Form 150
(Revised 04/29/02)

Case No. 16921

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

MOTION

Notice: See other side of motion form for instructions.

Applicant, Appellant, Appellee, Party, Intervener	vs.	Applicant, Appellant, Appellee, Party, Intervener
APPLICANT – BERG BENSON & BENSON		

Motion of:
(state what you want the Board to do)

MOTION FOR MODIFICATION OF APPROVED PLANS
(SEE ATTACHED)

Points and Authorities:
(state the each and every reason why the Board should grant your motion, including relevant references to the Zoning Regulations or Map)

(PLEASE SEE ATTACHED)

CERTIFICATE OF SERVICE

I hereby certify that on this (date) 24 day of (month) FEBRUARY, (year) 2004, I served a copy of the forgoing Motion on each entity that has requested party status; or entities that have be granted party status – on the above referenced BZA case via

☒ First-class mail ☐ Hand delivery ☐ Other (specify) _____

(ATTACH A LIST OF PARTIES SERVED)

Signature:	Cecilia B Benson Applicant *
Print Name:	Cecilia Berg-Benson
Firm/Organization	—
Address:	4432 FARADAY PLACE

* *In the event an authorized agent files a motion on the behalf of the maker of the motion, a letter signed by the maker of the motion authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Maker of Motion or Authorized Agent)*

BZA
Case No. 16921
Exhibit No. 46

Name:	CECILIA BERG BENSON & JACK BENSON				
Address:	4432 FARADAY PLACE, NW				
Phone No.:	202-237-7942	Fax No.:		E-Mail:	

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Board of Zoning Adjustment
District of Columbia
CASE NO.16921
EXHIBIT NO.46

February 23, 2004

Government of the District of Columbia
Board of Zoning Adjustment

Ref: Application No. 16921
Cecilia Berg Benson & Jack Benson
4432 Faraday Place, NW
Square 1582, Lot 190

Form 150
Motion for Modification of Approved Plans

Motion of:

- Grant our motion for application for modification of approved plans based upon acceptance of these modified plans by all impacted parties (see attached letters of acceptance) and the less intrusive footprint and profile of the proposed modified design as compared to the original approved plans.

- Waive six month rule (3129.3) as this motion for modification of approved plans has been filed in response to ongoing Motion for Reconsideration and subsequent Petition for Review filed by our neighbor, Kathleen B. Beckwith of 4428 Faraday Place, with the District of Columbia Court of Appeals. Ms. Beckwith has reviewed these modified plans and found them acceptable and is willing to withdraw her petition pending before the Court of Appeals if this modification is approved (see attached letter).

- Expedite approval of this motion. We have invested considerable time and resources into this modification in an effort to eliminate any objection to our plans. We have accomplished that with this modified design, but with considerable delay to our original construction schedule. We are expecting our second child in late July and would like to have construction completed prior to his/her arrival.

Points and Authorities:

- We have discussed these alternative plans with our adjoining neighbors and they have found them acceptable (see attached letters). Neighbors that did not object to the original approved plans actually prefer the modified design, but continue to accept both proposals. Most importantly, our immediate neighbor, Kathleen B. Beckwith of 4428 Faraday Place, has reviewed and accepted this alternative proposal. Ms.

- Beckwith currently has a Petition for Review pending with the District of Columbia Court of Appeals appealing the BZA's approval of our original plans. Acceptance of our Motion for Modification of Approved Plans would remove this sole remaining source of objection to our application.

- The modified addition design requires significantly less variance from the required 20-foot rear lot setback. The modified plan includes a 16'0 setback (only 4'0 variance) compared to our original proposal which contained an 8'6 setback (11'6 variance) from the building and 5'6" setback (14'6" variance) from the exit stairs located at the rear of the addition..

- The roof line of the modified plans is pitched and falls away from the main structure of the house to a lower level at it deepest point into the rear yard. This modified proposal allows more air and light to pass into the abutting neighbor's rear yards and presents a less imposing structure visually.

- The modified design maintains the architectural and aesthetic integrity of our home's original construction.

- We have invested considerable time and money and made several architectural and interior layout concessions in developing an alternative proposal that was acceptable to all neighbors, although our initial plan was already approved by the BZA. This plan will likely cost us significantly more to build, but presents a solution which presents minimal impact on neighbors.

February 24, 2004

Ref: Application No. 16921-A
Cecilia Berg Benson & Jack Benson
4432 Faraday Place, NW
Square 1582, Lot 190

Form 150
Motion for Modification of Approved Plans

Parties Served with Motion for Modification of Approved Plans:

Commissioner 3E03
Advisory Neighborhood Commission 3E
PO Box 9953
Friendship Station
Washington, DC 20016

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, NE
4th Floor
Washington, DC 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, NW
6th Floor
Washington, DC 20001

Kathleen Beckwith
4428 Faraday Place, NW
Washington, DC 20016

February 17, 2004

Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

Ref: Application of Cecilia Berg-Benson and Jack Benson
4432 Faraday Place, NW
BZA Application No. 16921

To Whom It May Concern,

I am writing today to communicate our acceptance of the proposed modified design for an addition to the rear of Cecilia Berg Benson and Jack Benson's home located at 4432 Faraday Place.

As their immediate neighbor we have reviewed and discussed their modified plans with them and have no objection to their proposed design changes or their application for a modification to the initial variance they were awarded.

Regards,

Claudia Piras and Mauricio Orellana
4436 Faraday Place

Ref: Zoning Adjustment Hearing & Application
Cecilia Berg-Benson
Jack Benson
4432 Faraday Place
202.237.7942

We have spoken with Cecilia Berg Benson and/or Jack Benson regarding their application for a "modification of approved plans" for the construction of an addition to the rear of their home located at 4432 Faraday Place.

As their rear neighbor (we share a common alley) we have reviewed and discussed their modified plans with them and have no objection to their proposed design changes or their application for a modification to the initial variance they were awarded.

	Signature	Name	Address
1.		Joel Smith	4425 Fessenden St.
2.		Suzanne Berry	4423 Fessenden ST. NW

4428 Faraday Place, NW
Washington, DC 20016
February 23, 2004

Board of Zoning Adjustment
441 4th St, NW
Washington, DC 20001

Re: Statement in support of settlement of BZA dispute
BZA Case No. 16921
DCCA Case No. 03-AA-1109

To Whom It May Concern:

The applicants in BZA Case 16921 have shared with me design modifications for their proposed addition. A copy of the modified design is attached.

The design modifications reflect less encroachment into the 20-foot rear lot setback than was previously approved by the BZA. The modified design reflects an addition approximately 9 feet deep, that encroaches only 4 feet into the rear lot setback, leaving a rear yard approximately 16 feet deep. The modified plans reflect a lowering of the roof height below what was previously approved by the BZA, with the roof sloping to the rear.

The applicants have indicated to me their intent to seek BZA approval of the modified design and to build their addition in accordance with that modified design.

I have no objection to the modified design as reflected on the attachment and outlined above.

Should the BZA approve the design modifications reflected on the attachment, that will constitute the basis for resolution and withdrawal of a petition pending before the DC Court of Appeals appealing the BZA's earlier decisions in this matter.

Sincerely,

Kathleen B Beckwith

Kathleen B. Beckwith
(202) 686-9493

Attachment