Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N.W.
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

MEMORANDUM

TO: Board of Zoning Adjustment

THRU: Jerrily R. Kress, FAIA
Director

FROM: Richard S. Nero, Jr. RSN
Special Assistant

DATE: November 26, 2001

RE: **Application of AvalonBay Communities, Inc.**, pursuant to 11 DCMR § 3103.2 for a variance from the residential recreation space requirements under subsection 1706.4(f), and a variance from the retail space requirement under subsection 1705.3 to construct an apartment building in a DD/C-2-C District at premises 719-735 6th Street, N.W. (Square 486, Lots 11-13, 804 – 808). #16809

The Applicant in the above-referenced case alerted the Office of Zoning (OZ) by telephone and follow-up letter dated November 19, 2001, that an additional variance from subsection 770.6(b) (roof structure set-back requirements) is also needed. The application is scheduled to be heard on December 18, 2001. The Applicant met with and advised the affected Advisory Neighborhood Commission (6A) of the change in the application in time for the ANC to discuss the matter at its December 6, 2001 meeting. The OZ has advised the Applicant that the fifteen (15) day posting of the property must cite the added variance. The OZ will also post a corrected notice on its public bulletin board.

The Board has within its purview the authority to amend the application at the time of the public hearing. The OZ believes that the advertised notice is sufficiently informative so that this change should not aggrieve anyone interested in the application.

Attachment

BZA
Case No. 16809
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16809
EXHIBIT NO.20

BZA/EB

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

ATTORNEYS AT LAW

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Dec 18

RICHARD B. NETTLER
JEANNINE RUSTAD ZIGNER
(202) 775-0725

November 19, 2001

BY HAND

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: BZA Application No. 16809
719-735 6th Street, N.W.; Square 486, Lots 11-13 and 804-808
Our File No. 099711-0000

Dear Mr. Griffis:

The above-referenced application was filed seeking two (2) variances – one from the residential recreation space requirement of Section 1706.4(f) and the second from retail requirement of Section 1705.3 – to permit the construction of a mixed-use residential and retail project at 719 -- 735 6th Street, N.W., Square 486, Lots 11-13 and 804-808. A hearing is scheduled on the application for December 18, 2001. This letter shall serve as a formal request that the Board of Zoning Adjustment consider an additional variance from the roof structure set back requirements of Section 770.6(b) of the Zoning Regulations.

Upon further design and review of the roof plans, it was discovered that the applicant needs a variance from Section 770.6(b) of the Zoning Regulations. Section 770.6(b) provides that roof structures "shall be set back from all exterior walls at a distance at least equal to its height above the roof upon which it is located." The proposed roof structure is eighteen feet, six inches (18'6") tall, resulting in a corresponding setback requirement of eighteen feet, six inches (18'6"). As illustrated on the attached roof plan, only a six foot set back can be provided from the southern exterior wall. The variance is required so as to accommodate the enclosure of both the elevator and stairway penthouses in one structure. *See* 11 D.C.M.R. § 411.3 & 411.5.

On November 14, 2001, a presentation was made to the Zoning and Licensing Committee of Advisory Neighborhood Commission ("ANC") 6A, at which time the Applicant informed the ANC that it would be requesting this additional relief. As the ANC has requested that the Applicant make a presentation to the full ANC on December 6, 2001, a copy of this letter, with the attached roof plan, will be submitted to the ANC as written notice of the requested additional variance.

Also enclosed is the $800.00 fee for the additional variance.

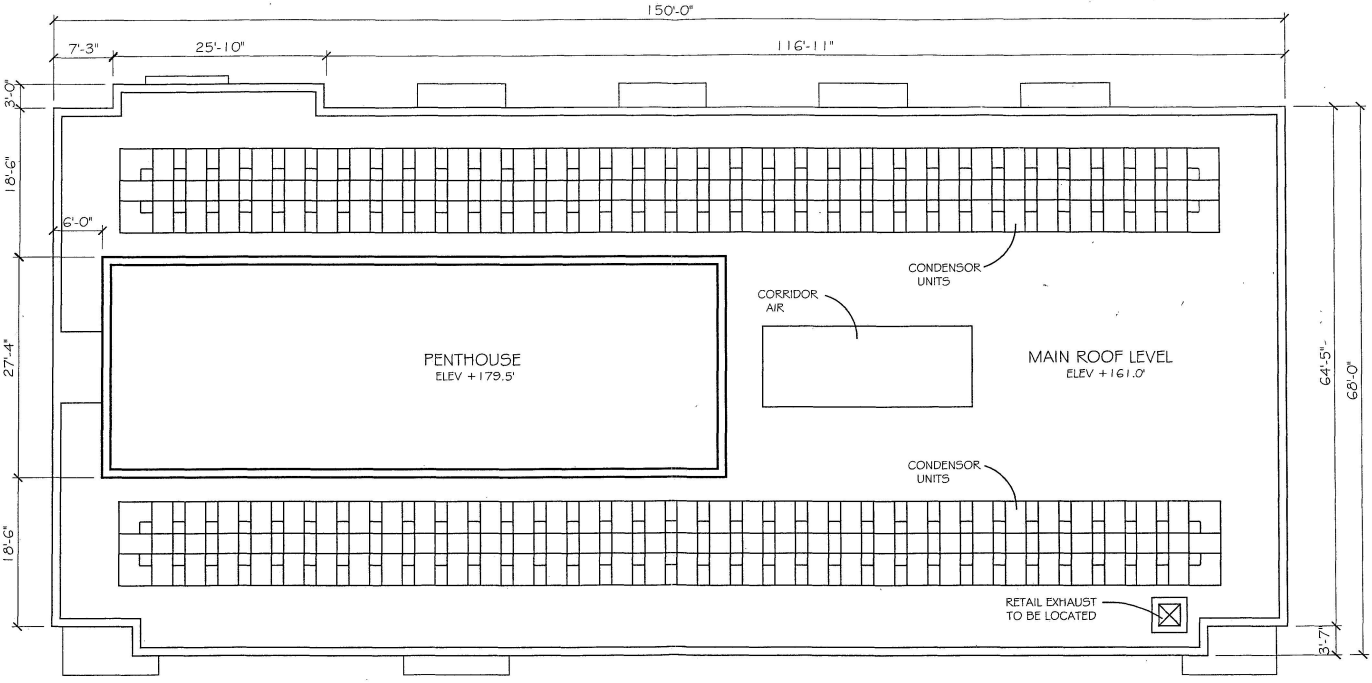
Thank you for your attention to this matter.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

Enclosures
cc: Mr. Richard D. Koch (by facsimile)
ANC 6A; PO Box 76680,
Washington, DC 20013-6680 (w/encl.)
Office of Planning, Attn: Maxine Brown-Roberts



Roof Plan

SKG Architects & Planners, LLC

GALLERY II
Apartments
WASHINGTON D.C

Avalon Bay Communities, Inc

A5
DATE 11.14.01