



1711 CONNECTICUT AVE. NW, 204B  
WASHINGTON, D.C. 20009

202 758 5518

**Burden of Proof  
Special Exception Application**

**4220 Fordham Rd, Northwest**

**To: Office of Zoning**  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> Street, NW

**From: Nancy Meakem and Arkadi Gerney**  
Owner/Applicants  
4220 Fordham Road, NW  
Washington DC 20016

**Date:** November 30, 2017

**Re: BZA Application for rear yard relief at 4220 Fordham Road, NW  
(Square 1481, Lot 0003)**

Nancy Meakem and Arkadi Gerney, owners of 4220 Fordham Road, NW, hereby apply for a Special Exception per DCMR chapter 5201 to extend a currently non conforming structure laterally.

The rear yard will not meet minimum setback of 25 feet per section 306 of Subtitle D of DCMR 11.

Also, the existing lot area, which is 7004 sf, does not comply with the minimum required area of 7500 sf per section 302.1 of Subtitle D DCMR. This is an existing condition of the lot.

**I Summary**

The project qualifies under 11 DCMR Section 5201 because:

- A.** The project is an addition to a building with one (1) principal dwelling unit.
- B.** The addition does will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.

**II Basis for Grant of Special Exception**

- A. DCMR 11 Subtitle D, 5201.1**

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19697  
EXHIBIT NO.3

*The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:...*

*(b) Yards*

The applicants house is in R-1-A zone and the relief sought is for the rear yard.

**B. 5201.2**

*Special exception relief under this section is applicable only to the following:...*

*(a) An addition to a building with only one (1) principal dwelling unit*

The relief sought is for a building with only one principal dwelling unit.

**C. 5201.3**

*An applicant for special exception under this section shall demonstrate that the proposed 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;*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised*
- (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;*
- (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;*

The property seeking relief faces southeast. The abutting properties will not be affected by the proposal with regard to light because the majority of the addition is limited to the first floor, and the small addition proposed on the second floor will not cast an additional shadow because it is situated behind the mass of the existing building. Furthermore, the second story addition is within the required setback and, therefore, relief is not required for that portion of the proposal.

The proposed addition is set back from the rear property line by more than 20' and the portion of the project that requires relief is only one story, so the impact on the adjacent lots with regard to air is de minimis.

There is currently a property fence surrounding the applicant's property. This fence will remain. Given that the portion of the addition for which relief is required is a single story, adjacent neighbor will not have visual access to it over the fence.

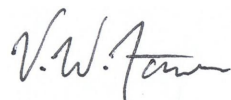
The proposed addition will not be visible from the street and will have no impact on the character, scale, and pattern of houses along subject street.

Enclosed in this application for relief are photographs and drawings that illustrate that the proposal will not adversely impact the adjacent properties.

The owner will be reviewing the plans with the neighbors and we will submit letters of "no objection" as we receive them.

Please do not hesitate to contact the authorized agent VW Fowlkes with any questions.

Thank you.

A handwritten signature in black ink, appearing to read "V.W. Fowlkes". The signature is written in a cursive style with a large, stylized "V" and "F".

VW Fowlkes  
Agent to Applicant  
202 / 758-5518