GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

DEC - 8 2000

Michael Johnson, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

**RE: BZA Application No. 16619 - Romano Romani & Thomas Parry**

Dear Mr. Johnson:

The Board of Zoning Adjustment is requesting that your office conduct a site visit at 233 Constitution Avenue, N.E. (Square 758, Lot 39) to determine how the premises is being used.

To briefly provide the background for this request, the above-mentioned Applicants filed an application with the Board of Zoning Adjustment on July 24, 2000. A public hearing on the case was originally scheduled for November 8, 2000. At that time, the Applicants requested that the hearing be rescheduled. The hearing on this case has been rescheduled to **FEBRUARY 13, 2001, at 9:30 a.m.**

The Office of Zoning received your referral letter dated May 17, 2000 (copy attached). Based on that letter, the application was advertised for a variance from the use provisions to allow the premises to be used as general office space (lobbyist group) in an R-4 District. As your May 17th letter stated, the R-4 District does not allow the proposed use.

The Board members have requested that your office verify if the subject building is being used currently for office purposes, prior to hearing the facts of the case. If the building is being used for office space, is the entire building or a portion of it being used for an office? This information should be provided in writing or by oral testimony at the public hearing. If you decide to provide a written response, please do so by February 5, 2001. The Applicants' legal counsel is Attorney Andrea Bagwell, Harmon & Wilmot, L.L.P., 1010 Vermont Avenue, N.W., Suite 810, Washington, D.C. 20005, telephone number (202) 783-9100. If we can provide additional information, do not hesitate to contact Beverley Bailey on (202) 727-0364.

Sincerely,

BZA
Case No. 16619
Exhibit No. 23

**JERRILY R. KRESS, FAIA**
**Director**

**CC: Andrea Bagwell**



Board of Zoning Adjustment
District of Columbia
CASE NO.16619
EXHIBIT NO.23

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

May 17, 2000

'00 JUL 24 P1:35

Andrea Bagwell, Esquire
Parry, Romani and DeConcini, Inc.
Harry & Wilmot, LLP
1010 Vermont Avenue, N.W., Suite 810
Washington, D.C. 20005

Re: 233 Constitution Avenue, N.E.
Square: 758 Lot(s): 39
(Bsmt., 1st, 2nd and 3rd Floors)
Zoned: R-4

Dear Ms. Bagwell:

Your certificate of occupancy application #609894 filed to use the subject premises as "General Office" is disapproved due to the need for Board of Zoning Adjustment approval. The property for purposes of zoning is classified as R-4 which does not allow your proposed use. You may, however, request a variance from the use provisions (DCMR Title 11, Section 330.5) of the R-4 Zone. The variance must be obtained through a public hearing before the Board of Zoning Adjustment.

The Board has authority to grant variances under provisions of DCMR Title 11, Section 3107.2 which reads as follows:

3103.2

"As set forth in D.C. Code, Section 5-424(g)(3), 'Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code, Sections 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.'"

BZA
Case No. 16619
Exhibit No. 6

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when requesting special approval. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Edgar T. Nunley, Chief
Zoning Review Branch