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goulston&storrs
counsellors at law

Paul A. Tummonds, Jr.
Director

ptummonds@goulstonstorrs.com
202-721-1157 (tel)
202-263-0510 (fax)

May 28, 2013

BY HAND DELIVERY

Mr. Lloyd Jordan
Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18174-A

EXHIBIT NO. 42

Re: EDCO, LLC (the "Applicant") in Board of Zoning Adjustment
Case Nos. 18174 and 18174-A – 732 15th Street, SE -
Request for Modification of Approved Plans

Dear Chairman Jordan and Members of the Board of Zoning Adjustment:

This letter and the attached materials serve as the Applicant's request to modify the plans that were approved by the Board of Zoning Adjustment ("BZA") in Case No. 18174. As shown in the plans and materials included in Exhibit A, the Applicant is still proposing to construct a residential building on the property located at 732 15th Street, SE. However, it is proposing to make some minor modifications to the façade and building height compared to the plans that were previously approved by the BZA. As discussed below, the Applicant's request satisfies the relevant standards of 11 DCMR §3129.

Previous BZA Approvals

The BZA issued a Summary Order granting approval of BZA Case No. 18174 on March 23, 2011. BZA Order No. 18174 granted the following variance relief: relief from the lot occupancy requirements under §772.1; relief from the off-street parking requirements of §2101.1; and relief from the requirements for an addition to a non-conforming structure under §2001.3. This variance relief allowed the conversion of a one-story commercial building (Laundromat) into a three-story apartment building in the C-2-A Zone District.

On April 9, 2013, the BZA approved the Applicant's request to extend the validity of the approval granted in BZA Order No. 18174. BZA Order No. 18174-A was issued on April 19, 2013. Copies of BZA Order Nos. 18174 and 18174-A are attached as Exhibit B.

Satisfaction of 11 DCMR §3129

Satisfaction of §§3129.2 and 3129.6

As noted above and as depicted in the plans included in Exhibit A, the Applicant is proposing modifications to the treatment of the proposed residential building's façade and the building's proposed height. The Applicant is proposing a building that is 50 feet tall (the approved building was 42 feet tall) which continues to satisfy the matter-of-right height requirements in the C-2-A Zone District. The Applicant is not proposing any changes to the building which impact the areas of variance relief that were granted by the BZA in Case No. 18174. The proposed lot occupancy has not changed and the project will still not provide any parking spaces. Therefore, those areas of relief (as well as the relief required for an addition to a non-conforming structure) are still necessary for the modified residential building.

The Applicant is seeking to modify these plans as it now has a better understanding of the development that is likely to occur on the adjacent parcel (the former Dominos Pizza restaurant). Development on the adjacent property will likely include a residential building of approximately 40 units that will be 50 feet tall. The BZA approved plans in Case No. 18174 included a courtyard along the shared property line with the Dominos site. The amount of light and air provided by that courtyard is significantly diminished with a 50 foot tall building on the Dominos site. The proposed modifications will allow for an appropriate amount of light and air to the new residential units, while still remaining within the matter-of-right height requirements of the C-2-A Zone District. The proposed revisions to the façade are the result of further refinements to the project.

The proposed minor modifications do not change the material facts that were relied on by the BZA in granting the original variance relief. The proposed minor modifications do not impact the relief that was previously granted, nor do they require that the BZA grant new areas of relief. For all of these reasons, the Applicant has satisfied the requirements of §§3129.2 and 3129.6.

Satisfaction of §3129.3

BZA Order No. 18174-A extended the period of approval of BZA Order No. 18174 for two years, until March 23, 2015. This modification is filed prior to the expiration of the BZA's approval of BZA Order No. 18174.

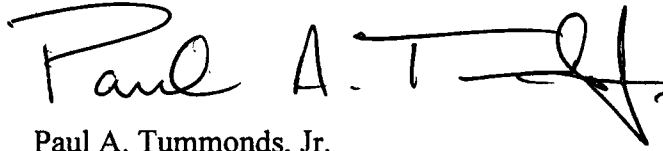
Satisfaction of §3129.4

The Applicant notes that the only party to the original application was Advisory Neighborhood Commission ("ANC") 6B, which supported the application by a vote of 9:1. The Office of Planning also supported this application. As noted in the attached Certificate of Service, ANC 6B and the Office of Planning are being served with a copy of this modification request.

Mr. Lloyd Jordan
May 28, 2013
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If you have any questions or comments regarding the proposed modification request, please feel free to contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul A. Tummonds, Jr.", with a stylized flourish at the end.

Paul A. Tummonds, Jr.

cc: Certificate of Service

Mr. Lloyd Jordan
May 28, 2013
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Certificate of Service

I hereby certify that I sent a copy of the foregoing document to the following addresses on May 28, 2013 by first class mail.

Joel Lawson
Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC 20024

ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Brian Flahaven
ANC 6B09
1628 Potomac Avenue, SE
Washington, DC 20003

A handwritten signature in black ink, appearing to read "Paul Tummonds", with a horizontal line underneath.

Paul Tummonds

DCDOCS\7067271.1



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 152 – MOTION FOR MINOR MODIFICATION

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 18174

Motion for Minor Modification to:

☐ Final Order

☒ Approved Plan

☐ Amount of Relief

☐ Other _____

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map.

Please see attached.

CERTIFICATE OF SERVICE

I hereby certify that on this 2 8 day of May, 2 0 1 3

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning on

the above referenced BZA case via:

☒ Mailed letter

☐ Hand delivery

☐ E-Mail

☐ Other _____

Signature:

Print Name:

Paul Tummonds

Firm/Organization:

Goulston & Storrs

Address:

1999 K Street, NW Suite 500 Washington, DC 20006

Phone No.:

202-721-1157

E-Mail:

ptummonds@goulstonstorrs.com

To be notified of hearing and decision: (Maker of Motion or Authorized Agent)

In the event an authorized agent files a motion on behalf of the Maker of the Motion, a letter signed by the Maker of the Motion authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:

Paul Tummonds

Address:

1999 K Street, NW Suite 500 Washington, DC 20006

Phone No.:

202-721-1157

E-Mail:

ptummonds@goulstonstorrs.com

A Motion for Minor Modification is a procedural device requested by a party to the case to bring "modifications that do not change the material facts upon which the Board based its original approval of the application" before the Board of Zoning Adjustment (BZA), pursuant to 11 DCMR §3129.6. Typically, minor modifications relate to technical corrections or inadvertent mistakes to approved final orders. Motions for Minor Modifications are placed on the Consent Calendar pursuant to § 3129.

INSTRUCTIONS

Any Motion for Minor Modification as provided by the District of Columbia Zoning Regulations (11 DCMR) that is not completed in accordance with the following instructions shall not be accepted.

1. At the time of filing this application before the BZA, the Maker of the Motion shall complete and submit a Form 126 - Board of Zoning Adjustment Fee Calculator and pay a filing fee in accordance with the BZA Schedule of Fees (11 DCMR § 3180), if applicable. (Check or money order is payable to the "D.C. Treasurer"; cash and credit/debit card payments will not be accepted.)
2. Forms must be completely filled out and must be typewritten or printed. All information shall be furnished by the Maker of the Motion for Minor Modification. If additional space is necessary, use separate sheets of 8 ½" x 11" paper to complete the form. (Drawings and plans may be no larger than 11" x 17").
3. On a separate sheet of 8 ½" x 11" paper, state each reason why the Board of Zoning Adjustment (BZA) should grant your Motion for Minor Modification.
4. Submit one (1) original and fifteen (15) copies of all required forms and accompanying documents in person to the Office of Zoning at 441 4th Street, NW Suite 200-S, Washington, DC 20001.
5. At the time of filing, the Maker of the Motion is required to serve all Applicants, Appellants, Parties, Intervenor, and the Office of Planning on the above-referenced BZA case.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 ★ (202) 727 6072 fax ★ www.dcoz.dc.gov ★ dcoz@dc.gov



May 28, 2013

District of Columbia Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: Authorization to File Request for Minor Modification of Approved Plans Related
to the Proposed Redevelopment of 732 15th Street, SE (Square 1077, Lot 808)

Dear Chairman Jordan and Members of the Board of Zoning Adjustment:

As the duly authorized representative of the owner of the property located at 732 15th Street, SE (Lot 808 in Square 1077), I hereby authorize Goulston & Storrs to represent EDCO, LLC in all proceedings before the Board of Zoning Adjustment regarding a request for a minor modification of the plans approved by the Board of Zoning Adjustment in Case No. 18174.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Cohen", with a long, sweeping horizontal line extending to the right.

Gary Cohen



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040		

TOTAL FOR VARIANCES:

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%	\$3,120 X 0.26	\$811.20

TOTAL FOR SPECIAL EXCEPTIONS:

APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		

TOTAL FOR APPEALS:

GRAND TOTAL: \$811.20

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Name: Paul Tummonds **Signature:** 

Exhibit No. _____ **Last Revised (10/18/10)** **Case No.** _____

SAMPLE CALCULATION:

Application of XXXXXXXXXXXX, pursuant to 11 DCMR §§ 3104.1, 3103.2, and 1202, for a variance from the lot occupancy requirements under subsection 403.2, a variance from the rear yard requirements under section 404, a variance from the nonconforming structure requirements under subsection 2001.3, a variance from the driveway width requirements under subsection 2117.8(c)(2), and a special exception to allow the expansion of a building devoted to a non-profit organization use under section 217, in the CAP/R-4 District at premises 224 2nd Street, S.E. (Square 762, Lot 7).

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	4	\$4,160.00
TOTAL FOR VARIANCES:			\$4,160.00
SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560	1	\$1,560.00
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			\$1,560.00
APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			-
GRAND TOTAL:			\$5,720.00



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
 441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
 (202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov