

Holland & Knight

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August 24, 2012

VIA HAND DELIVERY

Richard S. Nero, Jr.
Deputy Director of Operations,
HR Advisor & FOIA Officer
Government of the District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 200-S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
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**Re: Erin Murphy & Johanna Sears (BZA Application No. 18406)
Request to Amend Application to Include Additional Property
(Lot 2216, Square 514)**

Dear Mr. Nero:

This firm was recently retained to represent Mr. Ali Tahriri, the owner of Lot 2216 in Square 514, which is one of the units in the three-unit apartment building constructed on the alley lot to the rear of the premises at 1131 5th Street, NW. The other two units (Lots 2214 and 2215 or Units A and B, respectively) are the subject of BZA Application No. 18406 (the "Application"), which seeks a use variance to permit the continued use of the residential apartments on the alley lot. Holland & Knight represents the owners of Units A and B in connection with the Application.

On behalf of the unit owners of the subject apartment building, we hereby amend the Application to include the property owned by Mr. Tahriri, referred to as "Unit C". In support of the amendment, we have enclosed the following:

- (1) a letter from Mr. Tahriri authorizing Holland & Knight to represent him in this matter;
- (2) one original and twenty copies of a completed BZA Form 120 (application) for Mr. Tahriri's unit; and

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18406
EXHIBIT NO. 23

#11452060_v1

Board of Zoning Adjustment
District of Columbia
CASE NO.18406
EXHIBIT NO.23

- (3) one original and twenty copies of the signed BZA Form 135 (self-certification), signed by Mr. Tahriri.

Thank you for your considerate attention to this matter. Please do not hesitate to contact me if you have any other questions or concerns.

Very truly yours,



Leila M. Jackson Batties

Enclosure

cc: Commissioner Alex Padro, Chair, ANC 2C (via email)
Commissioner Rachel Nigro, SMD Representative,
ANC 2C04 (via email)
Mr. Joel Lawson (via email)
Mr. Paul Goldstein (via email)

August 10, 2012

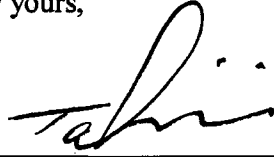
D.C. Board of Zoning Adjustment
441 Fourth Street, N. W.
Suite 220 South
Washington, D.C. 20001

Re: **BZA Application No. 18406 / Unit C of Apartment Building at Rear of 1131 5th Street, NW / Square 514, Lot 2216**

Dear Members of the Board:

As the owner of Unit C in the apartment building at the rear of 1131 5th Street, NW, I authorize the law firm of Holland & Knight LLP to serve as my legal counsel in connection with the above-referenced BZA application. The application is being amended to include my unit. As set forth in section 3106.1 of the Zoning Regulations, this authorization includes the power to bind the owner in the case before the Board.

Very truly yours,


M.A.
Ali Tahriri 8.14.2012



**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
	514	2216	DD/R-5-B	Use Variance	2507.1

Present use(s) of Property: owner-occupied residential dwelling

Proposed use(s) of Property: owner-occupied residential dwelling

Owner of Property: Ali Tahriri

Telephone No:

Address of Owner: c/o Leila Batties / Holland & Knight / 800 17th Street, NW, WDC 20006

Single-Member Advisory Neighborhood Commission District(s): 2C04

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

Applicant seeks a variance from Sec. 2507.1 of the Zoning Regulations to permit an existing residential unit on an alley lot identified as Square 514, Lot 2216. The subject property is located near the southeast corner of the intersection of 5th and M Streets, NW, at the rear of the premises at 1131 5th Street, NW. The Applicant is the third owner in the three-unit apartment building on the alley lot seeking a variance to maintain the residential use.

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:

Aug 23, 2012

Signature*:

Leila Batties

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

Name:

Norman M. Glasgow, Jr. / Leila Batties

E-Mail:

norman.glasgowjr@hklaw.com / leila.batties@hklaw.com

Address:

800 17th Street, NW, Washington DC 20006

Phone No(s):

202-955-3000

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. _____



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
	514	2216	R-5-B

Single-Member Advisory Neighborhood Commission District(s): ANC 2C04

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☒ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections	2507.1	2507.1	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

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 form 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)

Owner's Signature		Owner's Name (Please Print)	Ali Tahriri			
Agent's Signature		Agent's Name (Please Print)	Leila Batties			
Date		D.C. Bar No.		or	Architect Registration No.	

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.		
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.		
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation _____		
Signature		Date	

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

Case No. _____

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1,993 s.f.	N/A	N/A	1,993 s.f.	use variance
Lot Width (ft. to the tenth)	67.42 ft.	N/A	N/A	67.42 ft.	
Lot Occupancy (building area/lot area)	N/A				
Floor Area Ratio (FAR) (floor area/lot area)	N/A				
Parking Spaces (number)	2	N/A	N/A	2	
Loading Berths (number and size in ft.)	N/A				
Front Yard (ft. to the tenth)	N/A				
Rear Yard (ft. to the tenth)	N/A				
Side Yard (ft. to the tenth)	N/A				
Court, Open (width by depth in ft.)	N/A				
Court, Closed (width by depth in ft.)	N/A				
Height (ft. to the tenth)	TBD				

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.

