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D.C. OFFICE OF ZONING
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April 9, 2001

Mr. Robert Sockwell
Chairman, Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington DC 20001

RE: BZA Appeal 16716 Building permit B435464 (seven story structure at 5111 et al Connecticut Avenue, N.W.)

EXPEDITED CONSIDERATION REQUESTED

Dear Mr. Sockwell:

At ANC 3G's publicly announced meeting of March 26, 2001, the Commission voted 6 - 0 (a quorum being four) to join in the appeal contesting the Zoning Administrator's decision to issue building permit number B435464. The Nebraska Avenue Neighborhood Association filed the appeal on March 16, 2001. ANC 3G asks that filing fees be waived for the ANC as well as for the Nebraska Avenue Neighborhood Association. Additionally, to minimize disruption and expense for all affected persons, we respectfully request that the consideration of this appeal be expedited.

The above-cited building permit was issued in early March, despite oral and written objections from ANC 3G and the Nebraska Avenue Neighborhood Association. ANC 3G and the Association identified numerous deficiencies in the permit application and pointed out serious violations of the Zoning Regulations. We believe that issuance of the building permit under these circumstances constitutes legal error and we therefore ask the Board of Zoning Adjustment to reverse the Zoning Administrator's erroneous decision to approve the permit.

Our appeal is based on the following grounds:

(1) The building permit allows construction of a building that violates the rear yard setback requirements for an R-5D zone, which is the current zoning classification for this property. A rear setback in an R-5D zone must be one foot for each three feet of building height, but the applicant's building meets the setback requirement only for one portion of the rear property line rather than for the entire rear property line.

(2) The building permit allows construction of a building that violates the FAR requirements for an R-5D zone, which is the current zoning classification for this property. The FAR calculations by the Zoning Administrator erroneously included a 4,000 square foot R-2 lot.

(3) The building permit was granted despite the building's failure to comply with the R-3 zoning requirements for building height, FAR, and density. The R-3 zoning requirements apply to this building

BZA
Case No. 16716
Exhibit No. 16

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.16

permit because no complete application was filed for the permit until February 2, 2001, well after the October 16, 2000 decision of the Zoning Commission to hold a hearing on ANC 3G's July14, 2000 written petition for down zoning of this property from R-5D to R-3.

4) The building permit was granted for an assisted living and/or community-based residence facility, even though no special use permit was sought or approved permitting the applicant to operate such a facility at this location, as is required.

5) The building permit was approved in violation of the restrictions on commercial use in an R-5D zone and without evidence of a real (as opposed to a sham) loading dock facility.

The Zoning Administrator's decision to grant this building permit in violation of the foregoing requirements was legally erroneous, violated the Zoning Regulations, and should be reversed. ANC 3G appoints Marilyn Holmes and/or Joe Bishop as our representative for any hearing on this appeal. We also request that this matter not be set for a hearing during the time period July 5 to 13, 2001.

Sincerely,

Joseph L. Bishop /klg

Joseph L. Bishop
Vice-Chair ANC 3G

Cc: Councilmember Kathy Patterson