REVISED

Form 120 — Exhibit 1
(Revised 04/29/02)

Case No. 17279

D.C. OFFICE OF ZONING
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BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
2604 Mozart Pl.	2579	19	R-5-B	Special Exception	223, 402
				Area Variance	
				Area Variance	
				Area Variance	

Present Use of Property:*	Residence / Family Row Dwelling				
Proposed Use of Property:*	Residence / Family Row Dwelling				
Owner of Property:*	Stephanie Peters/Charles Fishman	**Telephone No.:***	202-232-3611		
Address:*	2604 Mozart Pl.	**City:***	Washington	**State:***	District of Columbia	**Zip:***	20009

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

Owners Stephanie Peters and Charles Fishman, plan to enlarge residence 9' in the rear for 2nd floor nursery and 1st floor enlarged kitchen/breakfast area. The home is a brownstone and is one of four brownstone homes on a half block on Mozart Place, Northwest. The addition will not be visible from the front of the home and can only be seen from one side of the alley in the back of the home. The addition will maintain 12 feet rear yard and an open court on one side. Request SE for 3 feet encroachment in yard and floor area ratio coverage of 70%.

Estimated Construction Cost:	50,000	**Advisory Neighborhood Commission Single-Member District(s):***	1C06

Date:*	12/01/04	**Signature:**	Stephanie J. Peters

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

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

Name:*	Allen Neyman, AIA						
Address:*	8555 16th St.	**City:***	Silver Spring	**State:***	Maryland	**Zip:***	20910

Phone No.:*	301.587.3333	**Fax No.:**	301.589.7357	**E-Mail:**	Allen@NSArchitects.com

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

Print Preview Clear Form

BZA
Case No. 17279
Exhibit No. 20

http://www.dcoz.dc.gov/services/apps/form_120_application.asp 12/1/2004

Board of Zoning Adjustment
District of Columbia
CASE NO. 17279
EXHIBIT NO. 20

D.C. OFFICE OF ZONING
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Form 135 — Side 1
(Revised 03/15/02)

Case No. 17279

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*
2604 Mozart Pl.	2579	19	R-5-B	

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						223, 402

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.

Owners Signature	Stephanie J. Peters	Owner's Name	Stephanie Peters/Charles Fishman
Agent Signature		Agent Name	Allen Neyman, AIA

Date*	12/01/04	DC Bar No.		or	Architect Registration No.	6304

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

Form 135 — 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.)	1513	N/A	N/A	N/A	N/A
Lot Width (ft. to the tenth)	17'	N/A	N/A	N/A	N/A
Lot Occupancy (building area/lot	60%	N/A	60%	70%	+10%
Floor Area Ratio (floor area/lot area)	1.8	N/A	1.8	2.0	+0.2
Parking Spaces (number)	N/A	N/A	N/A	N/A	N/A
Loading Berths (number and size	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)	21'(without porch)	15'	–	12'	-3'
Side Yard (ft. to the tenth)	NONE	NONE	N/A	N/A	N/A

Court, Open (width by depth	3.9'	10'	N/A	varies 3.9'-2.0'	varies 6.1'-8.0'
Court, Closed (width by depth	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	+/-30'	N/A	50'	+/-30'	NO CHANGE

Print Preview Clear Form

NSArchitects
a design corporation
Allen E. Neyman, AIA
John T. Stovall, AIA

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC -3 AM 10: 18

TO: Office of Zoning
District of Columbia

DATE: December 1, 2004

FROM: Allen E. Neyman, AIA, NSArchitects, on behalf of
Stephanie Peters & Charles Fishman, Owners/Applicants

SUBJECT: REVISED BZA Application No. 17279
2604 Mozart Place, NW (Square 2579/Lot 19) Zone R -5 - B

1. Introduction of Additional Information "Burden of Proof"

This is an additional Statement of Explanation to the application of Stephanie Peters and Charles Fishman, (hereinafter "Applicants") who are owners and residents of 2604 Mozart Place, etc., please refer to the document of November 24, 2004.

In consideration of excess FAR (R-5-B 1.8 maximum, proposal is for 2.0) we note a request for Special Exception. This is not covered by section 223 and is covered by section 402. The burden of proof for the Special Exception under 402 is therefore added to the application with this document.

2. Physical characteristics of the property.

There is a practical difficulty in reducing the area of the addition from the proposed floor area to that which would meet the FAR. If the room addition were a nominal dimension of 6' X 6', then the FAR would comply at 1.8. However, this size of room is impractical, would provide a non-usable room, and would serve the occupants no useful purpose.

3. Affect on neighboring areas - public good

Surrounding areas are quite different - zones on the West, North, and East sides of this block of single family residences are C-2-B and R-5-D with an FAR of maximum of 3.5. Adjacent neighbors to the south, though also zoned R-5-B, are apartment buildings. From visual inspection, they appear to exceed the 1.8 FAR also. Thus, the increased density suggested by a higher FAR is in keeping with the area.

4. Consistent with intent of zoning

The resultant structure's FAR does not affect the pattern of use associated with the structure, as the structure remains single family. Proposed mass and bulk changes are minimal in terms of their visibility - the existing porch occupies 2/3 the bulk and mass proposed to take its place. The improvement to the

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property far offsets the effects of increased FAR in the neighborhood. And, though only partially visible, it is believed the addition will add to the visual character of the neighborhood.

5. Conclusion

We believe our application comports with the law and spirit of the zoning code by protecting the existing residential neighborhood and enhancing its quality. The Applicant wishes to improve the property in a sensible and practical manner, continue to occupy it as a family, and to accommodate an addition to the family. The applicants should be granted a special exception for FAR to construct the addition described above, as to their benefit and to the neighborhood.

Sincerely,



Allen E. Neyman, AIA
Principal