



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
33 New York Avenue, N.E.	671	27	C-3-C	Area Variance	2101.1
				Area Variance	2115.2
				Area Variance	2115.4
				Special Exception	411/770.6
Present use(s) of Property:	Parking Lot and Night Club				
Proposed use(s) of Property:	Hotel				
Owner of Property:	33 New York Avenue LP			Telephone No:	
Address of Owner:	3341 Benning Road, N.E., Washington, D.C. 20019				
Single-Member Advisory Neighborhood Commission District(s):	ANC 6C04				

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

Application of JBG/New York Avenue Hotel, L.L.C., pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the parking requirements under section 2101.1, a variance from the compact car parking space provisions under sections 2115.2 and 2115.4, and special exception relief from the roof structure requirements under sections 411 and 770.6, to permit the development of a hotel in the C-3-C District at premises 33 New York Avenue, N.E. (Square 671, Lot 27).

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:	January 19, 2012	Signature*:	Christine Shiker
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Christine Shiker, Holland & Knight LLP	E-Mail:	christine.shiker@hklaw.com
Address:	2099 Pennsylvania Avenue, NW, Suite 100, Washington, DC 20006		
Phone No(s):	202-457-7167	Fax No.:	202-955-5564

* 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. 18344

Board of Zoning Adjustment
District of Columbia
CASE NO:18344
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.



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

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

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Christine Moseley Shiker
202.457.7167
christine.shiker@hklaw.com

January 19, 2011

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Application for Special Exception and Variance Relief
33 New York Avenue, NE (Lot 27, Square 671)

Dear Members of the Board:

On behalf of the Applicant in the above-referenced case, we are filing herewith one original and twenty copies of an application and supporting materials requesting approval of special exception and variance relief for the above-referenced property. Enclosed are the following materials:

- A completed BZA Form 120 (BZA Application);
- A filing fee totaling \$5,720 and completed BZA Form 126 (Fee Calculator);
- A statement explaining how the application meets the specific tests identified in the Zoning Regulations;
- A statement of existing and intended uses of the subject property;
- Letter from the property owner authorizing Holland & Knight LLP to file the application;
- In lieu of a memorandum from the Zoning Administrator, a completed zoning self-certification form;

January 19, 2012

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- The name and mailing address of the owners of all property within 200 feet in all directions from all boundaries of the subject property and persons having a lease for the property, in both list and mailing label format (2 sets);
- A building plat showing the subject property and development;
- Three (3) photographs of the subject property; and
- Architectural drawings illustrating the project.

We believe that the application is complete and acceptable for filing, and we request that the Board schedule a public hearing on the application at the soonest available time.

Sincerely,

HOLLAND & KNIGHT LLP



Christine Moseley Shiker

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Enclosures

cc:	Joel Lawson, Office of Planning	(Via Hand Delivery; w/enclosure)
	Sam Zimbabwe, DDOT	(Via Hand Delivery; w/enclosure)
	Advisory Neighborhood Commission 6C	(Via US Mail; w/enclosure)