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. _____
ANC 6D-01

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STATEMENT IN SUPPORT OF APPEAL OF COUNCIL OF CO-OWNERS OF THE CAPITOL PARK TWO CONDOMINIUM

The Council of Co-Owners of the Capitol Park Two Condominium (hereinafter "Capitol Park II"), respectfully appeals the decision of Robert Kelly, Zoning Administrator, to issue a building permit for the construction of two, six (6) story additions to the nine story apartment building at 800 4th Street, SW, Lot 0106, Square 0540. The building permit, No. B448124, was issued to Monument Realty.

Capitol Park II is an adversely affected party because the property it oversees, the common areas of the Capitol Park II Condominium, share a property line with 800 4th Street, SW. The condominium units and common elements are located on Lot 0105, Square 0540. The construction on the adjacent lot will affect the property interests of the condominium unit owners. Furthermore, pursuant to DC Code § 42-1903.08 (a)(4) (2001 ed.) a condominium unit owners' association may institute administrative proceedings on behalf of the unit owners' association.

Basis for the Objections to the Issuance of the Building Permit.

A. The Height of the Planned Structures Exceed the Allowable Height in a R-5-C District.

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

11 DCMR § 400.1 states that the height of a building cannot exceed sixty (60) feet. The

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District of Columbia
CASE NO. 16995
EXHIBIT NO. 2

building, height of, is to be " . . . 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." 11 DCMR § 199.1

The height of the additions exceed sixty (60) feet.

B. The Floor Area Ratio of the Existing and Planned Construction Exceed the Code Restrictions.

The Zoning Code at 11 DCMR § 402.4 states that the allowable floor area ratio (FAR) is 3.0 in a R-5-C District.

The floor area of the proposed two additions and the existing nine (9) story building results in a floor area which exceeds the 3.0 ratio.

Because of the above described violations of the District of Columbia Zoning Code, the building permit was improperly issued. The Board of Zoning Adjustment should enter an order that the building permit No. B448124 be revoked

Respectfully Submitted,

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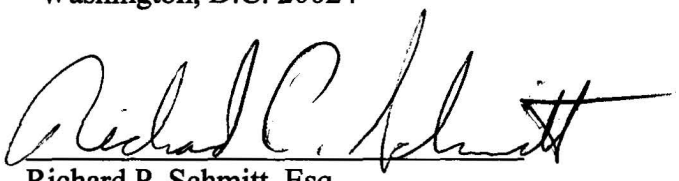
I hereby certify that copies of the Notice of Appeal and attachments were sent by first class mail this 17th day of January 2003 to;

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