

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT  
APPLICATION OF 122 V ST, NW  
MR. ATHOS PASHIARDIS ANC 5E  
STATEMENT OF THE APPLICANT  
Burden of Proof**

**NATURE OF THE RELIEF SOUGHT**

This statement is submitted by Mr. Athos Pashiardis, (the “Applicant”), the owner of 122 V ST, NW, (the “Property”), (Square 3116, Lot 30). The Applicant seeks Special Exception relief to allow an addition in an RF-1 District. The Proposal includes a 1 story rear addition to an existing single-family townhouse structure that won’t comply with 11 DCMR:

1. Lot Coverage (Subtitle E-§304.1 & §5201.1&.2 & Subtitle C-§202.2) The proposed addition will increase the current lot coverage from 60.3% to 69.03% where 60% is the maximum allowed by right in the RF-1 District, and 70% is the absolute maximum permitted. Although the exiting lot coverage is non-conforming by 0.3%, increasing lot coverage will not create new non-conformity.
2. Rear Addition (Subtitle E-§205.4&.5). The proposed addition will extend two feet further than allowed. It will extend 12 feet where the maximum is 10 feet beyond the rear wall of any principal residential building on an adjacent property.

**JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

**BACKGROUND INFORMATION OF THE PROPERTY**

The property is a mid-block, RF-1 zoned lot of 1457.4 square feet with a three-story brick row house flat as a single family dwelling constructed c.1905. This is the principal residence of the applicant. The proposed addition is intended to allow the applicant to remain in the house as his family expands. The residence contains 2866.6 sq. ft. of livable area covering 879.5 sq. ft. of the lot (60.3%). The dwelling is flanked on both sides by mostly identical row houses the length of the block. The existing structure has a one-story porch extending back 5’-2”. Mr. Pashiardis’ property is within the boundaries of ANC 5E.

**DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA**

An unenclosed structure (a deck) on the immediately adjacent townhouse flat to the east (120 V St. NW) extends 12’-0” back from the original building. An existing sunroom at the rear of the townhouse flat to the west (124 V St. NW) extends 5’-2” back from the rear of the building, and is accessed by a metal spiral staircase. The property to the west is also heavily shaded by a large Tulip Poplar tree on its lot. Other properties within the square that have improvements to the rear include 126 V St. NW, 2036 1<sup>st</sup> St., NW, 2026 1<sup>st</sup> St., NW, 2020 1<sup>st</sup> St., NW, and 2010 1<sup>st</sup> St., NW (which includes a large free-standing deck over on-grade parking). 2008 1<sup>st</sup> St. NW has added a story, and 2017 Flagler Pl. NW has improved an accessory structure that significantly encroaches upon its lot occupancy. Immediately to the south of the subject property, across Bloomingdale Court, NW (essentially a 15’ wide alley), are converted former stables on wider lots that run perpendicular to Mr. Pashiardis’ lot.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The Applicant is proposing to extend the narrow livable area of the Property from 2866.6 sq. ft. to 3090 sq. ft. by building a one-story addition at the first level. The current footprint of the structure will be increased by 223.4 sq. ft. by removing a small covered porch at the rear and extending back from the

existing structure. The proposed addition will provide for a weather-tight sunny room on the first floor. The addition will be elevated above the rear basement grade. The height of the building will not be increased. The addition will extend 12'-0" back and align with the deck structure on the property to the east. The proposed addition will extend only 2 feet more than 10 feet beyond either adjoining structure allowed by Subtitle E, Section 205.4. These extra two feet will allow room for the new rear entry stairs to be covered from the weather by the new roof above and not protrude beyond the new addition. The non-conforming lot size of 1457.4 sq. ft. only allows a structure of 874.4 sq. ft. by right. The proposed addition will have a footprint of 1006 sq. ft. with 69.03% total lot coverage.

Apart from the relief requested, the Project complies with the development standards for the RF-1 zoning district. The Project does not increase the height of the building and will not affect the main façade's existing architectural elements.

#### **NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW**

The Board of Zoning Adjustment is authorized under §8 of the Zoning Act, D.C. Official Code §6-641.07(g)(2), to grant special exceptions, as provided in DCRM Chapter 11, Subtitle X §901.2, 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) Subject in specific cases to the special conditions specified in the Zoning Regulations 11 DCMR Subtitle X §901.2.

The BZA has limited discretion in granting a special exception – once an applicant has made the requisite showing of the requirements under the regulations for the special exception, the Board typically must grant the application. *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

The Applicant's compliance under §901.3 with those requirements is:

#### **THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS**

Subtitle E, Section 5201.3 provides relief for the applicant by special exception when demonstrated that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected; Some of the houses on the block already have rear extensions that are similar in depth and height as the proposed structure. The proposed addition matches the length of the deck to the east, is significantly glazed, and will be only 82" longer than the existing Porch to the west. A light study reveals that due to the configuration of existing houses along 1<sup>st</sup> St. NW, direct sunlight to Mr. Pashiardis' neighbor on the west will only be inhibited for approximately an hour in the very early morning at the height of summer. Light from the west will similarly only be inhibited near sundown at the height of summer. Neither of the two adjacent properties have windows on their sides. Both have only one small window toward the west side of their rear walls. The 2<sup>nd</sup> story windows are not affected. Therefore, the light and air of adjacent neighbors will not be negatively impacted. The three-story rowhouses in this square are uniform and do not unduly affect the light and air of other blocks. There are no existing or permitted solar energy systems in proximity to the proposed construction of which we are aware. Finally, the ceiling height of the proposed addition will not exceed the existing structure height and is well below the height limitations.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The privacy and use of enjoyment of the property to the west shall be not unduly compromised because, due to the shared party-wall property line there, and the fact that the only windows on the side of the addition will be on the east, the privacy situation will be enhanced. As for the neighboring property to the east, there will be narrow windows with a view across the corner of their existing deck – the larger windows face the alley to the rear – but given that the access stairway and landing (where the owner sometimes likes to sit), will be removed and reconfigured, the privacy situation on this side will also be slightly improved. The small balcony to be built on the second floor will be set back approximately 4-1/2 feet from the addition below, so views from and to that balcony will be limited. There is no deck proposed at the upper roof level. Thus the privacy situation for the neighbors on both the east and west is mostly enhanced.

(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 project will conform to the character, scale and pattern of the houses on the block. The addition stays at the existing building height which is well below the allowed height. The rear addition will be either horizontal siding or stucco, consistent with other additions on the block.

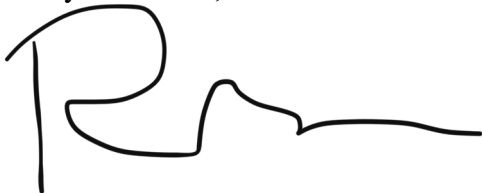
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and The Applicant has provided graphical representations vis-à-vis plat, plans, elevations, sections, perspectives and photographs, and site plan to represent the project and its relationship to the adjacent buildings and views from the public way.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%). The Applicant is requesting relief for 69.03% lot coverage. No new non-conformity will be generated by this addition.

### CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Athos Pashiardis', with a stylized, flowing script.

Athos Pashiardis  
122 V ST NW  
Washington, D.C.