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TO: Office of Zoning
District of Columbia

DATE: November 24, 2004

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

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

1. Introduction

This is a Statement of Explanation supporting the application of Stephanie Peters and Charles Fishman, (hereinafter "Applicants") who are owners and residents of 2604 Mozart Place, to apply for a special exception to build a two-story addition on the rear of their brownstone. The Applicants plan to enlarge the structure 9 feet in the rear for a 2nd floor nursery and 1st floor enlarged kitchen/breakfast area, and basement storage area. The home is one of four brownstone homes on a half block on Mozart Place. The addition will not be visible from the front of the home (or from anywhere on Mozart Place) and can only be seen from one side of the alley in the back of the home. The addition will maintain a 12 feet rear yard and an open court on one side.

Specifically, a special exception is needed for a 3 feet encroachment into rear yard, a lot occupancy of 70%, and a floor area ration of 2.1.

2. Description of the Applicant

Charles Fishman has lived and owned the residence since 1988. He and Ms. Peters were married in 2002; they are expecting a child in January 2005.

3. The Subject Property

The residence is a brownstone on a short one-way street in the Adams Morgan neighborhood in the R-5-B Zone District and is one of four residences on the block. The north side of the residence faces the former Italian Embassy (which is scheduled to be renovated into private residences). On the west side is a C-2-B commercial zone and a transitional house for recovering substance abusers, the east side two residences (one is another transitional house). The east and west sides of the structure share party walls for most of the depth of the brownstone footprint, and, the indented plan provides a (3.9 foot non-conforming) court for part of the length of the brownstone. (See site survey) The rear elevation faces an alley, and across the 10' alley is the wall of an apartment building and the rear delivery entrances of commercial entities.

BZA
Case No. 17279
Exhibit No. 3

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17279
EXHIBIT NO. 3

4. The Basis for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted within a residential district. Those criteria are addressed separately below:

223.1 *An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under §3104, subject to the provisions of this section.*

The two-story addition (to a permitted single-family residence) will not be in conformance with requirements for lot occupancy, floor area ratio, and minimum rear yard. The proposed addition will be on the rear (southern) portion of the existing building.

223.2 *The addition shall not have a substantially adverse affect 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;

The light and air available to neighboring properties shall not be unduly affected by this project because the addition is modest in size - approximately 3 feet beyond the current screened and roofed two story porch. All of the residences currently have similar rear porches. *Please see attached photographs*

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The proposed addition is negligible in scale, since most of its mass is contained within the envelope of the existing screened porch. The wing walls or party walls will be windowless permitting no visual intrusion to the adjacent properties. Though larger, the fenestration of the rear elevation will not intrude more, or less, than the existing. It is believed that the addition will not impact the neighbors' use and enjoyment of their property as it remains a single family residential, a use unchanged by the addition. *Please see attached photographs*

(c) the addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

The addition will not be visible from the street front and only partially visible from one side of the alley. It will not intrude on the character or pattern of brownstones along the alley where it is partially visible. The addition will add to the visual character, is in keeping with the pattern, scale and

massing of the brownstone cluster, adopting similar characteristics. The proposed materials include brick masonry for the wing walls, and a stucco wall with doors and window areas in the rear. A rear entry/exit will be maintained and will be accessed by an unroofed, open landing and stair. An existing areaway to the basement will be replicated for basement access/egress. *Please see attached photographs and drawings.*

> *(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 to adjacent buildings and views from public ways.*

Photographs, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent houses and views from public ways are enclosed.

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 applicants should be granted a special exception to construct the addition described above. If you require any further clarification or have any questions regarding our application, I am available anytime to discuss them with you. Thank you for your attention to this matter.

Sincerely,



Allen E. Neyman, AIA
Principal

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