

**BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

Appeal by Jeffrey Schonberger and Geraldine Rebach)
of the Zoning Administrator's August 13, 2003 Decision)
Permitting Matthew and Amy Epstein to Construct a Detached,) **BZA No. 17414**
Two-Story Garage on the premises 5362 27th Street, NW,)
(Square 2292, Lot 27).)
_____)

APPELLANTS' PREHEARING SUBMISSION

Introduction

This appeal was filed on August 8, 2005, challenging the decision of the Zoning Administrator to permit the Michael Sears Trust to construct a second story on an existing one-story garage on the premises 5362 27th Street, NW (Square 2292, Lot 27), per a building permit issued to the previous property owner. See Permit No. B456380, issued on October 30, 2003, attached hereto as Exhibit 1. The issue in this appeal is whether the Zoning Administrator erred in permitting construction of a 1,144 square-foot, two-story accessory private garage in an R-1-B zone, which has a garage on the first level and an apartment on the second level, that does not have the required setback from the rear lot line. The position taken by the Zoning Administrator in authorizing a permit for this structure conflicts with the plain language, purpose, and structure of the zoning regulations.

Appellants intend to rely on the following witnesses:

1. Armando Laurencio, expert witness in interpreting zoning regulations
(CV attached)
2. Jeffrey Schonberger,
3. Geraldine Rebach

Request to Amend Appeal

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17414
EXHIBIT NO. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17414
EXHIBIT NO. 22

On August 10, 2005, after the instance appeal was lodged, the Zoning Administrator authorized the issuance of a new building permit to Michael Sears Trust, as owner of the subject property, as a revision to the original building permit to reflect new ownership and complete construction in accordance with approved plans. See Permit No. B476241, issued August 10, 2005. (Please See Exhibit 2) Appellants are therefore filing an amended Form 125, for the purpose of adding Permit No. B476241 to this appeal as well as noting a specific violation of Section 2500.6 of the zoning ordinance. This permit is merely a technical revision to the previously-issued permit, Permit No. B456380, to transfer the rights to construct the two-story garage to the new owner, without any alteration or change.

This Board has frequently permitted Appellants to amend their appeal to include subsequently issued permits that are germane to the same project or order that was the subject of the original appeal, without requiring the filing of a new appeal or additional notice. See, e.g., *Sisson v. DCBZA*, 805 A.2d 964 (D.C. 2002) (noting that BZA permitted an appellant, on the day of the hearing, to amend her appeal to include all five of the permits issued with respect to the property, and not just the three permits specifically mentioned in the appeal). As the issues with respect to the most recently-issued permit are identical to the challenge to the prior permit, the parties would experience no prejudice or unfair surprise by permitting the appeal to be amended to include the revised permit. Accordingly, the amended appeal relates back to the original appeal.

Statement of Facts

In 2003, 27th Street, LLC, an entity controlled by the homebuilder, Zuckerman Brothers, purchased the 15,000 square foot vacant parcel in the 5300 block of 27th Street, N.W. in the neighborhood of Chevy Chase, D.C., which is zoned R-1-B. The Zuckerman Brothers then proceeded to subdivide the property into lots 26 and 27. On August 8, 2003, DCRA provided zoning approval per “R. Joseph,” and, on October 30, 2003,

DCRA issued Permit No. B456380, authorizing the owners to erect single family houses on the subdivided lots, one of which was Lot 27, which is the subject of the instant appeal. The two story garages would have contained 1,144 square feet each, and opened (or “loaded”) from a rear alley, and the second story of each which was to be a “studio apartment.” Id. The Zuckerman Brothers apparently represented to the District of Columbia that the apartments would be built for the sole purpose of housing domestic employees.

When the neighbors (Appellants) to the rear of the Zuckerman Brothers’ project, became aware of the plans to build the apartments, Appellant, Jeffrey Schonberger telephoned Stuart Zuckerman, a principal of the firm and notified him that the neighbors objected to the plans to build the apartments over the garages. Mr. Schonberger explained that the neighbors felt such structures would create negative externalities affecting the properties across the alley, and further that such a structure did not properly conform the District of Columbia zoning code and therefore should not be allowed to be built. (Please See Exhibit 3) Mr. Zuckerman and his attorney, John Epting, Esq. acquiesced to the neighbor’s objections and the garages, consistent with the Zuckerman Brothers representation to the neighbors, were built as single story structures without the planned second story apartments. The houses were completed in 2004.

In the summer of 2005, the house on Lot 27, 5362 27th Street, N.W., was purchased by Mathew and Amy Epstein and title to the house was taken as The Trustees of the Michael Sears Trust (hereinafter referred to as the “Owners”). In early July 2005, Mr. Epstein contacted Appellants, Mr. Schonberger, Ms. Rebach, respectively on separate occasions and stated, among other things that he and his wife intended to demolish the roof structure of their garage and build an apartment in the manner originally called for by the Zuckerman’s previous plans to accommodate Mr. Epstein’s visiting mother from California (Please see affidavit of Geraldine Rebach, Exhibit 4).

On July 11, 2005, the Owners commenced the demolition and alteration of their garage. Prior to July 11, 2005, Appellees did not obtain a demolition permit or for that

matter any permit. The only permit which was posted was a copy of Permit No. B456380, the permit issued on October 30, 2003, to 27th Street, LLC. (Please see Exhibit 5) On July 11, 2005, and on a nearly daily basis, the neighbors contacted the District of Columbia Department of Consumer and Regulatory Affairs (“DCRA”) to request an inspection. (Please see Exhibit 5)

After considerable delay, an inspector (Mr. Ball) investigated the site and informed the neighbors that there was not an original permit posted on site as required by D.C. law and there were no original stamped construction plans on the site as also required by D.C. law. A Stop Work Order was issued. It was promptly removed by the Owners. Another Stop Work Order was issued and posted on the garage. It also was promptly removed by the Owners.

The addition to the garage was completed in the fall of 2005. As constructed by the Owners, the two-story structure is now 1,144 square feet, and is approximately 7 feet from the rear lot line of the property. (Please see Exhibits 6 & 7)

On August 8, 2005 Appellants filed the subject appeal. On August 10, 2005, the Owners received a building permit issued by DCRA as a transfer of the old permit. Permit No. B476241. (Please see Exhibit 8)

DISCUSSION

The Zoning Administrator erred by failing to recognize the rear-yard set-back requirements of Section 2500.6. The Zoning Administrator also erred by failing to reconcile two provisions of the Zoning Regulations – the general rear-yard set-back requirements of Section 404 of the Zoning Regulations applicable to all “structures” in the R-1 zone with the specific area restrictions applicable to private garages that are converted into two-story accessory structures pursuant to Section 2500.5 -- in a manner that gives effect to both provision, and that comports with the structure and intent of the zoning regulations.

1. Regulatory Framework

Under the Zoning Regulations, all structures located in the R-1 district are subject to a 25-foot rear yard set-back. 11 DMCR § 404.1. However, the Zoning Regulations also have a number of specific area requirements applicable to private garages, which is defined as “a building or other structure, or part of a building or other structure, not exceeding 900 square feet in area (900 ft²) used for the parking of one or more motor vehicles and having no repair or service facilities. Id. § 199.1. Private garages are subject to the specific restrictions imposed by Section 2300 of the Zoning Regulations, which provide that a private garage that is an accessory building in an R district must be set back “from all building lines a distance of not less than ten feet (10 ft),” and, “[w]here abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens.” 11 DCMR § 2300.2.

Section 2500 of the Zoning Regulations also provides special rules relating to “accessory uses and buildings,” including apartments built over garages. Specifically, under Section 2500.5 of the Zoning Regulations, a garage in the R-1 zone is permitted to have a second story if that second story is used to as an apartment for a domestic employee of the occupants of the main residence. Id. § 2500.5. In all other cases except as permitted by Sections 2500.5, an accessory building in any district shall not exceed one (1) story.” Id. § 2500.4.

Section 2500.6 then places the following specific restrictions on two-story garages constructed pursuant to Section 2500.5:

A two (2) story accessory building allowed under Section 2500.5 shall not exceed twenty feet (20) in height and shall not be located within the required rear yard. It shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located.

Id. § 2500.6.

2. The Challenged Two-Story Building Is Subject to the 25-Foot Rear Yard Set-back as Required by Section 2500.6 and Section 404.1

The Zoning Administrator erred by misinterpreting the requirements of Section 2500.6 and assumed that the challenged two-story structure was governed by the set-back requirements applicable to single story private garages opening on alleyways. The Zoning Administrator failed to reconcile two provisions of the Zoning Regulations – the general rear-yard set-back requirements of Section 404 of the Zoning Regulations applicable to all “structures” in the R-1 zone and allowable placement of a “two-story accessory building” pursuant to Section 2500.5 -- in a manner that gives effect to both provision, and that comports with the structure and intent of the zoning regulations.

Section 2500.5 provides that in an R-1-A or R-1-B District only, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building. Section 2500.6 then modifies and restricts Section 2500.5 in important ways.

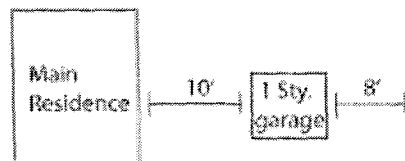
While section 2500.5 refers to a “garage” having a second story, Section 2500.6 recognizes that the character of the garage is wholly different when an apartment is placed on top of it. Section 2500.6 notes the change in character by not referring to the structure as a “two story garage”. The structure now is considered a “two story accessory building”. In this manner, the Zoning Regulations recognize that once a dwelling unit is placed on top of a garage the nature and intensity of the use of that structure markedly changes

Section 2500.6 sets the parameters where this unique “two-story accessory building” can be placed. It is unique because it is the only accessory structure even to be two stories. According to the first sentence of Section 2500.6, a two-story accessory structure can be located in a side yard. And it can be located in a rear yard, but it cannot be located in what is described the “required rear yard”.

The Zoning Administrator takes the position that the “required rear yard” in Section 2500.6 refers to the distance between the main residence and the two-story accessory building. We contend that the “required rear yard” refers to the structure which is actually the subject of Section 2500.6 and that Section 2500.6 requires that the two-story accessory building be at least 25 feet removed from the property’s rear lot line.

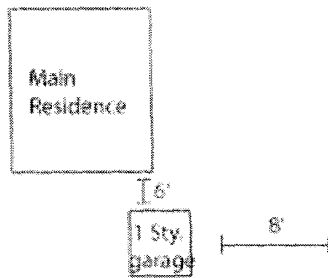
First, it should be noted that it is Section 2300.2 which addresses where a conventional (*i.e.*, one-story) garage can be placed in relation to a main residence. According to Section 2300.2, a garage can be located in either a side yard or a rear yard. If it is located in a side yard, Section 2300.2 requires that the garage be located at least 10 feet away from any building line (*i.e.* 10 feet away from the main residence). And, of course the garage must have its own *required side yard*. 11 DCMR § 2300.2.

1 Story Garage Side Yard



However, there is no restriction in Section 2300.2 as to how far a garage has to be from rear of the main residence. Instead, it is Section 406.1 which deals with “Courts” that provides the requirement on how far away a garage has to be from the rear of a main residence. That requirement is only 6 feet, or 4 feet *closer* than what is required if it is placed to the side of a main residence.

1 Story Garage



With regard to Section 2500.6, it is the second sentence which adds clarity to where a two story accessory structure can be placed on a property. The second sentence begins: “It shall *also* be *set back from* all side lot lines.” *Id.* § 2500.6 (emphasis added). In other words, the regulation provides that, in addition to being set back from the rear lot line, a two-story garage “*also*” needs to be “*set back from* all side lot lines” as well. The word “also” in that sentence is not there by happenstance. It is telling us that there is another aforementioned property line setback, and that setback is the rear lot line. In other words, just as you cannot build this structure on the rear lot line you cannot build it on the side lot line as well. If that were not the correct interpretation of this sentence the word “also” would be entirely superfluous.

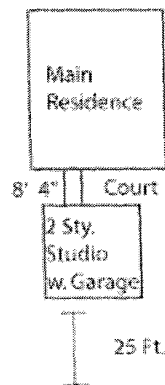
What this means in total is that in a R-1-A or R-1-B zoned district, the regulations allow the construction of an apartment over a garage but only if that structure, in essence, is built within the area or “the envelope” in which the main residence itself could legally be built.

The Zoning Administrator’s view that the 25-foot “required rear yard” is the space between the house and two-story accessory building, and that no rear yard is required for the two story accessory building, is inconsistent with the purpose of the rear yard set-back requirement. A rear yard set-back is intended to provide space between the buildings on one lot from the buildings on adjacent lots. Its purpose is not to require

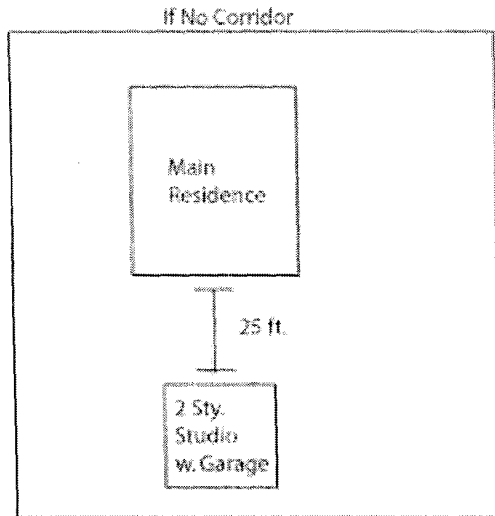
space between principal and accessory buildings and structures on a single lot. Rather, the requirement of space between buildings on a single lot is addressed by Section 406, dealing with “Courts”.

Furthermore, there is nothing that prevents the two story accessory structure from actually being attached to a main residence via a connection or corridor in either a “horseshoe” configuration or an “H” configuration. If so, the zoning regulations, per Section 406, would only require that the two-story accessory building be 8 feet 4 inches away from what we could call the main residence.

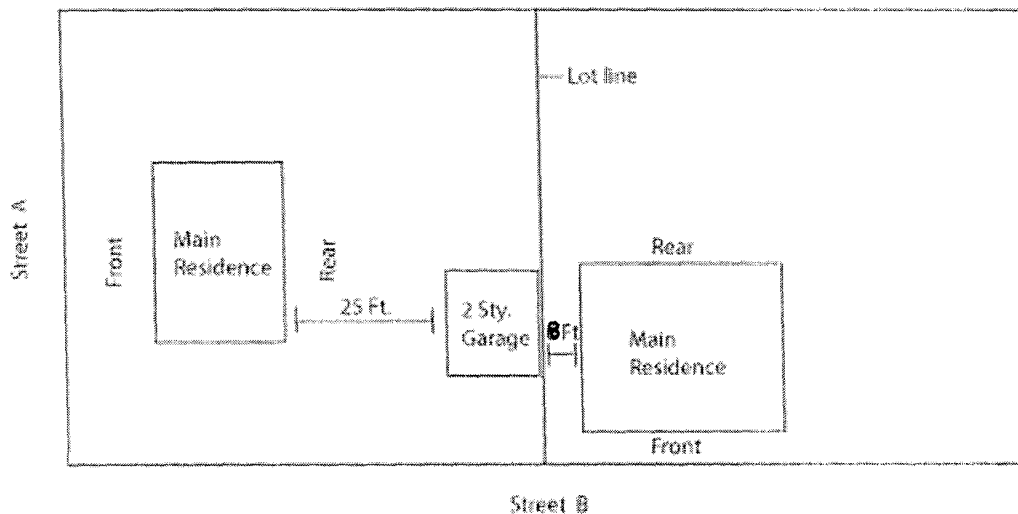
If Connected to Main Residence



The Zoning Administrator is in essence claiming that because there is no connection between the main residence and the two-story accessory building that the ordinance requires the two story accessory building to be 25 feet away from the main residence rather than 8 feet 4 inches away. There is no legitimate land use objective served by that claim.



Under the Zoning Administrator's interpretation of Section 2500.6, Section 2500.6 is requiring the Owners to remove the two story structure 25 feet away from their main residence toward other people's houses without the requirement of *any* rear setback whatsoever. Therefore, and by way of example, in the event the Owner's rear yard was adjacent to a neighbor's side yard (the garage would "load" through a driveway and not through an alleyway), the ordinance would *require* the Owners to place their two-story accessory structure 25 feet from the Owner's residence but only 8 feet away from their neighbor's residence. Again, there would be absolutely no land use purpose served by such a requirement. It simply makes no sense.



The only way 2500.6 can be reasonably interpreted is to require a minimum 25 foot rear yard buffer, and a minimum 8 foot side yard buffer to neighboring property lines. It would appear that this was in part understood by the original builder of Appellee's house and garage since the Zuckerman Brothers have it illustrated on their approved plat. (Please see Exhibit 9).

3. A 25-Foot Rear Yard Set Back is Required for Two-Story Accessory Buildings in Addition to the Requirements of Section 2500.6.

As noted above, rear yard set back requirements are addressed in Section 404. Section 404.1 states:

A rear yard shall be provided for *each structure* (emphasis added) located in a Residence District, the minimum depth of which shall be as set forth in the following table: R-1-A, R-1-B 25 feet"

11 DCMR § 404.1 (emphasis added). Structure is defined by the ordinance as "anything constructed, *including a building*, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground...". Id. § 199.1.

The Zoning Administrator is evidently of the opinion that the Owners are permitted to build a two story building as large as 1,800 square foot (the Owner's building is actually 1,144 square feet), that contains a dwelling and yet not be subjected to the plain language of Section 404.1. A 1,800 square foot structure which has windows on all sides, an exterior staircase, and essentially the height, bulk and character of a house has the external impact that is identical to a single-family dwelling. There is therefore no rationale basis for failing to treat the location of such a structure in the same manner as a dwelling. A rear yard is required for any structure located in a residential

zone. 11 DCMR § 401. It makes even more sense that a structure in the R-1-A and R-1-B zones -- the most restrictive zoning classifications -- should have a rear-yard set back.

4. Placement of An Apartment Over a Garage Without A Rear Set-back is Inconsistent with the Framework of the Zoning Regulations.

The interpretation of the Zoning Regulations must be governed by the following principles: “Prevent undue concentration of population and overcrowding of land” and “Provide distribution of population , business and industry, and the use of land that will tend to create conditions favorable to transportation, protection of property, . . .” 11 DCMR §§ 101(b) and 101(c). One of the over-riding purposes of the Zoning Regulations is to protect neighboring property owners from being negatively impacted from that given property. See, e.g., id. § 3104.1

The “R-1 Districts: General Provisions” in Section 200.1 state: “The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. Section 200.2 adds: “The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.” In effect, the most restrictive zoning classification in the entire zoning ordinance is R-1 both in terms of uses permitted and the bulk, height, density, and placement of structures. The setbacks are greater than other zoning category, the height is the shortest, and the density is lowest.

The fact that the newly constructed two story garage on a public alley does not render the addition of the Owner’s apartment permissible. An apartment over a garage is not allowed in the more dense R-2, R-3, or R-4 zoned district. A core principle of the Zoning Regulations is that “The regulations in this title and Zoning Maps are designed with consideration of “(a) Character of the respective districts;” and “(b) Suitability of each district for the uses permitted in each district under this title...” 11 DCMR § 101.2.

In neighborhoods like Georgetown, Adams Morgan, Dupont Circle, Logan Circle, where more dense residential zoning exist, a two story accessory building with an apartment over a garage is not allowed, even if they are abut public alleys. Id. § 2500.5. If the Zoning Regulations did favor alley apartments, they would be allowed in the zoning districts like R-4 or R-5-B where there is a strong urban context. It would be inconsistent within the framework of the ordinance and specifically Section 101.2 to favor alley apartments in the least urban section of the District, while barring them in most dense areas of our city.

The R-1 zoned areas there are intended to be much less urban than their more dense counterparts. In R-1 zoned areas there are many spacious properties which allow for the accommodation of a two story garage which have little impact on neighboring properties. However, it is important that any such structures be built strictly in accordance with the general rear and side yard back requirements of the Zoning Regulations.

5. The Stated Use of the Two-Story Structure Does Not Conform to the Requirements of the Zoning Regulations.

The Owners, by and through their attorney Thomas Carroll, Esq. of the law firm Holland & Knight, have represented to the Chevy Chase Advisory Neighborhood Counsel that the dwelling built above the Owners' garage was built for the exclusive purpose to house a "graduate student" who in exchange for providing the Owners with 15 hours per week of "babysitting services" receives "room and board"

Section 2500.5 states that "an accessory private garage may have a second story used for sleeping or living quarters of domestic employees..." A part-time babysitter who never receives any cash payment for services is not within the ordinance's meaning of a "domestic employee". First, an employee is someone who receives monetary payment. In the traditional sense of live-in domestic employees, the domestic employees

first receive wages for full time employment and as a benefit to their employment they may receive living accommodations.

What may be the single most salient factor is the connection between the time and activity spent by the domestic employee outside the employment of the household where the apartment is located. The Owners alleged part-time babysitter spends over 75% his/her time (assuming a 40 hour work week) on work or implied work duties outside of duties connected with “the family occupying the main building”. The relationship between the Owners and their part-time babysitter is not a true employee – employer relationship. The Owners may couch it as such in the loosest form, but it is not what is contemplated under the zoning regulations.

As noted earlier, Mr. Epstein represented in thorough fashion to Appellants that the apartment was to be used as lodging for Mr. Epstein’s mother. Mr. Epstein explained to Appellants that the Owners needed to build the apartment over their garage because Mrs. Epstein was expecting another child and Mr. Epstein’s mother would be visiting from time to time. In Mr. Epstein’s view the hotel accommodations available in Friendship Heights were unacceptable. Since Mr. Epstein’s mother had had knee surgery making an apartment in the basement of their home was impracticable as was simply staying in one of the upstairs bedrooms. It was however, pointed out to Mr. Epstein that there is a staircase which one must climb to get into the apartment over the garage, and that given all of the knee problems would it not be better she be provided an accommodation on the main level of the residence. There is plenty of space to add an addition for a ground level bedroom. Mr. Epstein further explained that she was allergic to the Owners’ dog therefore that was not a suitable option. Given the detailed explanations provided earlier by Mr. Epstein the Board should conclude that the use of the apartment is not to provide living quarters for a domestic employee.

6. The Zoning Administrator Cannot Consider the Subject Accessory Structure a Two Story Garage While at the Same Time Allow It to Exceed 900 Square Feet in Size.

The Zoning Administrator approved the plat provided by 27th Street, LLC which notes the accessory structure as a “2 Story Garage”. (Please See Exhibit 9) As such the Zoning Administrator allowed the 2 Story Garage to be placed in the rear yard in a manner allowable for garages on alleyways.

Section 199 limits the size of a private garage to be 900 square feet. The Owners’ two story garage is 1,144 square feet (Please see Exhibit 10).

If the Zoning Administrator categorizes the two-story accessory structure as a “two-story garage”, the structure as built exceeds the allowable size by 244 square feet and therefore is in violation of the zoning ordinance.

CONCLUSION

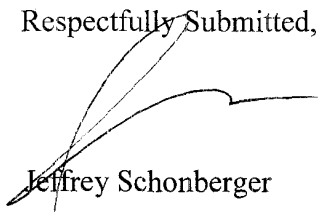
The Zoning Administrator contends that the “required rear yard” in Section 2500.6 refers to the distance between the principal structure (the main residence) and the two story accessory building. And, that the two-story accessory structure does not exceed size limitations although it is 1,144 square feet. In order to accept the Zoning Administrator’s position, this Board must at the very least make two conclusions:

- (1) A two story combination garage / dwelling unit can be 1,800 square feet in total size; and,
- (2) There is nothing in the zoning ordinance which restricts the placement of that 1,800-foot structure directly on a rear lot line, with no set-back, and directly adjacent to another’s property.

We respectfully request that the Board determine that the Zoning Administrator’s viewpoint as incorrect and conclude that a two-story structure, which could effectively

the size of a house must be removed at least 25 feet from the rear property line on the lot which it is built.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Schonberger", is written over the printed name.

5341 28th Street, N.W.

Washington, D.C. 20015

(v) 202.628.6950

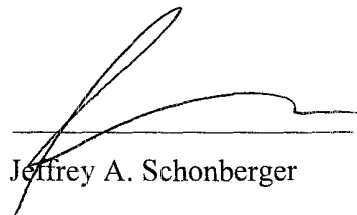
CERTIFICATE OF SERVICE

I hereby certify that, on February ⁷~~6~~, 2006, a copy of the foregoing Prehearing Submission was served by first-class mail on:

The Michael Sears Trust
c/o Mathew Epstein
5362 27th Street, N.W.
Washington, D.C. 20015

Alan H. Bergstein, Esq.
D.C. Attorney General's Office
441 4th Street, N.W. 4th Floor
Washington, D.C. 20001

Zoning Administrator
DCRA
441 N. Capitol Street, N.E.
Washington, D.C. 20001



Jeffrey A. Schonberger

03-02357

PRE-FILE NUMBERS	ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER
P.A.D.C. No.: O.G. No.	Ward No.: 1-3	Receipt No.: 708	By:
H.P.A. No.: 123			

★ ★ ★ GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
BLRA-33
(Rev. 10/81)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (72)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work: 5362 - 27th St, NW Suite No.: 27 Lot: 2292 4. Application Date: 8/19/03

5. Owner of Building or Property: 27th STREET, LLC 6. Address: (include Zip) TWO WISCONSIN CIRCLE #560 CHEVY CHASE, MD 20815 7. Phone: (202) Work: 237-7022 Home: 237-7022

8. Agent for Owner: (if applicable) KAREN MARTINO 9. Address: (include Zip) CAS ENGINEERING 108 W. RIDGEVILLE BVD MT. AIRY, MD 21771 10. Phone: (202) Work: 744-2375 Home: 744-2375

11. Type of Proposed Work (check all applicable boxes):

- ☒ New Building ☒ Retaining Wall ☒ Garage
☐ Addition ☐ Fence ☐ Sign
☐ Alteration and Repair ☐ Shed ☐ Other (Specify) _____
☐ Raze Building ☐ Awning

12. Description of Proposed Work:

CONSTRUCT NEW SFD, DETACHED GARAGE & SITE RETAINING WALLS

13. Existing Use(s) of Building or Property: VACANT	14. Ex. No. of Stories of Bldg.: 0	15. Ex. No. of Dwelling Units: 0	Official Use Only Miscellaneous FEE By: _____ Date: _____
16. Proposed Use(s) of Building or Property: SFD	17. Prop. No. of Stories of Bldg.: 2	18. Prop. No. of Dwelling Units: 1	

19. Starting Date of Work: 8/15/03	20. Completion Date of Work: 8/15/04	21. Method of Removing Construction Debris: ☒ Pick-up Truck ☐ Dumpster ☐ Other (specify): _____	22. Does the proposed work involve disturbing the earth or razing a building? ☒ Yes, answer q. 23 ☐ No, SKIP q. 23-27
23. Is the area of disturbed earth more than 50 sq. ft.? ☒ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods: PER APPROVED PLANS	25. Area of Offsite Drainage: N/A	26. No. of Footings or Columns: N/A
		27. Size of Footings of Columns: N/A	

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is a retaining wall. (Page 2)
 Complete Section E if the proposed work is a fence. (Page 3)
 Complete Section F if the proposed work is a shed/garage. (Page 3)
 Complete Section G if the proposed work is an awning. (Page 3)
 Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY			
R	F	H	A
M			
P			
E			
F			
S			
Yes ☐ No ☐ PLANS ☐ No ☐ Sign ☐			

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

8. Architect's Name: SPEIGHT ARCHITECTS		29. Lic. No.:	30. Architect's Address: (include Zip)		31. Phone: (301) 588-1001
12. Engineer's Name: CAS ENGINEERING		33. Lic. No.:	34. Engineer's Address: (include Zip)		35. Phone: (301) 607-8031
16. Building Contractor's Name: ZUCKERMAN BROS, INC		36A. Lic. No.:	37. Contractor's Address:		38. Phone: (202) 237-7022
39. Type of Construction: ☒ Masonry ☐ Steel ☒ Wood ☐ Other: ☒ Concrete		40. Fire Suppression: ☒ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:		41. Booster Pump: ☐ New ☐ Existing ☒ None	42. Total Lot Area: 8614.5 sq. ft.
44. Present Gross Floor Area of Bldg.: 0 sq. ft.		45. Proposed Gross Floor Area of Bldg.: 5625 sq. ft.		43. Breakdown of Lot Area (= 100%): a. Building: _____ % b. Paved Area: _____ % c. Greenery: _____ %	
46. Floors involved in this permit: ☒ All ☐ Floors _____		47. Projection beyond building line? ☐ Yes, answer q. 48-52 ☒ No, SKIP q. 48-52			
48. Number and type of projection: N/A		49. Distance of projection: N/A		50. Width of projection: N/A	
51. Width of building frontage: N/A ft.		52. Signature of Owner (projection only): N/A			
53. Water or Sewer Excavation? ☒ Yes ☐ No	54. Driveway Construction? ☒ Yes ☐ No	55. Sheeting/Shoring Necessary? ☐ Yes ☒ No	56. Elevators involved? ☐ Yes, answer q. 57 ☒ No, SKIP q. 57	57. No. and type of elev.: 0	58. Plans Certified by Engineer? ☒ Yes, cert. is attached ☐ No

59. Estimated Cost of Work: (a) New/Add.: \$ 450,000 (b) Alt/Rep.: \$ _____ Total: \$ 450,000		OFFICIAL USE ONLY			
		Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
		\$ 1930.50	\$ 4687.50	\$ 450.00	\$ 1480.50
60. Volume of New Bldg. or Addition: 35000 64350 cu. ft.		By: [Signature]	Date: 9/22/02	By: [Signature]	Date: 9/22/02

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip)		63. Phone:	
64. Insurance Company:		65. Policy or Certif. No.:		66. Expir. Date:	
67. Raze Method:					
68. Building Material:	69. Raze Entire Building? ☐ Yes ☐ No	70. Building Condemned? ☐ Yes ☐ No	70A. Building Vacant? ☐ Yes ☐ No	71. Public Space Vault? ☐ Yes ☐ No	72. Disconnect Water and/or Sewer? ☐ Yes ☐ No
73. Size of Water Connection: in.					
74. Plumber's Name:		75. Lic. No.:	76. Length: ft.	77. Width: ft.	78. Height: ft.
79. Volume: cu. ft.		80. Party Wall? ☐ Yes ☐ No			
81. Asbestos in the Building? ☐ No ☐ Yes, Location _____		82. Raze Contractor Signature:		83. Owner's Signature:	
		OFFICIAL USE ONLY			
		FEE	By:	Date:	

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations.

84. Cost of Work: \$ 29,000	85. Material: MASONRY	86. Height: < 4' ft.	87. Color: NATURAL	88. Location: ☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land	
89. Signature of Adjoining Owner: N/A		90. Phone: Work _____ Home N/A		OFFICIAL USE ONLY	
91. Address of Adjoining Owner: N/A		92. Lot: N/A		93. Square: N/A	
				FEE	By: [Signature]
					Date: 9/22/02

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: _____ ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
------------------------	-----------------------	------------	--

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work _____ Home _____	OFFICIAL USE ONLY FEE: _____ By: _____ Date: _____
100. Address of Adjoining Owner:	101. Lot: _____ 102. Square: _____	

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number: 1	104. Length: 26 ft.	105. Width: 22 ft.	106. Area: 572 sq. ft.	107. Height: 20 ft.	108. Volume: 11,440 cu. ft.	109. Estimated Cost of Work: \$ 25,000	OFFICIAL USE ONLY FEE: 65.00 By: [Signature] Date: 7/11/03
110. Material of Roof: MATCH HSE	111. Material of Sides: MASONRY FRAME	112. Wall thickness: ☒ External (8") inches ☐ Party () inches	113. Color: MATCH HSE				

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt. of attachm. _____ in.	118. Height of lowest part of awning: (a) _____ ft. above sidewalk (b) _____ ft. above parking (c) _____ ft. above grade	OFFICIAL USE ONLY FEE: _____ By: _____ Date: _____
119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No	

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power: _____ VA	128. Electrical Contractor: Lic. No. _____	APPROVED 7/11/03 to be installed		
129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:				
133. Height relative to building and ground: (a) _____ ft. _____ in. above sidewalk (b) _____ ft. _____ in. above roof (c) _____ ft. _____ in. is bldg height (d) _____ ft. _____ in. above projection or window (e) _____ ft. _____ in. from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:	137. Width: _____ ft.	138. Length: _____ ft.	139. Area of Sign: _____ sq. ft.	140. Width of Business Frontage: _____ ft.
141. C of O Number for Building:	142. Sign Contractor: Lic. No. _____	OFFICIAL USE ONLY Sign FEE: \$ _____ BY: [Signature] Date: 7/11/03 Total FEE: \$ _____					
143. Sign Contractor's Address:	144. Phone:						

(I) APPLICANT'S SIGNATURE

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: _____ Date: _____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: [Signature] Address: 108 W. Birchville Blvd Mt Airy MD 21771 Date: 7/11/03

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY)

A. PERMIT CONTROL

- ☒ 1. Fine Arts by: [Signature] Date: 8/20/03
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy
Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
Cleared by: _____ Date: _____

Restriction **APPROVED**
Commission of Fine Arts

SEPARATE ELECTRICAL PLUMBING AND MECHANICAL
INSTALLATION PERMITS ARE REQUIRED

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY

D.C. GOVERNMENT OFFICE OR OFFICIAL CALL THE
D.C. INSPECTOR GENERAL AT 1-800-521-1639

C. PLANS AND APPLICATION APPROVAL

- ☒ 1. Information Counter by: TD Date: 10/29/03
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) ABC Board by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: _____
- ☐ 3. Zoning by: [Signature] Date: 8/18/03
Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit # DO-6145
Sidewalk Deposit \$ 350.00 Driveway Deposit \$ _____
by: 3.12 Date: 10-28-03
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: [Signature] Date: 10/16/03
- ☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
Control No.: _____
by: _____ Date: _____
- ☐ Erosion Control by: Reg/mm Date: 10/18/03
- ☐ Storm Water Mgmt. by: _____ Date: 10.18.03
Plan No. _____
- ☐ 7. Mechanical Eng. Review by: [Signature] Date: 10/30/03
- ☐ 8. Plumbing Eng. Review by: [Signature] Date: 10/30/03
- ☐ 9. Electrical Eng. Review by: [Signature] Date: 10/30/03
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
- ☐ (b) Medical X-ray Plan Rev.
by: _____ Date: _____
- ☒ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: [Signature] Date: 10/23/03
- ☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: [Signature] Date: 10/23/03
- ☐ 16. Structural Eng. by: [Signature] Date: 10/23/03
- ☐ 17. Permit and Certificate Issuance Counter
By: _____ Date: _____

☐ 18. O.C. By: [Signature] Date: 30 Oct 03

ZONING

C of O Number _____ Date: _____
Existing Use(s) New Construction
SFD

- ☐ New bldg.
☐ P.O.D.
☐ File in
room 329

Job No.: _____ BZA C No.: _____ PUD Order No.: _____

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

*** GOVERNMENT
OF THE DISTRICT
OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B456380

Date 10/30/03

(Type)

NEW BLDG/RET WALL/GARAGE

Address of work

5362 27th STREET, NW

Lot 0027

Square 2292

Permission is hereby granted to

TOTAL PERMIT FEE

\$

FILING FEE

\$

(Owner)

NO.

DATE

FEE PAYABLE

\$ 2,245.50

who is authorized 27th STREET LLC to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

CONST NEW SFD, DETACHED GARAGE & SITE RETAINING WALLS AS PER PLAN & PLANS - SEPARATE ELEC, MECH & PLUMBING PERMITS ARE REQUIRED

FOR INSPECTIONS CALL 727-7562

Builder—

Width of Bldgs.

Length

Height

Value \$

No. of Stories

No. of Bldgs

Zone R-1-B

Height of terrace above grade

To be occupied as

SFD

Projections:

Address of owner #2 WISC CIRCLE #560/CHEVY CHASE, MD

Deposit No.

Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

By

WASHINGTON

Chief, Permit Issuance Branch

Permit Clerk

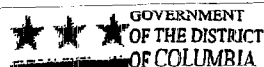
DCLARK

DIRECTOR

P
E
R
M
I
T

Permit # 0001, D.C. GOVERNMENT
Reg # 0 10/30/03 at 14:11:11
Permit # 043670 Amount \$ 2,245.50
B22001215 BUILDING PERMITS & EQUIT

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.E.C. No:	O.G. No:	RB			By:
H.P.A. No:	S.L. No:	Ward No: 1	Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
 Tel 202-442-4589 Fax 202-442-4862

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
 (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

BLRA-33
(Rev 2/04)

CLEARANCE TO FILE
 By _____ Date _____

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 5362 27th St NW		Suite No.	2 Lot 27	3 Square 2292	4 Application Date Aug 10, 2005
5 Owner of Building or Property Michael Sears Trust		6 Address (include Zip Code) 5362 27th St. NW		7 Phone 917-568-8539	
8 Agent for Owner: (if applicable) Matthew Epstein		9 Address (include Zip Code)		10. Phone	
11. Type of Proposed Work (check all applicable boxes)					
☒ New Building ☐ Retaining Wall ☒ Garage ☐ Addition ☐ Fence ☐ Sign ☐ Alteration and Repair ☐ Shed ☐ Projection ☐ Raze Building ☐ Awning ☒ Other (Specify) _____					
12. Description of Proposed Work Revision to permit # 456380 to reflect new ownership and complete construction in accordance with approved plans.					
13 Existing Use(s) of Building or Property Garage with Domestic living quarters.		14 Ex. No of Stories of Bldg 2	15 Ex No of Dwelling Units 1	Official Use Only Miscellaneous FEE \$ 3300	
16 Proposed Use(s) of Building or Property Garage with domestic living quarters.		17 Prop No of Stories of Bldg 2	18 Prop. No of Dwelling Units 1	By: CMW	Date: 8.10.05
19 Starting Date	20 Completion Date of work	21 Method of Removing Construction Debris ☐ Pick-up Truck ☐ Dumpster ☐ Other (specify) _____		22 Does the proposed work involve disturbing the earth or razing a building? ☐ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods		25. Area of Offsite Drainage	26. No of Footings or Columns	27 Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
 Complete Section C if the proposed work is razing a building. (Page 2)
 Complete Section D if the proposed work is a retaining wall. (Page 2)
 Complete Section E if the proposed work is a fence. (Page 3)
 Complete Section F if the proposed work is a shed/garage. (Page 3)
 Complete Section G if the proposed work is an awning. (Page 3)
 Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY

	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS
S					☐ No ☐ Srr

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

8 Architect's Name		29 D.C. Lic. No.		30. Architect's Address (include Zip Code)		31. Phone	
2. Engineer's Name:		33. D.C. Lic. No..		34. Engineer's Address: (include Zip Code)		35. Phone	
6 Building Contractor's Name		36A. D.C. Lic. No.		37. Contractor's Address		38. Phone:	
9 Type of Construction		40. Fire Suppression.		41. Booster Pump		42. Total Lot Area	
☐ Masonry ☐ Steel ☐ Wood ☐ Other ☐ Concrete		☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other _____		☐ New ☐ Existing ☐ None		43. Breakdown of Lot Area (= 100 %)	
				sq. ft.		a. building _____ % b. paved area _____ % c. greenery _____ %	
14 Present Gross Floor Area of Bldg.		45. Proposed Gross Floor Area of Bldg.		46. Floors involved in this permit		47. Projection beyond building line?	
sq. ft.		sq. ft.		☐ All ☐ Floors _____		☐ Yes, Answer q. 48-52 ☐ No. SKIP q. 48-52	
48 Number and type of projection:		49. Distance of projection:		50 Width of projection:		51. Width of building frontage	
						ft.	
						52. Signature of Owner (projection only):	
53. Water or Sewer Excavation?		54. Driveway Construction?		55. Sheeting/Shoring Necessary?		56. Elevators Involved?	
☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes, answer q. 57 ☐ No	
57. No and type of elevator		58. Plans Certified by Engineer?					
		☐ Yes, cert. attached ☐ No					
59 Estimated Cost of Work		OFFICIAL USE ONLY					
(a) New/Add.: \$ _____		Alter/Repair FEE		New Const. FEE		Filing Fee	
(b) Alt/ Repair \$ _____						TOTAL PERMIT FEE	
Total \$ _____		\$		\$		\$	
		By: _____		Date: _____		By: _____	
		By: _____		Date: _____		By: _____	
60 Volume of New Bldg. or Addition cubic ft.							

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name		62. Contractor's Address: (include Zip Code)		63. Phone:	
64. Insurance Company		65. Policy or Cert. Number		66. Expiration Date	
				67. Raze Method	
68 Building Material		69. Raze Entire Building?		70. Building Condemned?	
		☐ Yes ☐ No		☐ Yes ☐ No	
74. Plumber's Name:		75. D.C. Lic. No.		76. Length	
				ft.	
77 Width		78. Height		79. Volume	
ft.		ft.		ft.	
80. Party Wall?					
☐ Yes ☐ No					
81 Asbestos in the Building?		82. Raze Contractor Signature		OFFICIAL USE ONLY	
☐ No ☐ Yes, location _____				FEE	
		83 Owner's Signature		By: _____	
				Date: _____	
				\$	

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work \$		85 Material		86. Height		87 Color		88. Location: ☐ Entirely on Owner's Land	
								☐ Party Line with Adjacent Neighboring Land *	
89 Signature of Adjoining Owner		90 Phone: Home Work						OFFICIAL USE ONLY	
91 Address of Adjoining Owner		92 Lot		93 Square		FEE		By: _____	
						\$		Date: _____	

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

(E) FENCE (COMPLETE ITEMS 94 THRU 102) The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type.	95. Height ft.	96. Color	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
------------------------	-------------------	-----------	---

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

98. Signature of Adjoining Owner.	99. Phone: Work Home	OFFICIAL USE ONLY	
		FEE	
100. Address of Adjoining Owner.	101. Lot	102. Square	\$ By: _____ Date: _____

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number	104. Length ft.	105. Width ft.	106. Area: sq. ft.	107. Height ft.	108. Volume cu. ft.	109. Est. Cost of Work \$	OFFICIAL USE ONLY
							FEE
110. Material of Roof	111. Material of Sides	112. Wall Thickness: ☐ External () inches ☐ Party () inches				113. Color	\$ By: _____ Date: _____

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt of attachm _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY
					FEE
119. Material of Frame	120. Material of Covering	121. Lettering on awning? ☐ Yes ☐ No	122. Fixed Posts? ☐ Yes ☐ No	123. Over Side- walk café? ☐ Yes ☐ No	(a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade \$ By: _____ Date: _____

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number: _____										
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.	132. License No.									
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign	136. Color									
		137. Width ft.	138. Length ft.	139. Area of Sign sq. ft.	140. Wide of Busin frontage									
141. C of O No for Bldg.	142. Sign Contractor: License No		OFFICIAL USE ONLY											
		<table border="1"> <tr> <th>Sign FEE</th> <th>Elect. FEE</th> <th>Total FE</th> </tr> <tr> <td>\$</td> <td>\$</td> <td>\$</td> </tr> <tr> <td>By: _____</td> <td>Date: _____</td> <td>By: _____ Date: _____</td> </tr> </table>				Sign FEE	Elect. FEE	Total FE	\$	\$	\$	By: _____	Date: _____	By: _____ Date: _____
Sign FEE	Elect. FEE	Total FE												
\$	\$	\$												
By: _____	Date: _____	By: _____ Date: _____												
143. Sign Contractor's Address:		144. Phone:												

(I) APPLICANT'S SIGNATURE

A OWNER I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Owner Michael Evers Trust Address 5362 27th St NW Date Aug 10, 200

B AGENT I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Agent [Signature] Address _____ Date _____

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A. PERMIT CONTROL**

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. Cap. Gateway by: _____ Date: _____
- ☐ 4. NCPC: _____ Date: _____
- ☐ 5. W.H./Obs Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. Rental Accom. by: _____ Date: _____
- ☐ 10. Chinatown Distr. by: _____ Date: _____
- ☐ 11. Utility Clearance by: _____ Date: _____
- ☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DDOT - Permit and Records Division
Access to Parking Street ☐ Street ☐ Alley
Cleared by: _____ Date: _____
- ☐ 3. WASA - Consumer Engineer
Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
Cleared by: _____ Date: _____

Restrictions of the Permit:

TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639

C. PLANS AND APPLICATION APPROVAL

- ☐ 1. Information Counter by: _____ Date: 8/10/05
- ☐ 2. Information Center by: _____ Date: _____
- ☐ (a) A.B.R.A. by: _____ Date: _____
- ☐ (b) Noise Control by: _____ Date: _____
- ☐ (c) Industrial Safety by: _____ Date: _____
- ☐ (d) Vector Control by: _____ Date: _____
- ☐ (e) D.C. Animal by: _____ Date: _____
- ☐ (f) Police Dept. by: _____ Date: 8/10/05
- ☐ 3. Zoning by: _____ Date: _____
- ☐ Zoning Update by: _____ Date: _____
- ☐ Zoning Overlay approval by: _____ Date: _____
- ☐ 4. DDOT - Permit and Records Division/Deposit #
Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
by: _____ Date: _____
- ☐ 5. Water/Sewer Design Branch
Consumer Eng. by: _____ Date: _____
- ☐ 6. Environmental Regulation Administration
☐ Erosion Control by: _____ Date: _____
- ☐ Storm Water Mgmt. by: _____ Date: _____
- ☐ Plan No. _____
- ☐ Air Quality by: _____ Date: _____
- ☐ Underground Storage by: _____ Date: _____
- ☐ 7. Mechanical Eng. Review by: _____ Date: _____
- ☐ 8. Plumbing Eng. Review by: _____ Date: _____
- ☐ 9. Electrical Eng. Review by: _____ Date: _____
- ☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
- ☐ (b) Medical X-Ray Plan Rev. by: _____ Date: _____
- ☐ 11. Fire Protection Plan Review
by: _____ Date: _____
- ☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
by: _____ Date: _____
- ☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 14. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 15. Construction Insp. Branch (Field Check)
by: _____ Date: _____
- ☐ 16. Historic Pres. Div. by: _____ Date: _____
- ☐ 17. Environmental Policy Review
Control No. _____ by: _____ Date: _____
- ☐ 18. Structural Eng. by: _____ Date: 8.10.05
- ☐ 19. Permit and Certificate Issuance Counter
by: _____ Date: _____
- ☐ 20. QC By: _____ Date: 8.10.05

ZONING

BP# 456380 Date 10/30/03

Existing Use(s) 2 story 5th floor garage

Proposed Use(s) revision to change ownership of permit

Job No. _____ BZA Case No. _____ PUD Order No. _____

DDOT - PUBLIC SPACE

Street Name: _____

Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____

BUILDING PERMIT

PERMIT NO. **B476241**

Date **8/10/05**

(Type) **NEW BUILDING - GARAGE ONLY**

Store# **0001** D.C. GOVERNMENT

Address of work

5362 27TH STREET N.W.

Reg# **1** 08/10/05 at 15:18 Clerk **20**

Receipt# **194274** Amount *******33.00**

EP33001211 OTHER BUS. LIC. PERMIT

Permission is hereby granted to

MICHAEL SEARS TRUST

whom, authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

NO.

DATE

FEE PAYABLE

\$ **33.00**

FOR INSPECTIONS CALL 727-7582

REVISION TO PERMIT #456380 TO REFLECT NEW OWNERSHIP AND COMPLETE CONSTRUCTION IN ACCORDANCE WITH APPROVED PLANS.

442-4641

Builder—

Width of Bldgs.

Length

Height

Value \$

No. of Bldgs.

Zone : **R-1-B**

WARD: **1**

To be occupied as

No. of Stories

: **2**

Height of terrace above grade

Projections:

SFD

Chief, Permit Issuance Branch

Address of owner

SAME

Deposit No.

Amount \$

By

Permit Clerk

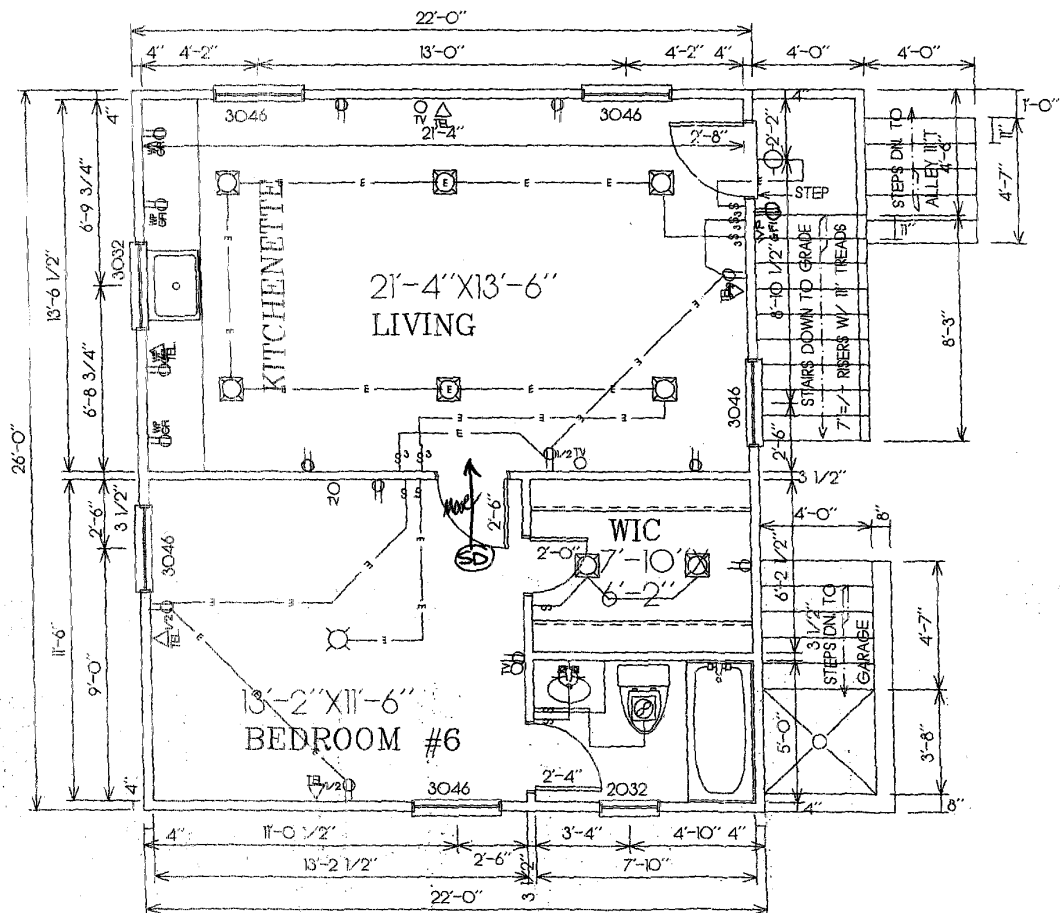
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

DIRECTOR

P. CANAVAN

E. KING

P
E
R
M
I
T



STUDIO OVER GARAGE

Scale: 1/4" = 1'-0"

FINISHED SQUARE

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., July 8, 2003

Plot for Building Permit of SQUARE 2292 LOTS 26&27

Scale: 1 inch = 30 feet Recorded in Book 197 Page 4

Receipt No. 06700

Furnished to: 27TH STREET LLC

[Signature]
Surveyor, D.C.

By: L.M.A. *[Signature]*

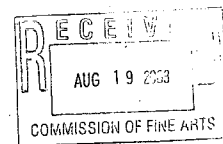
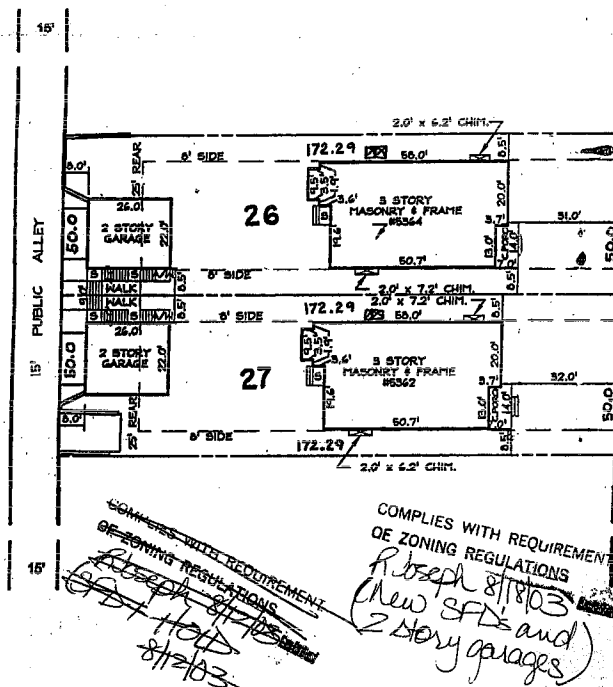
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area when required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rise of grade along continuous driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private residential property.)

Date: 11 AUG 03

[Signature]
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

SL03-123



2702 27TH STREET, N.W.

BUILDING PERMIT

PERMIT NO. B476241

Date 8/10/05

(Type) NEW BUILDING-GARAGE ONLY

Address of work

5362 27TH STREET N.W.

Store# 0001 D.C. GOVERNMENT
Reg# 1 08/10/05 at 15:18 Clerk 20
Lot 27 Square 2292
Receipt# 194774 Amount *****33.00
Filing Fee
TOTAL PERMIT FEE
FEE BUS. LIC. PERMIT

Permission is hereby granted to

MICHAEL SEARS TRUST

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

NO.

DATE

FEE PAYABLE

\$ 33.00

FOR INSPECTIONS CALL 727-7562

REVISION TO PERMIT #456380 TO REFLECT NEW OWNERSHIP AND COMPLETE CONSTRUCTION IN ACCORDANCE WITH APPROVED PLANS. 442-4641

Builder—

Width of Bldgs.

Length

Height

Value \$

No. of Bldgs.

Zone : R-1-B WARD: 1

To be occupied as

No. of Stories : 2

Height of terrace above grade

Projections:

Address of owner

SAME

Deposit No.

Amount \$

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

By

SFD Chief, Permit Issuance Branch

Permit Clerk

DIRECTOR

P. CANAVAN

E. KING

P
E
R
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I
T



24 7:40PM





from the desk of
Jeffrey A. Schonberger

May 24, 2004

By Fax – 1 page total

Stuart A. Zuckerman
Zuckerman Brothers Incorporated
Two Wisconsin Circle
Chevy Chase, Maryland 20815

Re: 5362 & 5364 27th Street, N.W.

Dear Stuart:

Thank you for taking the time to speak with me last Friday regarding the above referenced property. As you may recall the neighbors and I have deep concerns over the accessory apartments which your company plans to construct over the accessory garages for the two single family dwellings now under construction. As you know the accessory structures will be 25 feet above the alley and will intrude upon the light, air and privacy of those properties to the rear of yours. It is our belief and understanding that your proposed plans do not comply with the rear yard set-back requirement for such accessory structures.

I would like to once again take this opportunity to respectfully ask that you reconsider progressing with the construction of the accessory apartments unless they are set back from your rear lot line 25 feet. Since the apartments have not yet been framed this might be an amenable time to pause and reconsider.

As I offered on Friday, I would be more than happy to discuss with you – either in person or telephonically – why you believe that the apartments do conform to the set back requirement and why we believe that they do not.

Please feel free to call me at anytime at my office (202.628.6950). We appreciate your attention to this matter.

Sincerely yours,

Jeffrey A. Schonberger

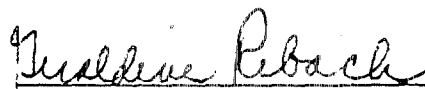
AFFIDAVIT OF GERALDINE REBACH

Affiant, Geraldine Rebach, states as follows:

1. I, Geraldine Rebach, am competent to testify to the matters stated herein, and make these statements based on my personal knowledge. I am over the age of 18 years.
2. I reside at 5343 28th Street, N.W., Washington, D.C. and have lived at said residence since July, 1997.
3. On the evening of July 2, 2005 a man, woman and German Shepard were chatting with a neighbor at 5349 29th Street, NW when I returned from a walk with my dog. He introduced himself and his wife as new neighbors in the home across the alley from mine. He stated his intention to add a second story to his garage and wanted to advise me of the project.
4. The house that Mr. Epstein and his wife purchased was built within the past year or so by a homebuilder commonly known as Zuckerman Brothers. The house is, by my estimation, approximately 4,500 square feet and has a detached garage which is accessed by the alley which separates our respective properties.
5. Zuckerman Brothers had intended to build an apartment on top of the each of the respective garages of Mr. Epstein's new home and the neighboring house which were built at the same time. When I and a neighbor protested such a tall structure on the alley, Zuckerman Brothers informed us that they would not build apartments over the garages despite the fact that they had managed to receive a permit to do so. Zuckerman Brothers completed construction of the house and the garage and did not build an apartment over either garage.
6. After the initial introduction, I told Mr. Epstein that I was displeased with such a project, having been relieved when the builders decided not to pursue it. I said I would not go to great lengths to prevent it, but that I was against it. Mr. Epstein said he needed the apartment to accommodate his mother when she visits from the West Coast. She is very allergic to dogs, he said, and therefore would not be able to stay in his home when she visited the grandchild several times a year.

7. The following morning, Sunday, July 3, 2005, having reflected on Mr. Epstein's intention, I approached him in his garage to ask how he proposed to proceed, considering that the builders had declined to do so. I asked if he had plans and permits. He said he had approval from Fine Arts, from the Zoning office, and he already had a contractor. I was surprised, because I thought the builders had decided an apartment above the garage was not really within the District of Columbia building code. He assured me he had the necessary permits and was ready to begin construction. He said he wanted to be a good neighbor, that if I had any concerns, I should feel free to discuss them.
8. That afternoon, I delivered a note to Mr. Epstein's door stating that I believed there would be negative impact on my home if he proceeded, and that I felt we should speak further. I included my phone number and that of Mr. Jeffrey Schonberger, my next-door neighbor. That evening, Mr. Epstein appeared at my front door with his dog. He came in bearing a copy of the permit and plans as filed by and granted to the Zuckerman Brothers' company, 27th Street LLC. He said his mother had bad knees, that she very much wanted to be able to visit Mr. Epstein and his family, and that there were no suitable hotel accommodations nearby. He repeated that she is very allergic to pets. He said before buying this house, he visited the property at various times of the day to see how a taller building (the garage) would affect the light received by his house and mine. I still expressed my reluctance to get involved in a protracted legal battle, but was not pleased about this project.
9. The morning of July 5, 2005, as I was leaving from my garage for work, Mr. Epstein stopped me. He said he was going to speak with his attorney that day and wanted clarification of my position. He said I sent conflicting messages, saying I would not go to extremes to prevent his planned addition, but then saying I might register an appeal with the Board of Zoning Appeals. I said once again that I am opposed to the project, but needed more time to consult an attorney of my own or with the appropriate District of Columbia officials to be sure his project is completely consistent with zoning regulations.
10. The evening of July 5, 2005, upon my return from work, Mr. Epstein again approached my back fence to tell me he had spent an hour on the phone with his attorney, was certain that he could build his addition, and intended to proceed. If I chose to expend time and money fighting this, I might be liable for his legal fees if I lose the appeal.

FURTHER AFFIANT SAYETH NAUGHT.


Geraldine Rebach

August 15, 2005

Jeffrey A. Schonberger
5341 28th Street, N.W.
Washington, D.C. 20015

July 25, 2005

By Fax – 2 pages total

Leonard Douglas
Acting Head
Building and Land Regulation Administration
941 N. Capitol Street, N.E.
Washington, D.C. 20001

Re: Construction of Dwelling Unit above Existing Garage
5362 27th Street, N.W.

Dear Mr. Douglas:

This letter is to confirm and memorialize the following facts and circumstances:

On Monday, July 11, 2005, at least one complaint was filed in your office regarding the construction of an apartment above a garage located adjacent to an alley way on a property commonly known as 5362 27th Street, N.W. One complaint was filed by my wife, Shelley Schonberger.

On Tuesday or Wednesday, July 12, or July 13, my wife was informed by an employee of DCRA, identified as Marcella, that an inspector was scheduled to inspect the construction on Friday, July 15.

On Thursday, July 14, my wife left a message on Inspector Edward Ball's voice mail asking Inspector Ball to call her to let her know what time he would make his inspection on Friday as was scheduled. Inspector Ball did not return her call.

On July 15, no inspector showed up to inspect the construction.

On Monday, July 18, Inspector Ball inspected the construction and met with my wife. He stated to her that in his estimation the construction was improper for many reasons. He stated that (1) there were no original permits posted and that the copy of the permits that were posted looked like they had a phony stamp; (2) there were no original stamped plans at the site; (3) the permit was in the name of a party which no longer owned the property or which was not carrying out the work; (4) the work being carried out was a renovation and not covered under the copy of the permit posted even if the copy was a

true copy; (5) in his estimation a structure so large and imposing was not allowed by the existing zoning regulations. Mr. Ball further stated that he would return to the site on Tuesday, July 19 and place a stop work order on the construction.

Inspector Ball did not show on Tuesday and both my wife and I called him. I spoke with him personally and he stated that the work was improper and that he would definitely show up on Wednesday, July 20 to place a stop work order.

Inspector Ball, once again did not show up on Wednesday.

On Thursday morning shortly after 8:00 AM, July 21, I spoke with Inspector Ball. He assured me once again that he would put a stop work order on the building and that he would do so that very morning – although there was clearly hesitancy in his voice.

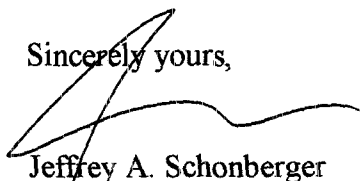
Inspector Ball made no appearance at the site on Thursday.

I spoke with Inspector Ball on Friday morning and he finally admitted to me he would not come out to place a stop work order on the construction even though he believed that the construction which was being undertaken was not proper. He told me his supervisor, identified as you, Leonard Douglas, had made that decision. He further stated that an “investigation” was being conducted with regard to the construction and that the investigation was expected take until Wednesday, July 27. Of course there was no assurance that it would be completed by that time. In probing Inspector Ball’s inconsistent conduct, Inspector Ball disclosed that the current owner’s attorney had called his office and spoke with him and you. Inspector Ball claimed he did not remember the attorney’s name but it appeared that conversation had taken place earlier in the week. Clearly, at the same time that Inspector Ball was representing to me and my wife that he was immediately intent on placing a stop work order on the construction, he had no intention of placing the stop work order. Meanwhile, as your office has deliberately failed to perform its duty and misled us and other members of the community, construction is moving forward toward completion and is improperly impacting the neighboring properties and raised concern throughout the neighborhood.

Inspector Ball suggested I speak to you. Although I called several times beginning Friday morning and I left you two messages, you never returned by phone calls.

If you believe any portion of this letter is factually incorrect please contact me.

Sincerely yours,



Jeffrey A. Schonberger

Cc: Councilmember Adrian Fenty
Councilmember Jim Graham