ANC 3F

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Lyn Oglesby, Ph.D.

Advisory Neighborhood Commission 3F
NORTH CLEVELAND PARK / FOREST HILLS

October 16, 2001

Ms. Jerrily R. Kress, FAIA
Director
Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W.
Washington, D.C. 2001

Re: BZA Appeal No. 16764
2944 Chesapeake Street, N.W.

Dear Ms. Kress:

Reference is made to the report submitted to the Board of Zoning Adjustment by ANC3F on September 18, 2001 in BZA Appeal No. 16764.

Enclosed is Res 01-21 which was adopted by ANC3F on October 15, 2001 which supplements the September 18, report. ANC3F respectfully requests that the BZA waive its rules and accept this resolution as a supplement to ANC3F's report filed on September 18, 2001.

Very sincerely yours,

Robert V. Maudlin
Secretary

enc. Res 01-21

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16764

Board of Zoning Adjustment
District of Columbia
CASE NO.16764
EXHIBIT NO.27

Case No. 16764
Exhibit No. 27

Res 01-21

ANC3F SUPPLEMENTAL RESOLUTION IN SUPPORT OF BZA APPEAL NO. 167642944 CHESAPEAKE STREET, N.W.

Advisory Neighborhood Commission 3F
North Cleveland Park and Forest Hills
P.O. Box 39290
Washington, D.C. 2016-9290

WHEREAS: ANC3F adopted Res 01-19 on September 10, 2001 by vote of 7-0-0 supporting Appeal No. 16764 filed by Darrel J. Grinstead, and

WHEREAS: Res 01-19 did not address, in detail, the height (feet and stories) of the structure at 2944 Chesapeake Street, N.W., and

WHEREAS: The building permit application filed on June 27, 2000 for a new custom house at 2944 Chesapeake Street, N.W. stated that the proposed number of stories of the building to be three plus cellar, and

WHEREAS: Building Permit No. B430178 issued by the Department of Consumer and Regulatory Affairs (DCRA) on October 13, 2000 for construction stated the number of stories to be three, and

WHEREAS: 2944 Chespeake Street, N.W. is located in an R-1-A zoning district, and

WHEREAS: DC Zoning Regulations (11 DCRM § 400.1) limit the height of buildings or structures in R-1-A districts to 40 feet and 3 stories, and

WHEREAS: DC Zoning Regulations (11 DCRM §199) define basement; building, height of; cellar and story as follow:

A. Basement - that portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade. (underscore added)

B. Building, height of - the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet.
In those districts in which the height of building is limited to forty feet (40ft.), the height of the building may be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story.

C. Cellar - that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade. (underscore added)

D. Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured. For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars . . . , and

WHEREAS: 12 DCMR § 107.15 prescribes:

The elevations of all existing and proposed structures, fully dimensioned so as to define without ambiguity the dimensions of said structures.

Other information necessary to determine compliance with Title 11 DCMR, Zoning Regulations, and

WHEREAS: the permit application, including the plans attached as part of that application, fail to define the dimension of the height of the building from finished grade level at the middle of the front of the building to the ceiling of the top story, and

WHEREAS: The plans for the building that include the notation "Complies with requirements of Zoning Regulations 10-13-00" and approved by DCRA for Building Permit No. B430178 clearly depicts:

A. An exterior door entering into a foyer at the lower story.

B. The floor of the lower level a concrete slab over 6" gravel base "entire basement level." (Underscore added)

C. The front of the house being 35 feet wide, therefore the middle of the front, where height is measured, is 17' 6". The middle of the front is at the entrance of the garage where the grade level is at the floor of the garage. Therefore this story is a "basement" and there are three additional stories above this story making the building a four-story building.

D. A structure with a height of more than 40' 10" from the finished grade at the middle of the front of the building to the ceiling of the top story.

THEREFORE, BE IT RESOLVED THAT: the Board of Zoning Adjustment uphold Appeal No 16764 and find that DCRA erred in issuing Permit No. B430178 because the building does not comply with the height limitations in 11DCMR § 400.1 in both feet and stories, and

BE IT FURTHER RESOLVED THAT: BZA direct DCRA to have the building modified to comply with the height limitations and any other conditions that do not comply with the zoning regulations, and

BE IT FURTHER RESOLVED THAT: BZA waive its rules and accept this resolution as part of ANC3F's report filed on September 18, 2001.

Approved by vote of 6-0-0 at a duly noticed meeting on October 15, 2001, with a quorum present.

David J. Bardin, Chair

Robert V. Maudlin, Secretary