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December 24, 2013

VIA HAND DELIVERY

Lloyd Jordan, Chairperson
D C Board of Zoning Adjustment
441 4th Street, N W , Second Floor
Washington, D C 20001

RECEIVED
D.C. OFFICE OF ZONING
2014 DEC 24 AM 11:30

**Re: EAJ 550 Penn St LLC – BZA Case No. 18417 – 550 Penn Street, N.E.
(Square 3594, Lot 2) (the “Property”) – Modification to Prior
Approval**

Dear Chairman Jordan and Members of the Board

Please accept for filing the enclosed application of EAJ 550 Penn St LLC (the “**Applicant**”) for modification to the prior approval granted under BZA Order No 18417 in order to alter the previously approved project at the Property (the “**Project**”) If deemed acceptable to the Board, the Applicant wishes to have this application considered as a minor modification under 11 DCMR § 3129.2

The Applicant is seeking to modify the previously approved variance relief from the parking requirements of 11 DCMR § 2101.1 and the loading requirements of 11 DCMR § 2201.1 for light manufacturing/processing uses in order to allow for the inclusion of an approximately 8,619 square foot theater use in the building. The use of the remainder of the building would remain as light manufacturing/processing.

The application package includes the following materials:

- BZA Form 120, Application
- BZA Form 135, Self Certification (Exhibit A)
- Sanborn plats with Property outlined in red (Exhibit B)
- Zoning map with Property outlined in red (Exhibit C)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18417
EXHIBIT NO. 36

DCDOCS\7058063.1

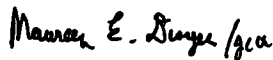
Board of Zoning Adjustment – 550 Penn Street, NE
December 24, 2013

- Building Plat, prepared by the D C Surveyor, showing the footprint of the existing and proposed structures on the Property (Exhibit D)
- Authorization Letter authorizing this application (Exhibit E)
- The preliminary statement of the applicant satisfying the burden of proof, including the statement of existing and intended use of the Property (Exhibit F)
- Existing and proposed plans for the Project (Exhibit G)
- Prior approved plans for the Project (Exhibit H)
- Photographs of the Property, including an aerial view of the Property (Exhibit I)
- The list and addresses of tenants with leases on the Property and current Certificates of Occupancy (Exhibit J)
- List of names and mailing addresses (including mailing labels) of the owners of all property within 200 feet of the boundaries of the Property (Exhibit K)
- BZA Form 126, Fee Calculator (Exhibit L)
- BZA Order No 18417 (Exhibit M)

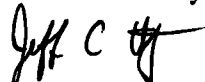
We believe that the application for a modification is complete and acceptable for filing, and we request that the Board schedule a public meeting, if deemed a minor modification under 11 DCMR § 3129 2, or, if not deemed a minor modification, a public hearing on the modification application as soon as possible. If you have any questions, please do not hesitate to contact the undersigned at (202) 721-1101 or (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,



Maureen E Dwyer



Jeff C Utz

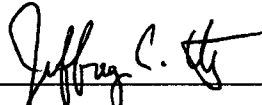
Board of Zoning Adjustment – 550 Penn Street, NE
December 24, 2013

Enclosures

cc Reynolds Allen

Certificate of Service

I certify that on December 24, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below



Jeffrey C Utz

Joel Lawson
Karen Thomas
District of Columbia Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

Sam Zimbabwe
Policy and Planning
District Department of Transportation
55 M Street SE, 5th Floor
Washington, DC 20009

Advisory Neighborhood Commission 5D (7 copies)
1807 L Street, NE
Washington, DC 20002

ANC Commissioner Peta-Gay Lewis (5D01)
1868 Corcoran Street, NE
Washington, DC 20002

ORIGINAL CHECK HAS MULTIPLE SECURITY FEATURES. PRINTED ON CHEMICAL REACTIVE TONER FUSE PAPER-SEE BACK FOR DETAILS

Edens Limited Partnership
PROPERTY DISBURSEMENT
1221 Main Street, Suite 1000
Columbia, SC 29201
803.779.4420

PNC Bank, N.A.
Pittsburgh, PA 15219

89
430

Date
12/19/2013

Check No.
00160203

Amount
\$*****540 80

FIVE HUNDRED FORTY AND 80/100*****

VOID IF NOT CASHED WITHIN 180 DAYS OF DATE OF ISSUE

PAY TO THE ORDER OF
DC Treasurer
Clerk-Office of Administrative Hearings
441 4th Street NW, Suite 870 North
Washington DC 20001



Wanda A. Smith



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
550 Penn Street, NE	3594	2	C-M-1	Area Variance	2101.1 (modification)
				Area Variance	2201.1

Present use(s) of Property: Light Manufacturing/Processing

Proposed use(s) of Property: Light Manufacturing/Processing and Theater or other Retail

Owner of Property: EAJ 550 Penn St LLC Telephone No: (301) 347-3727

Address of Owner: 7200 Wisconsin Avenue, Bethesda MD 20814

Single-Member Advisory Neighborhood Commission District(s): ANC 5D01

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

Application of EAJ 550 Penn St LLC, pursuant to 11 DCMR Section 3103.2, for a modification to the prior approval of a variance from the parking requirements under Section 2101.1 and a variance from the loading requirements under Section 2201.1, to allow the use of an existing building for light manufacturing/processing and theater or other retail uses in the C-M-1 Zone District at premises 550 Penn Street, NE (Square 3594, Lot 2).

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: 12/20/13

Signature*: 

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

Name: Jeffrey C. Utz, Goulston & Storrs, PC E-Mail: jutz@goulstonstorrs.com

Address: 1999 K Street, NW, 5th Floor, Washington DC 20006

Phone No(s): 202-721-1132 Fax No.: 202-263-0516

* 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. _____

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 ten (10) 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