

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION



November 24, 1993

93 NOV 24 AM 11:27
OFFICE OF THE
DISTRICT OF COLUMBIA

MEMORANDUM

TO : Madeliene H. Robinson
Acting Director
Office of Zoning

FROM : Joseph F. Bottner, Jr. *JFB*
Zoning Administrator

SUBJECT : Zoning Commission Case No. 93-9C (FUD and Map
Amendment at 21st & H Streets, N.W. - GWU/WETA)

First, my apology for being tardy in responding to your memorandum dated November 15, 1993, relating to the above referenced subject. I do request to Zoning Commission to waive its rules and practice to allow this reply to become a part of the record.

I have reviewed the document you enclosed with your memorandum. My purpose in the review was to provide comments with respect to the Height of Building Act of 1910.

It is my view that the building in the area of "Studio A" is in conflict with the "height of building" as regulated by the Act of 1910. The Act of 1910 allows the height to be "measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof."

When the question on the height, as well as mechanical equipment was first presented, I was under the impression that it was identical to the property at 110 First Street, N.E. However, upon retrieving the files for 110 First Street, N.E., I realized it is not identical.

The setback requirements of a roof structure under provisions of the Act of 1910 have always been interpreted by the Zoning Division as being required to set back from the property line which adjoins a street. The setback of

ZONING COMMISSION

CASE No. 93-9C

EXHIBIT No. 9C

MH
11/24/93

a roof structure under the Zoning Regulations now requires roof structures to set back from the exterior walls. Consequently, it is my opinion that the Zoning Commission, under a Planned Unit Review, does have authority to waive the setback of a roof structure from a property line which does not adjoin a street.

cc: Peter Maszak

bia

Zoning

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001

Confidential: Subject to
Lawyer-Client Privilege



IN REPLY REFER TO:

November 18, 1993

TO: Madalena H. Robinson
 Director, Office of Zoning

FROM: Peter Szegedy *MS*
 Assistant Corporation Counsel

SUBJECT: Height Act of 1910: Issues Raised in Zoning
 Commission Case No. 93-9C (GWU/WETA PUD)

OFFICE OF THE CORPORATION COUNSEL
 DISTRICT OF COLUMBIA

86 NOV 18 PM 4:08

You have requested our advice concerning the compliance of the above project with the 1910 Height Act, D.C. Code § 5-405 (1992). We are advised by the Office of the Zoning Administrator that the above project complies with his interpretation of the Zoning Regulations and with prior administrative practice of his Office. We also understand that the Zoning Administrator will advise you about his interpretation of the Height Act of 1910 as it applies to the above case. Finally, we understand that there is administrative precedent by the Zoning Administrator supporting his interpretation.

In the event that you require further legal review of the above issues, please contact this Office at 727-6240. The Office of the Zoning Administrator has not requested legal advice on this matter at this time.

cc: James Randall, OCC

2-11-1