

April 2, 2012

APR 4

The Erie Condominium Association
2351 Champlain Street, NW
Washington, DC 20009

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. K6330

EXHIBIT NO. 42

Re: Erie Design and Zoning

Dear Mr. Wiedis,

This letter is in response to your Association's request for clarification on the Erie zoning and height of the building as re-developed in 2007-2009. The question has come forward as to whether the property was developed at a height less than allowable by zoning, thus jeopardizing the values of the units in a scenario where a building may be allowed to be constructed to a height of 48' directly to the South, thus blocking the view and light that were highlighted as substantial assets during our marketing of the property.

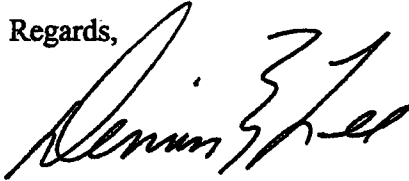
As you are aware, I was an owner of the land at 2351 Champlain Street, NW, and the developer of the project. I was directly involved with the design, construction, and sales.

Please be assured that we took great care in verifying that our R-5-B zoning designation was further restricted by the Reed Cooke Overlay and we built to that maximum height allowable. This is evidenced in the construction drawings, delivered to your Association at the turn over of the building, within the zoning analysis and the elevations showing the heights. Also included with the drawings and documents, is a Zoning Certificate confirming the RC/R-5-B Zoning. The "RC" represents the Reed Cook Overlay. This is also clearly stated in the 2002 Plat generated by the Office of the Surveyor, and "certified and attested" by the Director of the Office of Zoning, as being RC/R-5-B. This question came up once more during the application process for obtaining a curb cut and other zoning matters on Champlain Street, and it was verified again by our zoning attorney, Mr. Chris Collins, at Holland and Knight. We designed and built the property to the maximum allowable height of 40', from the ground to the underside of the top floor ceiling, measured at the center of the front property line. Our height was designed at 39'-10', and built accordingly. The parapet extends approximately 3'-6" above the roof.

We developed and highlighted the roof top of Erie based on our knowledge that the parking lot directly to the South of Erie was also within the RC/R-5-B zoning regulations and in fact, a building had been designed by the previous owner, Adams Investment Group, within those regulations, by matter of right. We marketed and sold the units with the understanding and confidence that the roof tops would not be blocked by another building as long as it adhered to the RC/R-5-B zoning regulation. We were unable to predict a request for a variance by a future owner.

There also seems to be confusion as to the Lot and Square of the main property. The initial Lot and Square was Lot 834 in Square 2563. The Lot number changed to Lot 109 as the Office of the Surveyor updated tax lot numbers. Lot 834 and Lot 109, are the same.

Regards,

A handwritten signature in black ink, appearing to read "Dennis B. Lee". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke extending to the right.

Dennis B. Lee
President

Government of the District of Columbia

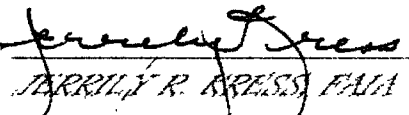
OFFICE OF ZONING



441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

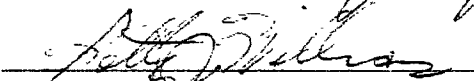
July 22, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lot 83A in Square 2563 is zoned RC/R-5-B as shown on the attached plat.


JERRILY R. BRESSI, FALA
Director
Office of Zoning

District of Columbia, ss:

Signed and sworn to before me this 22nd day of July, 2002.


BETTY J. WILLIAMS
Notary Public, D.C.

My Commission expires on February 14, 2006

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., June 19, 2002

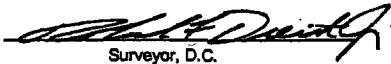
Plat for Building Permit of SQUARE 2563 LOT 834

Scale: 1 inch = 20 feet Recorded on Microfilm

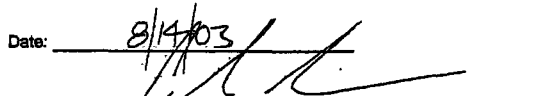
Receipt No. 009245

Furnished to: NICOLE MAUGEL

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted 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 where 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 rate of grade along centerline of 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 restricted property.)


Surveyor, D.C.

By: L.E.S. 

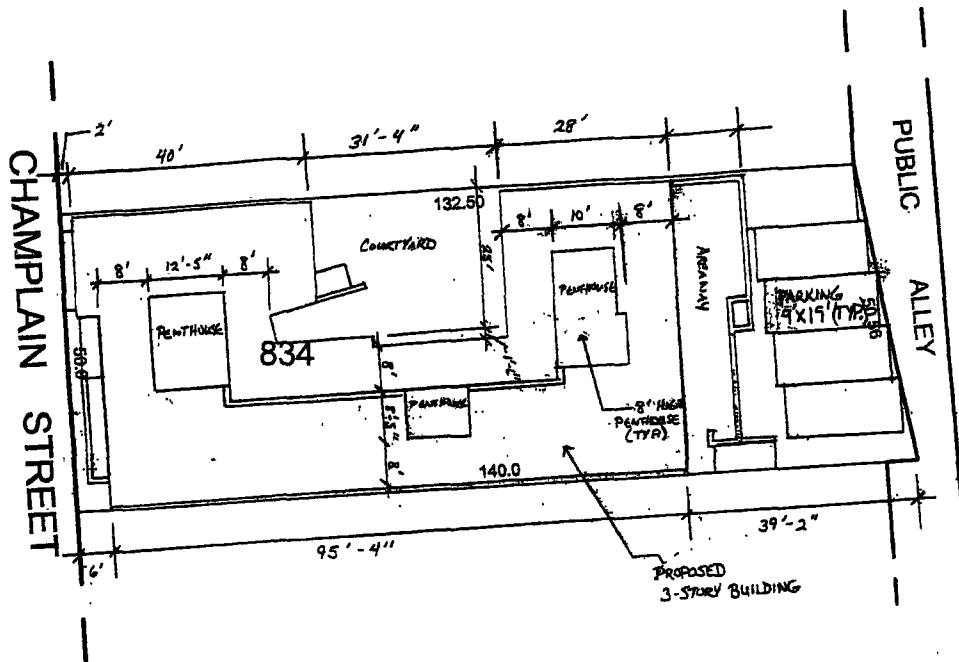
Date: 8/14/03

(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.

July 22, 2002

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicate that Lot 834 in Square 2563 is zoned RC/R-5-B, as shown on this plat.


JERRILY R. KRESS, FAIA
Director
Office of Zoning



2002 JUL 18 PM 3:36
D.C. RECORDING