GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

November 21, 2001

Page Chiapella. President
Nebraska Avenue Neighborhood
Association
5126 Nebraska Avenue, N.W.
Washington, D.C. 20008

Marilyn Holmes, Esq.
Single Member District Commissioner 3G
3700 Military Road, N.W.
Washington, D.C. 20015

Maureen D. Dwyer, Esq.
ShawPittman
2300 N St. N.W.
Washington, D.C. 20037-1128

Charlotte W. Parker, Esq.
441 4th Street, N.W. Room 450
Washington, D.C. 20001

Subject: Z.C. Case No. 01-26/16716
***Sua Sponte* Review of BZA Appeal No. 16716A**

By order adopted on October 12, 2001, the Board of Zoning Adjustment ("Board") denied an appeal (BZA Appeal No. 16716A) by the Nebraska Avenue Neighborhood Association ("appellant") of an administrative decision to issue a building permit for property owned by Sunrise Connecticut Avenue Assisted Living, LLP ("property owner"). The Zoning Commission timely decided on October 15, 2001 to invoke its *sua sponte* review authority, pursuant to 11 DCMR § 3128.1.

The *sua sponte* review concerned, in part, the Board's determination that the elevator tower located at the rear edge of the roof of the building was not subject to the setback requirements of 400.7(b) because it was enclosed in an "architectural embellishment".

The Commission sent a letter, dated October 22, 2001, notifying all parties that the Commission would accept into the record their recommendations regarding its *sua sponte* review. In response, the Commission received comments from the property owner, the appellant, and ANC 3G. Attached to the property owner's letter dated November 9, 2001, was a set of revised plans for the roof structure (Exhibit B).

ZONING COMMISSION
District of Columbia
Case 01-26/16716
Exhibit

ZONING COMMISSION
District of Columbia
CASE NO.01-26
EXHIBIT NO.11

At its regularly scheduled meeting of November 19th, 2001, the Commission indicated, through consensus, its present inclination to reverse the part of the Board's decision concerning the setback of the elevator tower. The Commission also indicated that it had reviewed the revised roof structure plans submitted by the property owner and preliminarily concluded that the plans fully complied with the applicable zoning regulations. Thus, the Commission's *sua sponte* order would dismiss this portion of the appeal as moot.

Pursuant to § 3128.3, the Commission is affording the parties an opportunity to submit memoranda in support of or in opposition to the Board's action. All previously submitted memoranda regarding the Board's action will be considered, and therefore the Commission encourages the parties to not repeat comments already made. The Commission will also accept from the parties any comments or supplementary comments concerning whether the revised roof design, submitted by the property owner as Exhibit B in its November 9, 2001 submission, conforms to the requirements of the Zoning Regulations. All comments are due by noon, November 30, 2001. No replies or responses will be accepted into the record. If you require more information, please contact Alberto P. Bastida, AICP at 202 727-0330.

Sincerely,

OFFICE OF ZONING

Jerrily R. Kress, FAIA
Director

cc Anne Mohnken Renshaw, Chairman ANC 3G
Ellen McCarthy, OP
Michael Johnson, Z.A.
Geoffrey Griffis, BZA Chair