

Subject: Zoning concerns at 3307 M St NW - CB2

Date: Saturday, April 9, 2011 9:09:51 AM ET

From: Walter Parrs III

To: Ruthanne Miller

Priority: High

Ruthanne, we received the email below from Matt LeGrant yesterday evening. Let me know what you think. He does use 17109 but in a different way than I described. Let me know if you think we have a case and how strong.

Begin forwarded message:

From: "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>

Date: April 8, 2011 6:07:29 PM EDT

Subject: RE: Zoning concerns at 3307 M St NW - CB2

Walter Parrs, Jeff Miller, and Neighboring Residents of 3307 M St NW:

I wanted to update all of you about the elevator or 'material lift' structure at the rear of 3307 M St NW, for the "CB2" store, that I discussed with several of you on March 31, 2011. After a thorough review, I have concluded that the structure complies with all applicable zoning regulations and have approved the pending building permit application B1104635 for the Office of Zoning Administrator.

I found that the structure is an rooftop elevator penthouse [the roof is over the garage that is below], and that the plans illustrate conformance with the applicable provisions of 11 DCMR 400.7 and 411, which govern such rooftop structures. I found that no setback from the roof edge at the eastern property line is required, as per BZA Order 17109, pages 11 and 12, in which the BZA found that the 1:1 setback requirement from a roof edge only applies to those roof edges adjacent to public space [no public space is adjacent to the side or eastern as well as the north or rear property lines in this case]. I also found that the site falls wholly within the underlying C-2-A zoning district [see the basic zoning map, below].

With all other standards satisfied, I conclude that the 'material lift' structure is allowed as a matter of right. Once the application is reviewed by all other DCRA disciplines, and (if approved by all these disciplines) then the building permit will be issued. I will then ask the Building Official to lift the present Stop Work Order, which will allow construction to proceed.

Please let me know if you have any questions. I will be out of the office Monday and Tuesday but I plan to return Wednesday April 13th (barring a Government Shutdown closure) .

Zoning Map for area including 3307 M St NW – shown by the star

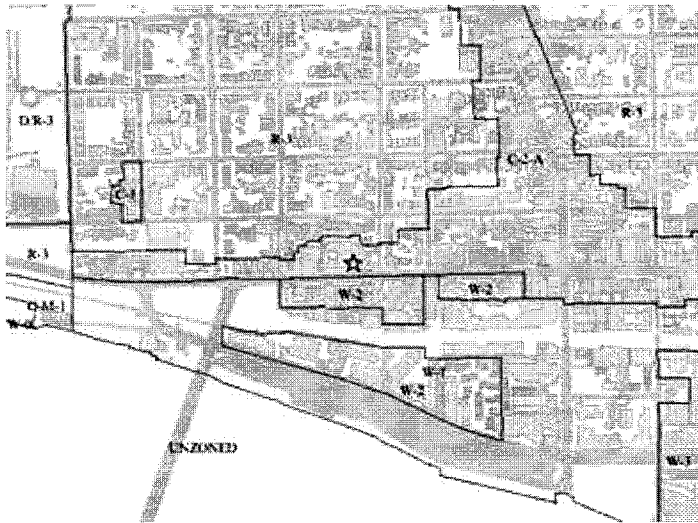
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18257

EXHIBIT NO. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 18257

EXHIBIT NO. 4 Page 1 of 2



Best Regards,

Matthew Le Grant

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