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Case No. 16970
Exhibit No. 175

May 6, 2003

Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square
441 Fourth Street, NW
Washington, D.C. 200001

Re: Application 16970 – Application of the National Child Research Center and the Zoning Relief Sought

Honorable Members of the Board:

This letter requests that the Board determine, either as a preliminary matter or during the course of the hearing, if the application raises a question of height under the prevailing zoning regulations. In particular, the applicant has declared the main building as having a height of forty feet. It appears to have three stories.

While there is no question in my mind that the application does not seek to effect additions that would make the building rise further above grade, the application does propose to establish a classroom at a level below the present main floor.

The main floor of 3309 Highland Place is situated well above the level of the ground at the middle of the front of the building, approximately four feet. As presently utilized (to the best of my information), the present building contains classrooms and other space utilized by the program on that main floor and the second floor, with administrative offices located on the third floor. The highest natural grade is along the front of the main building, such that portions north of that would extent more and more above the adjacent natural grade.

In the underlying zone district, buildings are limited to three stories. The applicant seeks to establish at least one classroom and occupy it on a level ***below*** the main floor. Thus, the resulting building could be seen as having four (4) stories. If so, this would require variance relief.

This letter does not seek postponement of the hearing or re-advertising. Rather, as in my earlier commentary about the applicability of Section 2516, this letter seeks to have the Board evaluate all relevant issues during the course of the hearing. In particular, I did not want the case to proceed to the point where you ask for my testimony, as a person in opposition, only to have me express this issue at that point in the development of the record. See, in particular, the definition of "story" at Section 199.1, which expressly excludes "cellars" but does not exclude "basements" when present.

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As you know, a "cellar" is a portion of a building whose ceiling extends less than four feet above the adjacent finished grade. On the other hand, a "basement" is a story that is partly below grade but whose ceiling is four or more feet above the adjacent finished grade. While the classroom proposed for that level in the proposed addition to the existing main building will no doubt not project the image that the term "basement" generally means, it does appear to be a "story" whose implications should be established and resolved during the course of the hearing.

If the existing main building has four stories, then the addition would result in an enlargement of a non-conforming element of an existing structure. Such enlargements are not allowed unless the applicant seeks and gains appropriate relief. From what I can understand, the linear limit to height, at forty feet, is not at issue, just the limit on number of stories.

This Board is the body to explore this and this proceeding is the one in which to establish and resolve this and other issues.

Respectfully,

Lindsley Williams

cc: Applicant
Parties to Case
Office of Planning
Office of Corporation Counsel