



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
912 New Hampshire Avenue, NW	0028	122	FB/R-3	Special Exception	3104.1, 2003.1

Present use(s) of Property: Retail Grocery/Delicatessen with Basement Storage

Proposed use(s) of Property: Retail Grocery/Delicatessen with Basement Storage

Owner of Property: Estelle Goldman

Telephone No: 571-225-5480

Address of Owner: c/o 7-Eleven, Inc., 1903 D Street, N.E., Washington, D.C. 20002

Single-Member Advisory Neighborhood Commission District(s): ANC 2A03

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

Application of Estelle Goldman on behalf of 7-Eleven, Inc., pursuant to 11 DCMR 3104.1, for special exception relief under Section 2003.1 to continue to operate a retail grocery/delicatessen store with basement storage pursuant to the conditions established in BZA Order No. 17632 with a one-year trial period for twenty-four hour operations at the premises located at 912 New Hampshire Avenue, NW, in the FB/R-3 zone district (Square 0028, Lot 0122).

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: October 17, 2011

Signature*: 

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

Name: John Patrick Brown, Jr.; Kate M. Olson

E-Mail: jpb@gdllaw.com; kmo@gdllaw.com

Address: Greenstein DeLorme & Luchs, P.C., 1620 L Street, N.W., Suite 900, Washington, D.C. 20036

Phone No(s): 202-452-1400

Fax No.: 202-452-1410

* 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. 18319

Board of Zoning Adjustment
District of Columbia
CASE NO. 18319
EXHIBIT NO. 1

INSTRUCTIONS

Any application that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. **(All applications must be submitted before 3:00 p.m.)**
3. At the time of filing this application before the Board of Zoning Adjustment (BZA), the Applicant 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. **(Check or money order is payable to the "DC Treasurer"; cash and credit/debit card payments will not be accepted.)**
4. If seeking an Expedited Review pursuant to § 3118.2, the applicant shall complete and submit a Form 128 - Waiver of Hearing for Expedited Review.
5. **At the time of filing this application, all applicants are REQUIRED to submit the following information (including one (1) original and twenty (20) collated copies):**
 - A. Either a memorandum from the Zoning Administrator at DCRA directing the applicant to the BZA or a Form 135 - Zoning Self-Certification, which requires certification by a licensed architect or attorney.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor, showing boundaries and dimensions of the existing and proposed structures and accessory buildings and structures.
 - C. Architectural plans and elevations in sufficient detail to clearly illustrate any proposed structure to be erected or altered, proposed landscaping/screens, and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 - Required Specifications for Plats, Plans and Elevations - for the required information on these drawings.)
 - D. A detailed statement of existing and intended use of the structure.
 - E. A detailed statement explaining how this application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See the Form 120 Addendum - Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - F. Three color images, not-to-exceed 8½" x 11", showing pertinent features of the structure and the property involved (front, rear, and sides, if possible and applicable).
 - G. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and two (2) sets of self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 1101 4th Street, SW - West Building, Washington, D.C. 20024.)
 - H. The name and mailing address of any individual who has a lease with the owner for all or part of any structure located on the property involved in the application.
 - I. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change from a conforming use to a non-conforming use is requested, provide a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the Office of Planning (OP) and the Advisory Neighborhood Commission (ANC) within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly encouraged to contact these agencies to discuss the merits of their application. OP can be reached at (202) 442-7600. ANC information can be ascertained by contacting the Office of Advisory Neighborhood Commissions at (202) 727-9945.

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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



GREENSTEIN DELORME & LUCHS, P.C.

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5805
tel (202) 452-1400 fax (202) 452-1410

www.gdlaw.com

October 17, 2011

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BY HAND DELIVERY

Mr. Richard S. Nero, Jr.
Acting Director
Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Application of Estelle Goldman on behalf of 7-Eleven, Inc.;
912 New Hampshire Avenue, N.W. (Square 0028, Lot 0122)

Dear Mr. Nero:

Enclosed please find the original and twenty (20) copies of the above-referenced Application for filing with the Board. Enclosed with the Application are the following as required under the Board's Rules:

1. Completed Application Form (BZA Form 120);
2. Statement In Support of the Application;
3. Fee Calculator (Form 126) and Application Fee of \$1,560.00;
4. Letter of Authorization from Applicants;
5. Completed Zoning Self-Certification Form (BZA Form 135);
6. Surveyor's Plat;
7. List (together with two-sets of mailing labels) of property owners within 200 feet of the subject property;
8. Certificates of Occupancy; and
9. Site photographs (See Exhibit D of Applicant's Statement).



GREENSTEIN DELORME & LUCHS, P.C.

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Mr. Richard S. Nero, Jr.

October 17, 2011

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Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact either of us.

Sincerely yours,

John Patrick Brown, Jr.

Kate M. Olson

Enclosures

cc: Ms. Estelle Goldman
Mr. Scott D. Teachenor, 7-Eleven, Inc.
Mr. Michael Crist, 7-Eleven, Inc.
Ms. Jennifer Steingasser, Office of Planning
Mr. Joel Lawson, Office of Planning
Ms. Rebecca K. Coder, Chair, ANC 2A
Mr. Asher Corson, ANC 2A03

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