ShawPittman LLP
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MEMORANDUM

By Hand Delivery

TO: Beverly Bailey

FROM: John Epting
Paul Tummonds

DATE: May 20, 2002

RE: BZA Application No. 16815 - Updated Areas of Requested Zoning Relief

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY 20 AM 1:06

This memorandum outlines the areas of necessary zoning relief for BZA Application No. 16815. We have also attached a revised zoning self-certification form and a letter from the former Zoning Administrator certifying the areas of requested relief.

SPECIAL EXCEPTION

- Initially the project required special exception relief, in order to be constructed to a height in excess of the 40 feet permitted in the Reed Cooke Overlay.
- As a result of the elimination of the top floor of the building, the special exception approval for the proposed height of the building is not necessary.
- NO SPECIAL EXCEPTION APPROVAL FOR THE PROJECT IS NECESSARY

VARIANCE RELIEF

- Variance relief is necessary, and was requested in the initial application, for the following areas:
  - Floor area ratio (in response to community concerns, the total FAR of the project has been reduced since the original application) - §402;
  - Addition to a structure that exceeds the permitted lot occupancy - §2001.3; and
  - Restrictions on the use of an alley lot (residential use is a conforming use in the underlying R-5-B District) - §2507.
- In addition, as a result of changes to the project that were made in response to concerns and comments raised by the members of the community (these changes include the removal of one of the entrances to the garage and the removal of a level of parking), **it is now necessary to request variance relief from the off-street parking requirements - §2101**.

BZA
Case No. 16815
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16815
EXHIBIT NO.41

If you have any additional questions, please feel free to call us.

Enclosure

Document #: 1243690 v.1

16815

Form 135 - Side 1
(Revised 03/15/02)

Case No._____

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
2412 R 17th Street, N.W.	2566	95	ANC 1C	ANC 1C06

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☒ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections		402, 2001.3, 2507, 2181	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

RECEIVED
MAY 20 2002
D.C. OFFICE OF ZONING

Owner's Signature	Owner's Name (Please Print)
Agent's Signature: Paul A. Tummonds, Jr.	Agent's Name (Please Print): Paul Tummonds, Jr.

Date	05/20/02	D.C. Bar No.	452020	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	11,650 Sq. Ft.	N/A	N/A	N/A	N/A
Lot Width (ft. to the tenth)	65' - 0"	N/A	N/A	N/A	N/A
Lot Occupancy (building area/lot area)	10,490 sq. ft.	60%	6,990 sq. ft.	Existing	Exist 90%
Floor Area Ratio (FAR) (floor area/lot area)	17,937.9 sq. ft.	1.8	20,970 sq. ft.	34,291.29 sq. ft.	61% 13,621.29 sq. ft.
Parking Spaces (number)	0	1/2 units	6	24	N/A
Loading Berths (number and size in ft.)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Side Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Court, Open (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Court, Closed (width by depth in ft.)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	15' - 0"	N/A	40' - 0"	33' - 0"	--