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September 17, 2004

District of Columbia Office of Zoning
Zoning Commission
Ms Carol Mitten, Chair
441 4th Street, NW Suite 210 South
Washington, DC 20001

RE Request for *sua sponte* Review of BZA Decision (11 DCMR 3128.7)
BZA Case # 17154, Application of Bruno B. Freschi
Date of Decision: September 9, 2004
Party Making Request: Foggy Bottom Historic District Conservancy

Dear Madame Chair:

I make this request on behalf of my client, the Foggy Bottom Historic District Conservancy, (the Conservancy), a community organization with federal 501(c)(3) tax status. On their behalf, I respectfully request the Zoning Commission invoke its discretion to "review any final order or decision of the Board." (11DCMR 3128.1)

Though the Conservancy opposed this application and takes exception to many components of the decision and order in this matter, **the most important factor for your consideration in determining whether the Commission will invoke review is the invitation by the Chair of the Board of Zoning Adjustment for the Commission to do so.**

One factor in this application is the definition of a "row dwelling" and whether the applicant seeks to construct a "row dwelling", "semi-detached dwelling" or a "detached dwelling." During the presentation of the OP Report, the representative raised the issue of the characterization of the dwelling type and a discussion followed with input from Office of Planning representative, counsel for the applicant and myself as counsel for the Conservancy. **Mr. Griffis stated on the record that more direction or specificity regarding the definition of dwelling types was needed from the Commission.**

In addition to this acknowledgment by the BZA Chair, the Conservancy requests that the Commission invoke its review under 11 DCMR 3128.7 (a), (b) and (c). It is the Conservancy's position that so many variances were granted that the parcel was rezoned, not just granted variance; that the policy of Commission with

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respect to dwelling types was misconstrued and misapplied and; that the remarks of the BZA Chair qualifies as "an unusual instance." In support of 3128.7 (a), I point out that every zoning requirement pertaining to the parcel itself was waived and in support of (b), the dwelling was found to be a row dwelling even though it is completely detached and not in a row with any other structure.

The Conservancy thanks you for your consideration of this request and would appreciate an acknowledgement of its receipt. The Conservancy does understand that it has no right to a Commission review or any requirement that the Commission even respond to this request.

Respectfully submitted,
Foggy Bottom Historic District Conservancy



By: John Bond, Esq., Counsel

JB:tbm