



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

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.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
443 - 459 I Street, NW	516	812-815 and 876	DD/C-2-C	Special Exception	411.11/771.1
				Area Variance	772.1, 776.4, and 1707.4

Present use(s) of Property: Under-utilized commercial buildings and abandoned houses

Proposed use(s) of Property: Residential building with ground floor retail and below grade parking

Owner of Property: EQR-EYE Street, LLC Telephone No: 703.288.9228

Address of Owner: 1953 Gallows Road, Suite 340, Vienna VA 22182

Single-Member Advisory Neighborhood Commission District(s): ANC 6C01

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Application of EQR-EYE Street, LLC (i) pursuant to 11 DCMR §3104.1 for special exception relief under 11 DCMR §§ 771.1 and 411.11 relating to penthouse setback and uniform height requirements, and (ii) pursuant to 11 DCMR §3103.2 for variance relief from 11 DCMR § 772.1 relating to lot occupancy requirements, 11 DCMR § 776.4 relating to closed court area requirements, and from 11 DCMR § 1707.4 relating to FAR limitation of historic lots, in order to restore historic buildings and construct an addition to create a residential and retail building with below grade parking.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

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)

Date: 8/9/11

Signature*:

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: John T. Epting E-Mail: jepting@goulstonstorrs.com

Address: Goulston & Storrs, 1999 K Street, NW, 5th Floor, Washington, D.C. 20006

Phone No(s): 202.721.1108 Fax No.: 202.721.0508

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No.

18289

Board of Zoning Adjustment
District of Columbia
CASE NO.18289
EXHIBIT NO.1

August 10, 2011

VIA HAND DELIVERY

Meridith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2011 AUG 11 AM 9:28

**Re: EQR-EYE Street, LLC – BZA Application for 443 – 459 I Street, NW
– Square 516, Lots 812 – 815 and 876 (the “Property”) – Special
Exception and Variance Application**

Dear Chairperson Moldenhauer and Members of the Board:

Please accept for filing the enclosed application of EQR-EYE Street, LLC (the “**Applicant**”) for special exception and variance relief in order to construct an approximately 164,912 square foot residential and retail building at the Property (the “**Project**”). The Applicant is seeking (i) special exception relief pursuant to 11 DCMR § 3104.1 from 11 DCMR §§ 771.1 and 411.11 relating to penthouse setback and uniform height requirements, and (ii) variance relief pursuant to 11 DCMR § 3103.2 from 11 DCMR § 772.1 relating to lot occupancy requirements, from 11 DCMR § 776.4 relating to closed court area requirement, and from 11 DCMR § 1707.4 relating to FAR limitation of historic lots, in order to restore historic buildings and construct an addition to create a residential and retail building with below grade parking.

The application package includes the following materials:

- BZA Form 120, Application.
- BZA Form 135, Self Certification (Tab 1).
- Sanborn plats with Property outlined in red (Tab 2).
- Zoning map with Property outlined in red (Tab 3).
- Building Plat, prepared by the D.C. Surveyor, showing the footprint of the existing and proposed structures on the Property (Tab 4).

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- Authorization Letter authorizing this application (Tab 5).
- The preliminary statement of the applicant satisfying the burden of proof, including the statement of existing and intended use of the Property (Tab 6).
- Existing and proposed plans for the Project, including photographs of the Property (Tab 7),
- List of all tenants on the Property and all Certificates of Occupancy related to the Property (Tab 8).
- List of names and mailing addresses (including mailing labels) of the owners of all property within 200 feet of the boundaries of the Property (Tab 9).
- BZA Form 126, Fee Calculator (Tab 10).
- Checks payable to the DC Treasurer in the amounts of \$5,720 for the application's filing fee.

We believe that the application is complete and acceptable for filing, and we request that the Board schedule a public hearing on the application as soon as possible. If you have any questions, please do not hesitate to contact the undersigned at (202) 721-1132. Thank you for your attention to this application.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,



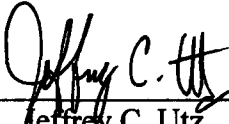
Jeff C. Utz

Enclosures

cc: Greg White

Certificate of Service

I certify that on August 10, 2011, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

Jennifer Steingasser (2 copies)
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

ANC 6C (8 copies)
234 E St., NE
Washington, DC 20002

Keith Silver – ANC 6C01
901 New Jersey Ave., NW
Washington, DC 20001