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November 1, 2012

Via Hand Delivery

Via Email: richard.nero@dc.gov

Richard S. Nero, Jr.
Deputy Director of Operations
District of Columbia Office of Zoning
441 4th Street, NW, Suite 200-South
Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18489
EXHIBIT NO. 18

RECEIVED
D.C. OFFICE OF ZONING
2012 NOV -1 PM 3:30

Re: **BZA Application No. 18489 - Amendment to Application of GA Views Management, LLC (Square 3033, Lot 89)**
3357-3359 Georgia Avenue, NW

Dear Mr. Nero:

On behalf of GA Views Management, LLC (the "Applicant"), we hereby amend the above-referenced application as follows:

1. Withdrawal of request for special exception approval to permit a stair tower that does not meet the 1:1 setback.
2. Withdrawal of request for a variance of the rear yard setback.
3. Addition of a special exception approval, pursuant to Sec. 774.2, to permit a rear yard of less than 13'-9".

As it relates to the first amendment, the stair tower is located on an interior lot line; therefore, it is not required to be set back from the wall of the building at a distance equal to its height above the roof. With regard to the relief for the rear yard, the applicant opts to seek a special exception under Sec. 774 of the Zoning Regulations instead of a variance.

Section 774.2 of the Zoning Regulations states that the Board may waive the rear yard requirements pertaining to the C-3-A, C030B, C-3-C and C-4 Districts in accordance with the requirements of § 3104 for special exceptions, provided that the following standards are met:

- 774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.
- 774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.
- 774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.
- 774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

The proposed project complies with the foregoing standards as follows:

- 1. The rowhouse immediately east of the subject property has windows facing the rear of the proposed building. However, the proposed building will be separated from the rowhouse a distance that is sufficient to provide light and air and to protect the privacy of the rowhouse occupants and the occupants of the proposed project.
- 2. The angle of sight lines and the distance of penetration of sight lines into habitable rooms will be sufficient to provide adequate light and privacy to the rooms.
- 3. The proposed project does not include any off-street parking, however, it provides an adequate loading area and access from the public alley.
- 4. It is the Applicant's understanding that the application will be submitted to and reviewed by the Office of Planning, Department of Transportation, and other relevant District departments and agencies.

Based on the foregoing, the application, as amended herein, seeks the following relief:

1. Roof Structures. Special exception approval, pursuant to Section 3104.1 to permit multiple roof structures with enclosures of unequal height.
2. Number of Residential Parking Spaces. Variance from Section 2101.1 of the Zoning Regulations in order to have no off-street residential parking for the project where 10 spaces are required.
3. Rear Yard. Special exception approval, pursuant to Section 774.2 to permit a rear yard less than 13'-9".

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement and at the public hearing, the Applicant will provide testimony and additional evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

A revised BZA Application Form 120 is enclosed, reflecting the application as amended herein. If you have any further questions, please do not hesitate to contact me.

Sincerely,

HOLLAND & KNIGHT LLP

By: Leila Batties
Leila M. Jackson Batties

Enclosures

cc: Ms. Jennifer Steingasser, Office of Planning (via email)
Mr. Joel Lawson, Office of Planning (via email)
Advisory Neighborhood Commission 1A c/o Thomas Boisvert, Chair (via email)
Commissioner Kent C. Boese, SMD Representative ANC 1A08 (via email)



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
3557 - 3559 Georgia Avenue, NW	3033	89	GA/C-3-A	Area Variance	2101.1
				Special Exception	774, 411
Present use(s) of Property:	vacant				
Proposed use(s) of Property:	mixed use with ground floor retail and residential above				
Owner of Property:	GA Views Management LLC			Telephone No:	410-630-6935
Address of Owner:	9171 Central Avenue #345, Capitol Heights, MD 20743-3837				
Single-Member Advisory Neighborhood Commission District(s):	ANC 1A-08				

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

The applicant, GA Views Management LLC, seeks an area variance and special exception approvals for relief of the residential parking, rear yard and roof structure requirements, in order to support the redevelopment of the property located at 3557 - 3559 Georgia Avenue (Square 3033, Lot 89) with a mixed-use project that consists of approximately 2,138 square feet of ground floor retail and 20 apartment units above. Specifically, the proposed development will not have any off-street residential parking spaces where 10 are required, will have multiple roof structures in separate enclosures, and will not provide a minimum rear yard of 13'-9" as required. The Property is in the GA/C-3-A District.

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:	11-1-12	Signature*:	Leila Batties
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Leila Batties	E-Mail:	leila.batties@hklaw.com
Address:	Holland & Knight, LLP 800 17th Street, NW, Washington DC 20006		
Phone No(s):	202.955.3000	Fax No.:	

* 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. 18489

amended copy
- JON