BY URGENT FACSIMILE

November 25, 2004

For: Mr. Geoffrey Griffis
FAX: (202) 727-6072

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, NW Suite 210 South
Washington, DC 20001

RE: Case No. 17204 - Opposition to Application

Dear. Mr. Griffis:

I have reviewed the new application for this case that was submitted on October 29, 2004 and I am writing to voice my continued opposition to this project and, to express my support for the ANC's request for postponement of the BZA November 30 hearing.

Opposition to the new application. The subject property, 2512 I ST NW, lies within the Foggy Bottom Overlay District and is zoned FBO R-3. The proposed construction would result in a structure that would occupy approximately 75% of its lot area, lack a rear yard and, contain both a three-story addition to a two-story historic house and a roof deck on the historic structure itself. The third story and the rooftop deck would be clearly visible from various points in the Foggy Bottom Overlay District. Such construction would violate the letter and intent of DCMR Title 11, Section 15, *Foggy Bottom Overlay District.* Moreover, Sections 1521 through 1523 make no provisions for the special exception from the R-3 rear-yard requirement that the applicants are seeking. Section 1523.1 clearly states:

"In the FB Overlay District, buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the underlying R-3 District."

This is reinforced by Section 1522.3, which explicitly precludes any exceptions from the underlying zoning: *"Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern."*

I, like many others in the Foggy Bottom Overlay District, am concerned that granting a special exception that appears to be both impossible and insufficient to allow the construction of this project, could subvert the protections of the Foggy Bottom Overlay and lead to further erosion of the historic character of our neighborhood. I therefore urge you to deny this application.

Support for ANC's request for postponement of the BZA November 30 hearing. As a member of the community who has participated in the review of this application and, who has attended both ANC-2A public meetings at which this application was discussed, I support the ANC's request for postponement of the BZA hearing on this case. I was present at ANC-2A's monthly public meeting held on November 10, 2004 at the State Plaza Hotel when the applicants acquiesced to the ANC's request for a postponement and agreed to provide additional information requested by Mr. Richard Price, commissioner for the single-member district 2A02, who chaired the meeting. Mr. Dell's attempt to renege on this agreement by means of a letter to the BZA on November 19, 2004 (nine days later), puts the ANC and the community at a disadvantage. This is a complex application and the time allowed for review has been inadequate.

No party, other than the applicants and their agents, had access to the new application until it was

BZA
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Exhibit No. 48

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submitted to the BZA on October 29, 2004. The ANC received it on that date but few in the community had access to the application until days before ANC-2A's public meeting held on November 10, 2004. On September 26, 2004, the applicants had delivered some sketches, to seven people, a small number compared to the more than thirty neighbors that signed a petition against the original application. The sketches did not contain any specific information on which zoning adjustments the applicants intended to seek. When the applicants delayed another five weeks in filing the new application, neighbors expectations that the application was undergoing significant changes and could be materially different from the sketches, were reinforced. Indeed, the new application raised a number of zoning questions beyond those of the original application. It is only fair that the ANC and community be provided adequate time to address them.

I would like to emphasize that, to my knowledge, the FB Overlay District community and the ANC-2A have been as diligent as possible in pursuing the review of this case. I know from my discussions with neighbors that, during the five weeks between the distribution of the sketches and the filing of the new application, Mr. Gell received multiple inquiries about when the new application would be submitted to the BZA. Some neighbors visited the BZA offices several times during that period seeking to read the new application. Our ANC honored the agreement made with the applicants at its November 10 public meeting by retaining the counsel of a zoning expert on the day following the meeting. In the interest of fairness, and in recognition of the importance of this case to our historic Foggy Bottom Overlay District, I urge you to postpone the hearing of this case.

Sincerely yours,

2505 I ST NW
Washington, DC

cc.
Ms. Maria Tyler, ANC2A03