FAX

To: Jerrily R. Kress, FAIA
Director, Office of Zoning

FAX: (202) 727-6072

Date: March 7, 2002

From: Anne Page Chiapella APC

Re: Copy of missing letter & certification of mailing, mailed 3/1/02

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR -7 AM 10: 56

From a phone call from Beverly Bailey, I understand that the Office of Zoning has not received the letter I mailed on March 1, 2002. As requested, I am faxing a copy of that material (copy printed from a computer file and signed plus copies of certificates of mailing). I would appreciate knowing if the letter does arrive and, if so, when it is delivered. I also have problems receiving mail in a timely fashion.

Thank you

BZA
Case No. 16716
Exhibit No. 69

Board of Zoning Adjustment
District of Columbia
CASE NO.16716
EXHIBIT NO.69

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
Anne Page Chiapella
5126 Nebraska Ave NW
Washington DC 20008

One piece of ordinary mail addressed to:
Maureen E. Dwyer, Esq
Shaw Pittman LLP
2300 N Street NW
Washington DC 20037-1128

PS Form 3817, Mar. 1989

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
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Received From:
Anne Page Chiapella
5126 Nebraska Ave NW
Washington DC 20008

One piece of ordinary mail addressed to:
Geoffrey H Griffis
Chairman Board of Zoning Adjustment
441 4th St. NW Suite 210 South
Washington DC 20001

PS Form 3817, Mar. 1989

CERTIFICATION

I certify that a copy of this letter was sent by first class mail, postage prepaid, on March 1, 2002, to the following:

Maureen Dwyer, Esq.
Shaw Pittman LLP
2300 N. Street, NW
Washington, DC 20037-1128

William Bennett, Esq.
Office of the Corporation Council
441 4th Street, N.W.
Washington, D.C. 20001

COPY

Toye Bello
Acting Zoning Administrator
941 North Capital Street, NE, 2nd Floor
Washington, D.C. 20002

ANC 3G
Chevy Chase Community Center
5401 Connecticut Ave., N.W.
Washington, D.C. 20015

Anne Page Chiapella

Signed Date

February 26, 2002

Geoffry H. Griffis
Chairman, Board of Zoning Adjustment
441 4th Street, NW, Room 201
Washington, DC 20001

Copy

Re: Appeal No. 16716B

Dear Chairman Griffis:

I am writing to request reconsideration based on errors in the ORDER ON MOTIONS FOR RECONSIDERATION AND REHEARING, Appeal No. 16716B, mailed Feb. 15, 2002, received Feb. 26, 2002 (receipt was delayed as 2/18 was a holiday and following that I was out of town). I am sending a copy by FAX, 2/26/02 and hard copy by mail. Please note that the FAX response is timely.

Request for reconsideration is based on the following:

1. Errors in basement FAR calculation evaluation: The Zoning Administrator ("ZA") did not specifically document points of measurement in his FAR calculations. The appellants' architect expert witness did not use "contours of the site" in his calculation, as stated. Both used a perimeter method. **Differences in total perimeter calculation and total garage level square footage between the ZA's calculation and appellant expert's calculation are not substantial. Reliance on a ceiling 4 feet below the first floor slab in the garage and on measuring the external grade at the top of the concrete patio/stair are required for the ZA/Intervenor's 11% basement FAR calculation compared to the architect's 30% calculation.** The record shows no such ceiling. The elevated rear concrete patio/stair does not represent adjacent grade. The basement contribution to FAR brings building FAR over allowed 3.5

2. Error in concluding the south stairwell penthouse was setback under mansard roof: The South Elevation, longitudinal cross-section and floor plans clearly show the **face of the stairwell penthouse continues up from the southern face of the building**. It is not setback from external wall and is under regular roof rather that the so-called mansard roof. The same penthouse set-back requirement applies to the stairwell penthouse as applies to elevator penthouse. **The stairwell penthouse setback is not in compliance.**

3. The applicants chose **two building fronts** on two different streets. (In addition, the applicants chose one of those two fronts as the front for height measurement.) Their setback calculations depend on this interpretation. The ZA testified (BZA hearing, Aug. 3, 2001) that the zoning regulations do not specifically allow two fronts of the building. The Board erred in accepting two fronts of this building.

Reconsideration of these issues is respectfully requested.

Yours truly,

Anne Page Chiapella

Anne Page Chiapella
President, Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, NW
Washington, DC 20008