DECKS, etc. Scope of work limited to interior only
- REAR DECK: Non-Conforming Rear Deck is subject to Stop-Work-Order 23ENF-IC-03465; Rear deck is not included or authorized in the scope of work of this permit and requires relief from the Board of Zoning Adjustment. Applicant must obtain a building permit for the rear deck

**Legend (see cover sheet for insulation rating)**

**door notes:**

- 2017 DCBC 716.8.9 DOOR CLOSING FIRE DOORS SHALL BE LATENT AND AUTOMATICALLY CLOSING IN ACCORDANCE WITH THIS SECTION.
- DOOR HARDWARE AT COMMON ENTRANCE DOORS ARE EQUIPPED WITH UNRESTRAINED ASSEMBLIES. DOORS DO NOT HAVE TO USE A KEY OR HAVE SPECIFIC KNOWLEDGE TO EXIT THE BUILDING. THE MAXIMUM EFFORT TO OPERATE THESE DOORS IS 15 POUNDS. WHEN PULL OR PUSH EFFORT IS APPLIED AT 90 DEGREES TO HINGED DOORS, THE MAXIMUM EFFORT IS 15 POUNDS. WHEN PULL OR PUSH EFFORT IS APPLIED AT 45 DEGREES TO HINGED DOORS, THE MAXIMUM EFFORT IS NOT EXCEED 15 POUNDS. (2017 DCBC 1010.3)

**safety glazing notes:**

- 2017 DCBC 716.8.10 INDIVIDUAL GLAZED AREAS INCLUDING MINIMUMS IN HAZARDOUS LOCATIONS AS DEFINED IN SECTION 2406.4 AND 2406.5.1.1. GLAZED AREAS SHALL NOT EXCEED 10'-4 1/2 INCHES (IBC 2015, SECTION 1009.3; IRC 2015, SECTION 310.1).
- WINDOWS IN REAR DECK (SLEEPING ROOMS) SHALL HAVE AN EMERGENCY ESCAPE WINDOW (IBC 2015, 1009; IRC 2015, 310). HIS WINDOW SHALL HAVE AN EXTERIOR OPENING. THE OPENING SHALL HAVE A MINIMUM CLEAR WIDTH OF 20 INCHES, THE MAXIMUM CLEAR WIDTH OF 24 INCHES AND A CLEAR HEIGHT OF 30 INCHES. THE MAXIMUM CLEAR HEIGHT OF 30 INCHES SHALL NOT EXCEED 10'-4 1/2 INCHES (IBC 2015, SECTION 1009.3; IRC 2015, SECTION 310.1).
- WINDOWS IN REAR DECK (SLEEPING ROOMS) SHALL HAVE AN EMERGENCY ESCAPE WINDOW (IBC 2015, 1009; IRC 2015, 310). HIS WINDOW SHALL HAVE AN EXTERIOR OPENING. THE OPENING SHALL HAVE A MINIMUM CLEAR WIDTH OF 20 INCHES, THE MAXIMUM CLEAR WIDTH OF 24 INCHES AND A CLEAR HEIGHT OF 30 INCHES. THE MAXIMUM CLEAR HEIGHT OF 30 INCHES SHALL NOT EXCEED 10'-4 1/2 INCHES (IBC 2015, SECTION 1009.3; IRC 2015, SECTION 310.1).
- WINDOWS IN REAR DECK (SLEEPING ROOMS) SHALL HAVE AN EMERGENCY ESCAPE WINDOW (IBC 2015, 1009; IRC 2015, 310). HIS WINDOW SHALL HAVE AN EXTERIOR OPENING. THE OPENING SHALL HAVE A MINIMUM CLEAR WIDTH OF 20 INCHES, THE MAXIMUM CLEAR WIDTH OF 24 INCHES AND A CLEAR HEIGHT OF 30 INCHES. THE MAXIMUM CLEAR HEIGHT OF 30 INCHES SHALL NOT EXCEED 10'-4 1/2 INCHES (IBC 2015, SECTION 1009.3; IRC 2015, SECTION 310.1).

**SECTION 803  
WALL AND CEILING FINISHES**

**803.1 General:**

Interior wall and ceiling materials shall be classified in accordance with Section 803.1.1 or 803.1.2, except as shown in Sections 803.2 through 803.3. Materials shall be tested in accordance with the test methods specified in Section 803.1.1 or 803.1.2.

**803.1.1 Interior wall and ceiling finish materials:**

Interior wall and ceiling finish materials shall be classified in accordance with ASTM E 84 or UL 723. Such interior wall and ceiling materials shall be grouped in the following classes in accordance with their flame spread and smoke developed index.

- Class A—Flame spread index 0.25, smoke-developed index 0.40.
- Class B—Flame spread index 0.25 to 0.70, smoke-developed index 0.40.
- Class C—Flame spread index 70-200; smoke-developed index 0.450.
- Exception: Materials tested in accordance with Section 803.1.2.

**SECTION 804  
INTERIOR FLOOR FINISHES**

**804.1 General:**

Interior floor and floor covering materials shall comply with sections 804.2 through 804.4.2.

**Exception:** Floor finishes and coverings of traditional types, such as wood, vinyl, linoleum or terrazzo, and resilient floor covering materials that are not composed of fibers.

**804.2 Classification:**

Interior floor and floor covering materials required by section 804.4.2, list of class I or II materials shall be tested in accordance with UL 235 and the classification referred to herein corresponds to the classification determined by NFPA 253 as follows: class I, 0.45 water/2 or greater; Class II, 0.22 water/2.

**804.3 Testing and identification:**

Interior floor finish and floor covering materials shall be tested by an agency in accordance with NFPA 253 and shall indicate the interior floor finish or floor covering classification according to section list 2. Classification shall be indicated on the interior floor finish or floor covering label. A statement confirming the information provided in the manufacturer's product identification shall be furnished to the building official.

**804.4 Interior floor finish requirements:**

Interior floor covering materials shall comply with sections 804.4.1 and 804.4.2 and interior floor finish materials shall comply with section 804.4.3.

**804.4.1 Test Requirement:**

In all occupancies, interior floor covering materials shall comply with the requirement of the DOC FF-1 "pill test" in accordance with NFPA 253.

**Design No. L501**  
Unrestained Assembly Rating—1 Hr.  
Finish Rating—30 Min.

**1, 2, 3. Rearing Systems—**The finish Rating (Item 1), vapor barrier (Item 2) and the subflooring (Item 3), may consist of any one of the following

**1hr floor assembly**  
existing to remain

**NOT IN SCOPE**

**REAR DECK: Non-Conforming**  
Rear Deck is subject to Stop-Work-Order 23ENF-IC-03465. Rear deck is not included or authorized in the scope of work of this permit and requires relief from the Board of Zoning Adjustment. Applicant must obtain a building permit for the rear deck

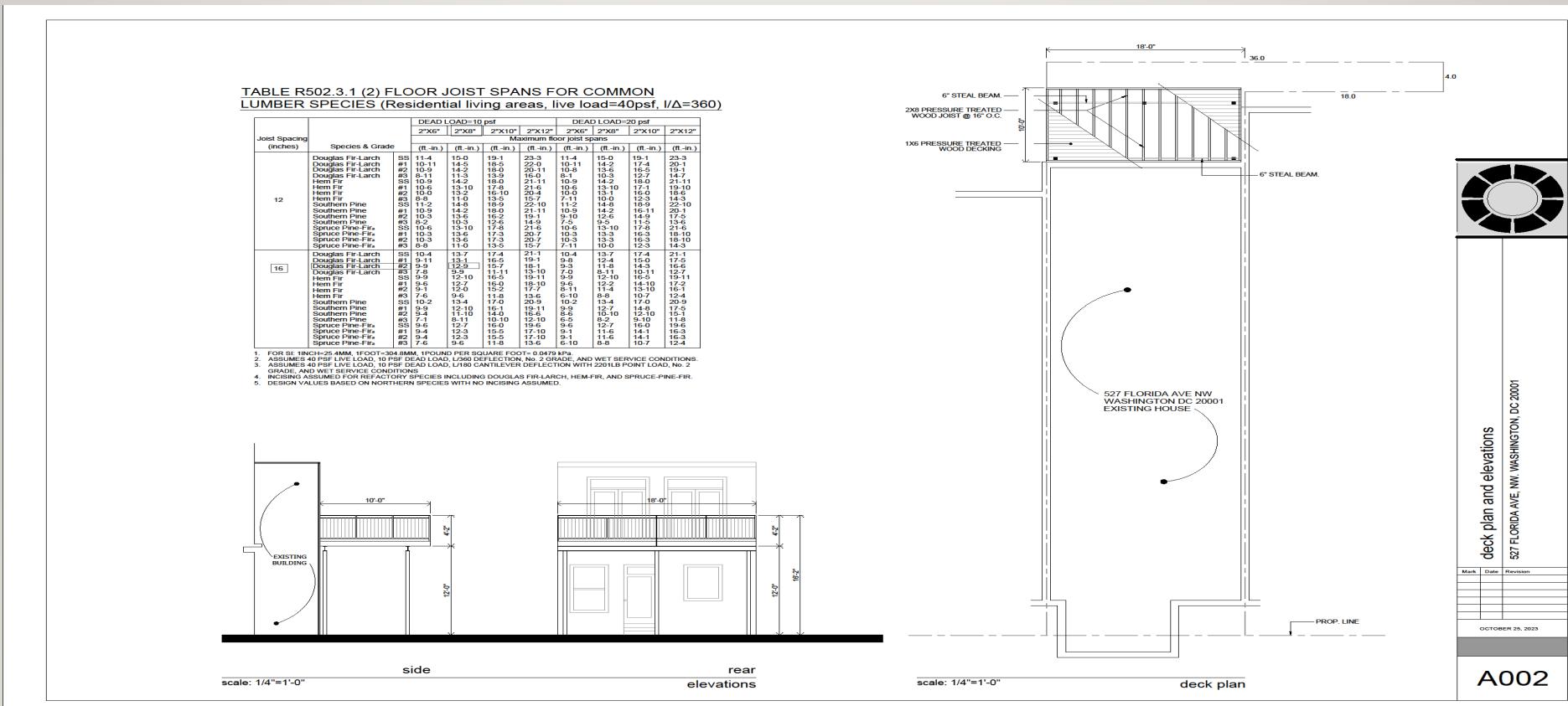
**proposed floor plans**  
527 FLORIDA AVE NW, WASHINGTON, DC 20001

Mark Date Revision

SEPTEMBER 24, 2024

**A002**

# PROPOSED ELEVATIONS



# DC BUILDER'S PLAT

**DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR**

Washington, D.C., November 13, 2023

Plat for Building Permit #<sup>2</sup>:

**SQUARE 3093 LOT 29**

Scale: 1 inch = 20 feet

Recorded in Book C, 7 Page 38

Receipt No. 24-00678

Drawn by: M.G.

Furnished to: KILLETT AND ASSOCIATES

I hereby certify that the dimensions and configuration of the lot(s) herein depicted are consistent with the records of the Office of the Surveyor unless otherwise noted. I also certify that no other lots or improvements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s).  
*James D. Patel*  
 For Surveyor, D.C.

1 I hereby certify that the dimensions and configuration of the lot(s) herein depicted are consistent with the records of the Office of the Surveyor unless otherwise noted. I also certify that no other lots or improvements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s).  
 2 I also hereby certify that:  
 a) The dimensions of this plat, as detailed above, is accurate and complete as of the date of my signature hereto;  
 b) there is no elevation change exceeding ten feet measured between lot lines; or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;  
 c) I have (circle one) filed or (circle one) filed a subdivision application with the Office of the Surveyor;  
 d) I have (circle one) filed an subdivision application with the Office of Tax & Revenue; and  
 e) if there are changes to the lot and its boundaries as shown on this plat, I will resubmit the revised plan to the Office of the Surveyor, on which I will obtain an updated plat from the Office of the Surveyor on which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.  
 3 If O&S does not accept this plat, I will accept a Building Permit issued by the Office of the Surveyor within the two years prior to the date DCRA accepts a Building Permit Application as excepted from the requirement to accept a Building Permit.  
 4 I acknowledge that any inaccuracy or error in my depiction on this plat will subject any permit or certificate of occupancy issued in reliance on this plat to enforcement, including revocation under Sections 1105.6(1) and 1105.7 of the Building Code (Title 12A of the DCMR) as well as investigation and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code §22-3002).

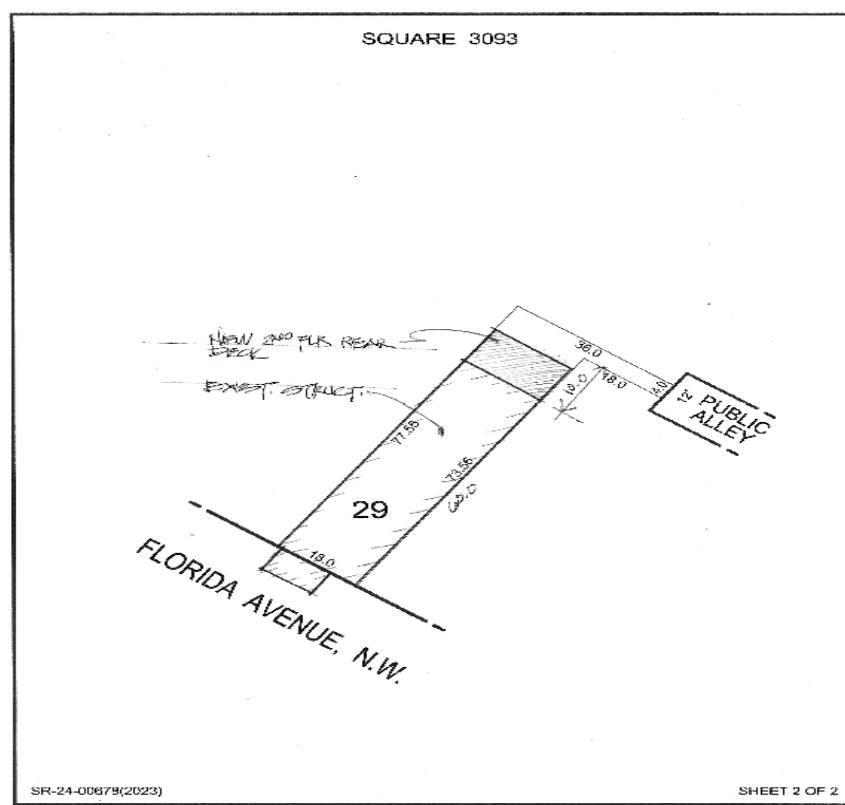
Signature: *James D. Patel*  
 Date: 11/13/2023  
 Printed Name: James D. Patel Relationship to Lot Owner: For Surveyor  
 If a registered design professional, provide license number and include stamp below.

0 10 30 60 100

SCALE: 1:20

SHEET 1 OF 2

SR-24-00678(2023)



# CONCLUSION

---

- The Applicant respectfully requests that the Board grant the requested special exception reliefs for the reasons itemized below;
  - (a): the application complies with the burden of proof authorizing the Board to grant the relief sought as application outlines.
  - (b) The affected ANC supports the relief the application requests, as further amended.
  - (c) Adjoining neighbors do not object to the proposed open deck. In fact the majority are in support.