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Chairperson
 Human Rights, Asian/P.I. & Latino
 Affairs & Property Management
 Subcommittee

Chairperson
 Board of Directors, Washington
 Metropolitan Area Transit Authority

December 3, 2003

Geoffrey Griffis, Chairman
 Board of Zoning Adjustment
 Office of Zoning
 441 Fourth Street, NW, Suite 210 South
 Washington, DC 20001

17109

RECEIVED
 D.C. DEPARTMENT OF ZONING
 203 DEPT - 8 PM 3:15

Dear Chairman Griffis:

This letter is in support of the appeal filed by the Kalorama Citizens Association against the issuance of permits B455571 and B455873 by David Clark, the Director of the Department of Consumer and Regulatory Affairs (DCRA). These permits, issued for construction work on 1819 Belmont Road, NW, Washington, DC 20009, Square No. 2551, Lot No. 45, are in violation of zoning regulations governing Floor-to-Area Ratio (FAR), height, and setback requirements.

First, these permits were issued on the basis of building plans that portray a building height that exceeds the height allowed by the Height of Buildings Act (DC Code Secs. 6-601 to 6-601.09). Roof deck and banister structures included in the plans violate the height restrictions in the law.

Second, the roof structure must be set back from all the exterior walls under the Height of Buildings Act by a distance at least equal to its height above the roof. Director Clark, by letter dated October 6, 2003, has declared this requirement met by considering only the front and rear exterior walls instead of all the exterior walls, as required by the Act. See enclosed letter.

Third, the space denoted as an "attic" in the building plans is in fact not an attic, at least not in so far as any relevant legal definition is concerned. The developer's definition of an attic appears to be contrary to the Zoning Regulations at 11 DCMR Sec. 199.2(g), which refer to Webster's Unabridged Dictionary for the definition of "attic," as the term is not defined therein. Furthermore, the attic fails to comport with the definition of "attic" under the BOCA Code (Sec. 1201.1).

BZA
 Case No. 17109
 Exhibit No. 16

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 17109A
 EXHIBIT NO. 166



For these reasons, I urge the Board of Zoning Adjustment to reverse the decision of the Director of DCRA to grant the permits in this case and to order the developers to take corrective action to return the building to a state that is in keeping with the character of the neighborhood, rather than the glaring obstruction that it appears to be today.

I should add finally that part of the reason why the appeal is being presented at this late date is because DCRA had apparently delayed unnecessarily in providing the appellants with the information required to file this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Graham". The signature is written in a cursive, flowing style.

JG/fr

Enclosure

cc: Kalorama Citizens Association
Advisory Neighborhood Commission 1C
David A. Clark, Director, DCRA
Ann Hargrove