GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

RECEIVED
D.C. OFFICE OF ZONING
2001 SEP 19 A 11:49

September 19, 2001

Milton Shinberg
4733 Bethesda Avenue Suite 550
Bethesda, Maryland 20814

RE: Zoning Clarification

This letter is in response to your request for clarification on two zoning issues referenced in your letters of September 12 and 17, 2001. Specifically, you requested clarification on width of Aisle and Compact car spaces requirements addressed in DCMR Title II, Sections 2117.5, 2117.6 and 2115.4 respectively.

The width of aisle requirement, as set forth in Section 2117.5, for required parking spaces so arranged as to mandate in aisle for maneuverability, is a "clear" twenty feet (20ft.) for a row of two or more parking spaces at (90°) ninety degree parking angle and not less than seventeen feet for sixty degree (60°) angled parking. The interpretation of the Zoning Administrator's Office has consistently been that, because of the unambiguous use of the word "clear" in this section, the width of aisle required is exclusive of columns and any other obstruction.

Section 2115.2 allows any accessory parking area or accessory garages containing twenty five (25) or more required parking spaces to designate up to forty percent (40%) of the parking spaces for compact cars. Section 2115.4, however, requires such compact spaces to be provided in groups of at least five (5) continuous spaces with access from the same aisle.

Parking space dimensional, size, design, and striping requirements stipulated under sections 2115.1, 2115.2, 2115.3, 2117.5 and 2117.6 may be waived pursuant to the stipulation of sections 2115.9, which allows such waiver, under specific provisions, only in a commercial building or structure located in a C3C, C4, C5 (PAD), SP, W or CR district when seventy five (75) parking spaces or more are required according to the schedule of parking of section 2101.1.

A scheme which would otherwise not comply with any of the requirements of these aforementioned sections would require such specific relief as would apply for said parking spaces to be legitimately applied to required parking spaces.

We hope that this letter provides the clarification you sought. If we can be of further assistance, do not hesitate to contact the office at (202) 442-4576.

Respectfully,

Toye Bello
Chief, Zoning Review Branch

BZA
Case No. 16611
Exhibit No. 247

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.247

F A C S I M I L E

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
Building and Land Regulation Administration
Office of the Zoning Administrator
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002
(202) 442-4576 office
(202) 442-4871 fax

FAX COVER SHEET

RECEIVED
D.C. DEPT. OF CONSUMER & REGULATORY AFFAIRS
2001 SEP 19 PM 4:17
ZONING

TO: Shari Pruitt **ORGANIZATION:**

PHONE: **FAX:** 727-6072

RE: Zone Clarification **cc:**

FROM: Toye Bello **DATE:** 9-19-01

[] URGENT [] AS REQUESTED [] PLEASE COMMENT [] FYI [] PLEASE REPLY

COMMENTS:

No. of Pages: ____ (includes cover sheet)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Zoning Administrator

SEP 20 AM 11:45
D.C. BOARD OF ZONING ADJUSTMENT

September 19, 2001

Milton Shinberg
4733 Bethesda Avenue Suite 550
Bethesda, Maryland 2081

RE: Zoning Clarification

This letter is in response to your request for clarification on two zoning issues referenced in your letters of September 12 and 13, 2001. Specifically, you requested clarification on width of Aisle and Compact car spaces requirements addressed in DCMR Title II, Sections 2117.5, 2117.6 and 2115.4 respectively.

The width of aisle requirement, as set forth in Section 2117.5, for required parking spaces so arranged as to mandate in aisle for maneuverability, is a "clear" twenty feet (20ft.) for a row of two or more parking spaces at (90°) ninety degree parking angle and not less than seventeen feet for sixty degree (60°) angled parking. The interpretation of the Zoning Administrator's Office has consistently been that, because of the unambiguous use of the word "clear" in this section, the width of aisle required is exclusive of columns and any other obstruction.

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A scheme which would otherwise not comply with any of the requirements of these aforementioned sections would require such specific relief as would apply for said parking spaces to be legitimately applied to required parking spaces.

We hope that this letter provides the clarification you sought. If we can be of further assistance, do not hesitate to contact the office at (202) 442-4576.

Respectfully,

Toye Bello
Chief, Zoning Review Branch

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4560 Fax: (202) 442-4871

BZA
Case No. 16611
Exhibit No. _____

Sep 20 01 12:15p 4733 BETHESDA (301)652-1999 p.2

L.L.C. Bethesda, Maryland 2081
ShinbergLevinas.com mail@ShinbergLevinas.com

SHINBERG.LEVINAS

Fax

To: Toye Bello, District of Columbia Building & Land Regulation Administration, Office of Zoning
Via fax (202) 442-4871

From: Milton Shinberg

Date: September 12, 2001

Re: Aisle Width

Number of Pages 1

Toye:

I'd like to get a clarification from you regarding the way aisles are measured for parking. The diagram attached shows the situation. Essentially, I believe that an aisle, to meet the letter and intent of the regulations, should be continuous. Please call me when you receive this to discuss the question.

You should know that this matter is at issue currently in the case involving the Burke School, and that I have not been successful contacting Michael Johnson to discuss the case at large. However, I think that this specific question is straightforward and can be answered in terms of standards for any project.

Per Section 2117.6 the aisle must have a *clear width as measured from the centerline of the aisle.* Based on that standard, the spaces shown on the attached sheet are accessed by an aisle that has columns narrowing the width to less than 20'. I understand that required spaces are not counted when access is substandard.

Sincerely,

Sep 20 01 12:15p 4733 BETHESDA (301)652-1999 p.3

L.L.C. Bethesda, Maryland 2081
ShinbergLevinas.com mail@ShinbergLevinas.com

SHINBERG.LEVINAS

Fax

To: Toye Bello, District of Columbia Building & Land Regulation Administration, Office of Zoning
Via fax (202) 442-4871

From: Milton Shinberg

Date: September 13, 2001

Re: Tandem Spaces and Rows of Compact Spaces

Number of Pages 1

Toye:

I'd like to get a clarification from you regarding two issues:

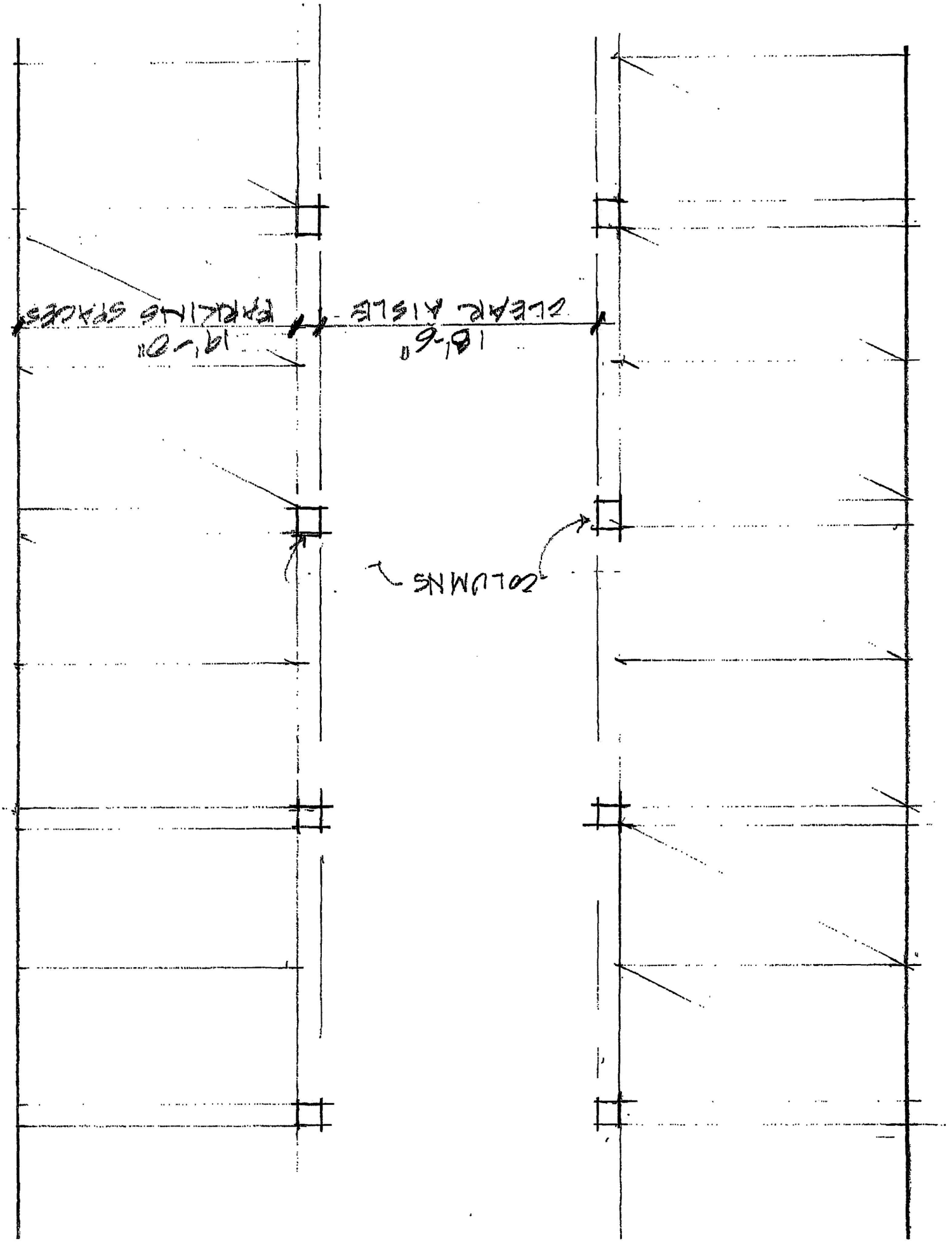
1. Tandem spaces. Per our discussion, I understand that the back space in a tandem arrangement is not counted as a required space in a self-park facility outside the Central Business District.

2. Rows of Compact Car Spaces: Per section 2115.4, compact car spaces must be arranged in rows of not less than five spaces. Please confirm that this "contiguous spaces" regulation precludes counting spaces as meeting standards for required parking, should there be less than five spaces in a row.

You should know that this matter is at issue currently in the case involving the Burke School, and that I have not been successful contacting Michael Johnson to discuss the case at large. However, I think that these specific question are straightforward and can be answered in terms of standards for any project.

The record-closing date for the BZA hearing is set for Tuesday, which is a religious holiday for me. If there is any way that you could have a response by Monday, for this and for the aisle clearance clarification of yesterday, I would greatly appreciate, so that I can attach it properly

Sincerely,


18'-6"
CLEAR AISLE
12'-0"
PARKING SPACES
COLUMNS

Neighbors United for Livable Streets

RECEIVED
D.C. OFFICE OF ZONING
2001 SEP 20 AM 11:45

September 20, 2001

Transmittal to Parties

Re: Application Number 16611, The Burke School (Kenneth Workman, Josef Straka, Carl and Elizabeth Richmond)

Attached are the following documents submitted to the Board, and dated 19 September 2001.

1. Letter from Mr. Toye Bello, Supervisor in the Office of Zoning clarifying zoning regulations relevant to the case.

2. Cover letter from NULS to the Board, transmitting same.

The materials sent to Mr. Bello, to which he responded, are attached.

The Edmund Burke School
c/o Phil Feola, Shaw Pittman
via fax (202) 663-8007

Jennifer Steingasser
Office of Planning
Via fax (202) 442-7638

Van Ness South Tenants Association
c/o Pat Brown, Greenstein, DeLorme & Luchs
via fax (202) 451-1410

Sirrus, LLC
c/of Cynthia Giordano, Arnold & Porter
via fax (202) 942-5999

Kenneth Laden
Department of Public Works
Via fax (202) 671-0617

NULS
c/o Jodie Smolik
By hand

Linda Jay
By hand

ANC 3F
c/o Phil Kogan
By hand

Sincerely,

Milton Shinberg, on behalf of NULS
2949 Upton Street, NW
Washington, DC 20008

Cc: The Board of Zoning Adjustment, c/o Mr. Paul Hart, via fax (202) 727-6072

Sep 20 01 12:14p 4733 BETHESDA (301)652-1999 p.1