BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

IN RE: 5111 Connecticut Ave. N.W.)
Square 1989, New Lot 162) **BZA Appeal No. 16716**
Previous Lots 49-57 & 161)
)

01-26

Chairman Griffis and Board Members:

We here highlight issues in the Zoning Commissions decision on Dec. 10, 2001, which are under consideration at the Jan. 2, 2002 BZA meeting, as presented in the **Zoning Commission Dec. 10, 2001 meeting transcript**:

1. Reversal of the Board's decision on the set back of the elevator tower (pp. 25-26) ;

2. **Need to address the issue more specifically in their order of the set back for the stairwell penthouse** (p. 21). .. The Commission agreed with Corporation Council Bergstein that: "there did not appear to be a full findings of fact with respect to the stairway and that it would be helpful if the BZA decided to grant reconsideration to elaborate upon that." (pp. 27-28)

3. With respect to the new elevator penthouse plans, the Commission made no final determination.* The Commission did not review the full set of plans.

The only official plans in the record are those submitted with the appeal. **The decision must be based on the record.** The elevator penthouse is noncompliant (as are other parts of the penthouse). We respectfully request that the appeal of the elevator penthouse be sustained and the stairwell/machine room penthouse be re-reviewed.

Yours truly,

Page Chiapella

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President, Nebraska Ave. Neighborhood Assn.

Cc: Maureen Dwyer, Esq.
William Bennett, Esq.
Toye Bello
ANC 3G

*CHAIRPERSON MITTEN: " .. The manner in which it's expressed in the letter to the parties, I think is about as far as we could go is that we preliminarily conclude that the plans comply with applicable zoning regulations, but the Zoning Administrator's in the position because he has the full set of plans and so forth, to make the final determination, and we [illegible] so, being mindful of our order on the sua sponte."

[illegible]
Case 01-26
Exhibit 23

ZONING COMMISSION
District of Columbia
CASE NO.01-26
EXHIBIT NO.23