LAW OFFICES

KASS, MITEK & KASS
A PROFESSIONAL LIMITED LIABILITY COMPANY
SUITE 1100
1050 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036-5596

(202) 659-6500
FAX: (202) 293-2608

BENNY L. KASS (DC, MD)
MARK M. MITEK (DC, PA)
BRIAN L. KASS (DC, MD)
JENNIFER M. OSTROWSKI (DC, MD)
LAURIE PYNE O'REILLY (DC, MD & VA)
RICHARD P. SCHMITT (DC, MD)

OF COUNSEL:
NATHANIEL E. BUTLER (DC, IL, CO)

Writer's E-Mail Address: rschmitts@kmklawyers.com

February 7, 2003

HAND DELIVER

Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 10 PM 2:18

Re: BZA Appeal No. 16995.
Appeal of Council of Co Owners of Capitol Park Two
800 4th Street, SW. (Lot 106, Square 540)

Dear Ms. Pruitt.

The appellant, Council of Co-owners of Capitol Park Two, (Capitol Park II) supplements its appeal with the attached affidavit of an architect as to the height and floor area ratio (FAR) violations of the Zoning Code.

Sincerely,

Richard P. Schmitt

encl

cc: Monument Realty
ANC 6D
B Shea (for distibution to Board of Directors, CPII)

F:\WP_FILES\CLIENTS\86530.105\Pruitt.L01.wpd

BZA
Case No. 16995
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 16995
EXHIBIT NO. 21

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Appeal of
Council of Co-owners of
Capitol Park Two

BZA Appeal No. 16995
ANC 6D

AFFIDAVIT

I, Joseph E. Wnuk, do hereby depose and sayeth as follows.

1. That I am over 18 and competent to make this affidavit.

2. That I am an architect and a member of the firm, Wnuk Spurlock Architecture, 1825 Connecticut Avenue, NW, Suite 310, Washington, D.C. 20009.

3. That I am licensed as an architect by the District of Columbia.

4. That I have been retained by the Council of Co-owners of Capitol Park Two (Capitol Park II) to assist in appealing the issuance of a building permit for the construction of an addition to the apartment building at 800 Fourth Street, SW, Washington, D.C. (Lot 106, Square 540).

5. That in reviewing the plans provided to Capitol Park II by the developer (dated August 27, 2002), the District of Columbia Zoning Code, and the comp sheet produced by the District of Columbia, Exhibit A hereto, and the building permit application, I make the following statements and observations.

6. 800 4th Street, SW, is in a R-5-C District.

7. 11 DCMR § 400.1 states that the height of a building in a R-5-C District cannot exceed sixty (60) feet

8. The height of the proposed addition is greater than allowed under 11 DCMR § 400.1.

9. The height of the addition, when measured from the curb in the front of the addition building, is 63.47 feet to the parapet, and 60.97 feet to the roof.

10. The curb height is based upon drawings which show the paving adjacent to the curb in front of th e additions at a height of 16/3 ft.

11. The allowable floor area ratio (FAR) for a building is 3.0 in a R-5-C District. 11 DCMR § 402.4.

12. The floor area of the existing nine story apartment building is apparently derived from a figure given to the District of Columbia by the developer. The Zoning Office has informed Capitol Park II that it compared the developer's representation to a surveyor's plat of the lot and existing building and determined that the plat did not suggest a misstatement. Therefore, the floor area is not determined based upon actual plans and specifications, which I understand to be the usual method of determining floor area of an existing building in the District of Columbia.

13. I note also that the floor area is listed on the comp sheet as 302,401 sq ft. However, the comp sheet, Attachment A, also states at box numbered 21, that the gross floor area of the existing building is 337, 925 sq ft.

14. The area of the additions, based upon the plans and specifications provided to Capitol Park II is 307,870 sq ft.

15. The area of Lot 106, Square 540 is 201,388.8 sq ft.

16. Accepting for purposes of this affidavit only, that the floor area of the existing building is 302,401 sq ft. and the floor area of the additions are 307,870 sq ft., that results in a total floor area of 610,271 sq. ft. A computation of the FAR results in 3.03.

17. The 3.03 FAR exceeds the allowable 3.0 for buildings in a R-5-C District.

18. The above calculation of the FAR may change if a different floor area for the existing building is determined based upon plans and specifications or an actual measurement of the building.

19. The above calculation of the FAR may change based upon further examination of the plans and specifications for the addition submitted to the District of Columbia.

Joseph E. Wnuk

Signed and sworn before me this 7th day of February 2003.

NOTARY PUBLIC

My commission expires:

BRIAN L. KASS
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires November 30, 2003

F:\WP_FILES\CLIENTS\86530.105\Wnuk affidavit.A02.wpd

Job # 927-AA
800 - 4½ St. SW.
R-5-C. Zone
Lot 106 SQ. 540

Lot Area
201,388.8 ☐'

Max. Allowable Lot Occupancy - 75%
0.75 X 201,388.8 ☐' = 151,041.6 ☐'

Maximum Allowable FAR = 3.0
3.0 x 201,388.8 ☐' = 604,166.4 ☐'

* Lot Occupancy - Provided

Existing bldg. 302,401 SF

2-6th floor

~~68' x 149'~~

Mechanical shaft, Balconies were not excluded in these numbers to make calculations faster.

Ⓐ 69' x 150' = 10,350 SF
Ⓑ 168' x 69' = 11,592 SF
Ⓒ 35' x 71' = 2,485 SF

} 24,427 SF x 2 (other wing)
= 48,854 SF
x 5 floors =
244,270 SF

@ P1-level
exclude Ramp.

17.7' x 35.3' = 625 SF
18.7' x 35.3' = 590 SF
18.3' x 67.3' = 1237 SF

} 2452 SF - Ramps & loading Bay.

24,427 SF - 2452 SF
= 21,975 SF x 2 (other wing)
43,950 SF

@ P1-level

149' x 32.3' = 4,813 SF below

Total floor Areas = 244,270
+ 43,950
4,813
293,033
+ 302,401 (Existing)
595,434 = 98% of ~~FAR~~ allowed.

800 4th ST SW FY/02 # 977-AA

Existing Bldg Area = (102.5 [redacted] 52.1' + 220.1 + 52.1 + 102.5) × 60 = 529.3 FT × 60 = 31,758 SF

(6' × 35.87)(4) = 215.22(4) = 860.88 SF

Total = 31,758 + 860.88 = 32,618.88

New bldg Area = 149' × 68' = 10,132 SF
+ 168' × 68' = 11,424 SF
21,556 SF

2 bldgs = 21,556 × 2 = 43,112 SF

Existing + New bldg Area = 32,618.88 SF
+ 43,112.00 SF
75,730.88 SF

Lot Area = 201,388.8 SF

Lot occupancy = $\frac{75,730.88}{201,388.8} \times 100$

= 37.6%

Job # 927-AA
BZA 2003

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND ZONING REGULATION ADMINISTRATION
ZONING REGULATION DIVISION

ZONING COMPUTATION SHEET - RESIDENCE USE

1. Owner	2. Location	3. Square
Monument Realty	800 - 4½ St. S.W.	540

4. Lot	5. Zone	6. Use of Bldg. or Structure	7. New / Existing to -- / Alter existing --	8. Type of Stru
106	R-5-C	Addition to an existing Apartment	New	Conforming — / Nonconforming —

9. Use of Buildings	10. Width of adjacent streets	11. Width of adjacent alleys	12. Width of Restrictions
Conforming — / Nonconforming —	4½ St. S.W. ROW- G St. S.W. ROW- I St. S.W. ROW-	None	—

13. Application of Art of June 1, 1910	14. Type of Lot	15. Number of Dwelling Units	16. Number of Spaces
Height of Bldg. — / Excess Height —	Corner — Through — / Triangle — Alley — / Interior —	698	Required — / Provided —

17. Location of Parking Spaces	18. Number of loading berths	19. Lot Area	20. Lot Width
Same Lot — ✓ / Separate Lot — / Open Area — ✓ / Within Bldg. — P1 & P2	Required N/A / Provided None / Open Area — / Within Bldg. —	Min. Allowed — N/P / Provided — 201,388.8#	Min. Allowed — N/P / Provided — 320.0'

21. Lot Occupancy	22. Gross Floor Area	23. Cellar Area	24. Floor Area Ratio	25. Height of Building
151,041.6# / Allowed — 75% / Provided 41.723% 84,024.8#	Total — Exist. 337,925# Addition-	Total —	604,166.4# / Allowed — 3.0 / Provided —	Max. allowed — 60' / Curb; to first floor — / to high point of roof — / Grade; to first floor — / to ceiling top story — / to high point of roof —

26. Number of Stories	27.	Required	Provided	28. Accessory Building
Allowed — No limit / Provided — 6 / Basement — none / Cellar — P1 & P2	Rear Yard, depth —	15.0	— ½ G St.	Location N/A / Height — / Area —
	Side Yard, width —	0' & 8'	— 15'-3" & ½ 4½ St.	
	Open Court, width —	10.0'	— 40' & 83'-5"	
	Closed Court, width —	none	— none	
	Closed Court, area —	none	— none	

REMARKS
(1.) C/O # B130356
Issued 4/29/82
Apartment House - 402 units
8 floors & Basement

(2)

EXHIBIT A

Furnished to: MORNEN I

Department approved curb and alley grade v
of driveway at any point on private property in s
or in excess of 12% at any point for other bui
permits a maximum driveway grade of 12%
restricted property.)

Surveyor, D.C.

Date: 11/15/62

By: L.E.S.

(Signature of owner or l

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Departmer
and Revenue, Assessment Administration, and do not necessarily agree with deed description.

