

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



June 19, 2012

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, DC 20006

Re: 2321 4th Street, N.E.

Dear Mr. Sher:

This is to confirm the substance of our discussion on Friday, March 9, 2012, concerning the development of the above-referenced property located on the east side of 4th Street north of Rhode Island avenue, N.E. The site is known as Lot 808 in Square 3629. The property is zoned C-3-A.

The property is presently unimproved. You advised that the owner has filed an application with the Board of Zoning Adjustment (BZA) for certain relief related to the proposed construction of an apartment house with ground floor retail on the property.

The apartment house has been designed so that the main portion of the north wall of the building has been set off the property line. Copies of the relevant excerpts from the plans are attached. Because of changes in the grade of the site, the elevation of the grade at the northeast corner of the site is approximately 14 feet higher than the grade at the northwest corner of the site. The plans indicate that portions of the building at the first and second floors near the front of the building extend to the property line above grade. Since a side yard must be open to the sky from the ground up, this open space on the north side of the building cannot be a side yard but is instead an open court which opens onto 4th Street at its west end.

The width of a non-rectangular court is determined to be the diameter of the largest circle which can be inscribed in a horizontal plane in the court. The court has a series of changes in its dimensions and is not rectangular. The height of the court, measured from the bottom of the court at relative elevation 14.3 feet to the highest point of the bounding wall at relative elevation 65 feet, is 50.7 feet. Based on the minimum required width of 4 inches per foot of height of court for a residential building, the minimum diameter of the circle must be 16.9 feet.

The plans indicate that a circle with a diameter of 17 feet can be inscribed in the court at the eastern end. Accordingly, the court meets the minimum dimensions for the width of the court, and relief from the BZA is not required for the proposed court width.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Plans, dated March 2, 2012