Government of the District of Columbia
ZONING COMMISSION

June 24, 2002

Daniel Meijer
929 Gist Avenue
Silver Spring, Maryland
20910

Re: BZA Application No. 16878 – Cady Lee Mansion

Dear Mr. Meijer:

Your motion letter dated June 20, 2002, requesting reconsideration of the above-referenced application is being returned to you. Pursuant to 11 DCMR § 3126.2, only persons or parties having requested and having been granted party status under section 3106, are eligible to file a request for reconsideration of a Board of Zoning Adjustment (Board) decision. Please be advised that anyone may appeal a decision of the Board with the D.C. Court of Appeals. Please call Richard S. Nero, Jr., on (202) 727-6311, if you have any questions relevant to the foregoing.

SINCERELY,

JERRILY R. KRESS, FAIA
Director

Attachment
rsn

BZA
Case No. 16878
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16878
EXHIBIT NO.44

Daniel Meijer
929 Gist Avenue
Silver Spring Maryland 20910

June 20, 2002

Mr. Geoffrey H. Griffis
Chairman, Board of Zoning Adjustment
441 4th Street, N.W., Room 210
Washington D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 JUN 20 PM 12: 23

RE: BZA Application No. 16878

Dear Chairman Griffis & Board Members,

I am writing to request that the Board reconsider its decision to approve the Cady Lee House requested Special Exception because the decision was based on inadequate evidence that I was not given the opportunity to correct. I again ask the Board to consider the recommends set forth in my testimony

At the Board's June 11 hearing, rather than making a decision on the merits of the case, the Board "requested that the project's architect, Karen Wood, provide documentation to verify the size of the building, including the measurement of the exterior lower level." (See public notice of June 18 hearing, copy attached). This request appeared to be in response to concerns I had raised in my written and oral testimony that the building did not meet the 10,000 square foot size requirement. Specifically the topographical map (exhibit 27) appears to disqualify a 2,189 sq. ft. "basement" that was included in the gross floor area to reach 10,002 sq. ft.

In response to the Board's request, the applicant provided an affidavit of the architect with a drawing attached. Yet the architect's representations in these documents fail to demonstrate that the building contains the requisite 10,000 square feet. Specifically, she stated on the attached drawing that "numbers at perimeter indicate height between basement ceiling and grade *or the lowest point at (5) feet from the perimeter of the house*. Min. (4) feet required" (emphasis added). I presume she measured five feet from the perimeter of the house because the sloping land gave her the height the applicant needs. However, Section 199 of the Zoning Code does not authorize measurements five feet from the property. It defines a basement as "that portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the *adjacent* finished grade" (emphasis added). Adjacent is defined in Webster's Unabridged Dictionary* as "lying near, close or contiguous; adjoining neighboring, a motel adjacent to the highway. Syn: abutting, juxtaposed, touching." Its synonym, abut, is defined as "to be adjacent, touch, or join at the edge or border." Clearly the Zoning Code requires a basement's ceiling to be four feet above the finished grade at the side of the building, not five feet away.

Thus, the applicant's own evidence demonstrates without question that the building does not contain 10,000 square feet as required by the Zoning Code. The petition should not have been granted.

* Section 199.2 (g): "Words not defined in this section shall have the meanings given in *Webster's Unabridged Dictionary*"

I was not given the opportunity to make these comments at the June 18th meeting of the Board. Even if I had, I would not have been able to make these comments since I had not seen the applicant's submission. The applicant did not provide me a copy of its submission. Expecting that omission, I went to the Board on Friday, June 14th to review the file. Although staff provided the file, the applicant's recent submission was not contained in the file and staff did not advise me that this submission had been received.

Sincerely,



Daniel Meijer

BOARD OF ZONING ADJUSTMENT
SPECIAL PUBLIC MEETING NOTICE
TUESDAY, JUNE 18, 2002, 9:00 a.m.
441 4TH STREET, N.W., SUITE 220-S
WASHINGTON, D.C. 20001

The Board of Zoning Adjustment is scheduled to make a decision on the case, which is listed.

16878 **Application of Howard and Frances Phipps (Lucinda Cady Lee House),** pursuant to 11 DCMR § 3104.1, for a special exception to allow the use of an existing residential building by a nonprofit organization under section 217, in an R-5-A District at premises 7064 Eastern Avenue, N.W. (Square 3351, Lot 808).

NOTE: The new property owner is the Forum for Youth Investment.

HEARING DATE: June 11, 2002

DECISION DATE: June 18, 2002

STATUS: At the conclusion of the hearing on June 11, 2002, the Board requested that the project's architect, Karen Wood, provide documentation to verify the size of the building, including the measurement of the exterior lower level.

BOARD MEMBERS PARTICIPATING: John G. Parsons, Anne Mohnkern Renshaw, Geoffrey H. Griffis, David A. Zaidain and Curtis L. Etherly, Jr.

BAB/6.13.02