



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
1113-1117 Pennsylvania Avenue, S.E.	994	44	CHC/C-2-A and R-4	Use Variance for R-4 portion of property	330.5
1123 Pennsylvania Avenue, S.E.	994	838	CHC/C-2-A and R-4	Use Variance for R-4 portion of property	330.5
Present use(s) of Property:		Lot 44: Retail (Frager's Hardware Store); Lot 838 (rear portion): Retail (Frager's Hardware Store)			
Proposed use(s) of Property:		Lot 44 (rear portion): Retail (Frager's Hardware Store); Lot 838 (rear portion): Retail (Frager's Hardware Store)			
Owner of Property:	Lot 44: C.W.C., Inc.; Lot 838 Mahmoud Abd-alla, Trustee		Telephone No:	C.W.C 202-391-1950; Trustee 202-343-6157	
Address of Owner:	C.W.C., Inc.: 1113-1117 Pennsylvania Avenue, S.E., Washington, D.C. 20003 Trustee: 1123 Pennsylvania Avenue, S.E., Washington, D.C. 20003				
Single-Member Advisory Neighborhood Commission District(s):			ANC 6B SMD 04		
Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:					

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C.W.C., Inc., and Mahmoud Abd-alla, Trustee, pursuant to 11 DCMR 3103.2, seek a variance from the use provisions under Section 330.5 to allow for the outdoor display/sale of seasonal merchandise and storage accessory to a retail hardware store in the R-4 (rear) portion of Lots 44 and 838 in a CHC/C-2-A and R-4 District at premises 1113-1117 and 1123 Pennsylvania Avenue, S.E.

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 27, 2012	Signature*:	Jacques B. DePuy JBD
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Jacques B. DePuy, Esquire Kate M. Olson, Esquire	E-Mail:	jbd@gdlaw.com kmo@gdlaw.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

Board of Zoning Adjustment
District of Columbia
CASE NO. 18352
EXHIBIT NO. 1

Exhibit No. 1

Case No. 18352



GREENSTEIN DELORME & LUCHS, P.C.

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605
tel (202) 452-1400 fax (202) 452-1410

www.gdllaw.com

Jacques B. DePuy
jbd@gdllaw.com

Kate M. Olson
kmo@gdllaw.com

January 27, 2012

BY HAND DELIVERY

Meridith Moldenhauer, Esquire
Chairperson
Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210
Washington, DC 20001

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Re: BZA Application of CWC, Inc. t/a Frager's Hardware and Mahmoud Abd-alla,
Trustee ("Applicant")
1113-1117 Pennsylvania Avenue, S.E. and 1123 Pennsylvania Avenue, S.E.
Square 994, Lots 44 and 838 ("Property")

Dear Chairperson Moldenhauer:

Enclosed please find one original and twenty (20) copies of the above-referenced BZA Application pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under Section 330.5 to allow for the outdoor display/sale of seasonal merchandise and storage accessory to a retail hardware store in the R-4 (rear) portion of Lots 44 and 838 in a CHC/C-2-A and R-4 District. A check in the amount of \$ 1,040 made payable to the D.C. Treasurer is attached hereto as the required application fee pursuant to 11 DCMR § 3180. The following supporting materials are also attached:

1. Completed Application Form (BZA Form 120);
2. Zoning Self-Certification Form (BZA Form 135);
3. Fee Calculator Form (BZA Form 126);
4. Surveyor's Plat;
5. Letters of Authorization from Owners;
6. Mailing Labels for the property owners within 200 feet of the Property; and

Meridith Moldenhauer, Esquire
January 27, 2012
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7. Statement In Support of the Application, including the following exhibits:

Exhibit A: Zoning Map (with the Property outlined in red).

Exhibit B: History of Frager's Hardware Store.

Exhibit C: BZA Order 15557.

Exhibit D: Site Photographs.

Exhibit E: Site Plan.

Exhibit F: Certificate of Occupancy.

Exhibit G: List (together with mailing labels) of property owners within 200 feet of the subject property.

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

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: Jacques B. DePuy *JBS*
Jacques B. DePuy

By: Kate M. Olson
Kate M. Olson

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2012 a copy of the BZA Application of CWC, Inc. t/a Frager's Hardware and Mahmoud Abd-alla, Trustee was served on the following:

ANC 6B
921 Pennsylvania Avenue, SE
Suite 305
Washington, DC 20003
(Electronically office@anc6b.org and by Courier)

Commissioner Kirsten Oldenburg, SMD 6B04
423 12th Street, SE
Washington, DC 20003
(Electronically Kirsten6b04@anc6b.org)

Ms. Jennifer Steingasser
D.C. Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC 20024
(Electronically Jennifer.Steingasser@dc.gov and by Courier)

Mr. Jeffrey Jennings
D.C. Department of Transportation
55 M Street, SE
Suite 400
Washington, DC 20003
(Electronically Jeffrey.Jennings@dc.gov and by Courier)

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Kate M. Olson