Mr. Permit

Jerrily Kress, Director
Office of Zoning
441 4th Street, NW
Room 210
Washington, DC 20001

'00 MAR 31 P4:53
OFFICE OF ZONING
DISTRICT OF COLUMBIA

Re: Board of Zoning Adjustment Case Number 16562, 1314 Rhode Island Avenue, NW

Dear Ms. Kress:

When this case was filed on January 10, the zoning was R5D. Subsequently, on February 28, 2000, the zoning on this site was changed from R5D to R5B.

I did not know about this case to change the zoning to R5B. When I discovered this problem, I called Alberto Bastida, who told me that the fact of zoning change in this case should not be a material change, as using a carriage house that is non-conforming for anything other than artist studio would require a BZA hearing, but that at the hearing I should make sure that I covered all the issues related to the rezoning if there were any material differences.

I have checked the regulations, and have noted that there are two issues arising as a result of the down zoning. These issues are:

Percentage of lot occupancy. Under R5D, the percentage of lot occupancy is 75%, and the R5B zone requires a percentage lot occupancy of 60%. In either case, the current footprint exceeds the percentage of lot occupancy requirements for either zone. Instead of asking for a variance for the proposed project of 173.03 square feet, which is 10%, we are faced with a variance in the amount of 537 square feet. (See revised spreadsheet, attached.)

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BZA
Case No.
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16562
EXHIBIT NO.27

Floor area ratio. Under R5D, floor area ratio was 3.5, and now it is 1.8. Under the R5D zoning, there was no variance condition, as the provided square footage was well under the 3.5 FAR limitation. However, under the current re-zone of R5B, a variance from the floor area ratio is now required, in the amount of 1,928.7 square feet. (See revised spreadsheet, attached.)

There does not appear to be any other non-conformities with the regulations other than these items.

At this point, I wanted to let you know these facts, and make sure that you concur with Mr. Bastida, that the case is acceptable in light of these circumstances, to allow us to proceed with the hearing on Wednesday, April 5, 2000 at 1:00 P.M.

Can you please let me know ASAP about the final position on this matter,

Sincerely,

James F. Smith
"Mr. Permit"
Agent for the Applicant, Mike Malik

enclosures

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