



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 150 – MOTION / REQUEST

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.

CASE NO.: 18496

Motion/Request of: ☒ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other

Motion/Request to:

- | | |
|---|---|
| ☐ Amend the Relief Sought | ☐ Reopen a Hearing (before decision) |
| ☐ Waive Posting / Affidavit of Posting Requirement | ☐ Dismiss on the Merits |
| ☐ Waive Notice Requirement to Shorten Period of Time Case is
Advertised in the <i>DC Register</i> | ☐ Postpone |
| ☐ Accept a Proffered Expert Witness | ☐ Continue |
| ☐ Allow Non-Authorized Representative to Perform Cross-
Examination | ☐ Correct a Transcript |
| ☐ Reopen the Record | ☐ Waive the following Time Deadline (i.e. 14-day filing deadline): |
| | ☒ Other: <u>Amend/Extend Condition #3</u> |

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion or request, including relevant references to the Zoning Regulations or Map.

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July Month, 2013

I served a copy of the foregoing Motion or Request to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of

Planning in the above-referenced ZC or BZA case via: ☒ Mailed letter ☐ Hand delivery ☐ E-Mail ☐ Other

Signature: Kate M. Olson

Print Name: Kate M. Olson

Firm/Organization: Greenstein DeLorme & Luchs, P.C.

Address: 1620 L Street, NW, Ste. 900, Washington, DC 20036

Phone No.: 202-452-1400

E-Mail: kmo@gdllaw.com

To be notified of hearing and decision: (Maker of Motion/Request or Authorized Agent)

In the event an authorized agent files a Motion or Request on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion or Request authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: John Patrick Brown, Jr. / Kate M. Olson

Address: Greenstein DeLorme & Luchs, P.C., 1620 L Street, NW, Ste. 900, Washington, DC 20036

Phone No.: 202-452-1400

E-Mail: jpb@gdllaw.com, kmo@gdllaw.com

Board of Zoning Adjustment
District of Columbia
CASE NO.18496
EXHIBIT NO.33



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040		
TOTAL FOR VARIANCES:			
SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%	1,456.00	378.56
TOTAL FOR SPECIAL EXCEPTIONS:			
APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			-0-
GRAND TOTAL:			\$ 378.56
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)			
Name:	Kate M. Olson	Signature:	Kate M. Olson
Exhibit No. _____ Last Revised (10/18/10) Case No. _____			



GREENSTEIN DELORME & LUCHS, P.C.

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July 24, 2013

VIA HAND-DELIVERY

Lloyd J. Jordan, Esquire
Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 JUL 24 PM 2:59

**Re: Request for Minor Modification of
BZA Order No. 18496
4434 Connecticut Avenue, N.W.
(Square 1971, Lots 831 and 832)**

Dear Chairperson Jordan:

This firm is counsel for the Applicant, Mid-Cities LLC ("Applicant"). BZA Order 18496 ("Order") granted a special exception to continue operations of an accessory parking lot in the rear of 4434 Connecticut Avenue zoned R-1-B. The Applicant respectfully submits this request pursuant to 11 DCMR §3129.7 to modify Condition No. 3 in the Order to modify/extend the hours of operation for the accessory parking lot to 6:00am - 11:00pm.

As required, the Applicant submits the following:

1. BZA Form 150: Motion /Request.
2. BZA Form 126: Fee Calculator and Filing Fee of \$378.56 (\$1,456.00 x 0.26).

In support of this requested Modification, the Applicant provides this background.

The Applicant received approval to continue the existing surface parking lot to serve as accessory parking for Lots 831 and 832 in Square 1971. The Property consists of two alley lots containing approximately 5,178 square feet and 14 parking spaces "Property"). A 20 ft. wide public alley, accessible from Albermarle and Yuma Streets, provides access to the Accessory Parking Lot. The parking spaces are separated from the use it serves by this public alley. The commercial business, at 4434 Connecticut Avenue, fronts Connecticut Avenue and is zoned C-3-A ("Commercial Property").

The Commercial Property is only 25 feet wide and approximately 140 feet long, with no space to provide parking. Both the Commercial Property, which until recently housed a realtor's

Lloyd J. Jordan, Esquire
July 24, 2013
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office, and the rear accessory parking lot have been owned by the Applicant since 1991 (22 years). Other than an existing enclosed garage that is used for storage, the accessory parking lot is used exclusively for parking. The Property has operated as a parking lot since the 1930's. The BZA approval history for these two lots is as follows: Lot 832 has operated as a parking lot since 1991 (22 years) and Lot 831 has operated as a parking lot since 1963 (50 years).

Condition No. 3 in the Order currently states, "the hours of operation shall be from 8:00am to 9:00pm". The Applicant is currently in negotiations to lease the Commercial Property to Mark Furstenberg, notable chef, founder/former owner of Marvelous Market and The BreadLine to open an exciting new bakery/restaurant. This bakery/restaurant will replace the realtor's office. As a result of this change of use, the Applicant requests Condition No. 3 in the Order be modified to extend the hours of operations from 6:00 a.m. to 11 p.m. to accommodate this new tenant. All other conditions in the attached Order will still apply.

A restaurant is permitted in the C-3-A zone as a matter-of-right. There is a parking requirement for restaurants/retail uses, but since the Applicant's building was already a retail use (prior to the 1958 zoning regs) and he did not have parking on-site then (since the bldg. takes up almost the entire lot) he would not be required to have on-site parking now. The Applicant will still be able to use the 14 accessory spaces that were approved in conjunction with the Order.

Other than the ANC, there were no additional parties to the underlying BZA case (nor were there any persons in opposition).

In order to be able to finalize lease negotiations the Applicant requests that the Board schedule this minor modification be placed on the consent calendar for the BZA Public Hearing on Tuesday, July 30, 2013.

Thank you for your cooperation and assistance in this matter.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.



Kate M. Olson



John Patrick Brown, Jr.,

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached Request for Modification of BZA Order No. 18496 was delivered by electronic mail and first-class mail this 24 day of July, 2013, to the following:

Mr. Arthur Jackson
Office of Planning
1100 4th Street, S.W.
Suite E650
Washington, D.C. 20024
arthur.jackson@dc.gov

Mr. Adam Tope
Chairperson
Advisory Neighborhood Commission 3F
4319 Reno Road, NW
Washington, D.C. 20008
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Mr. David S. Lowell
Advisory Neighborhood Commission 3F06
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Kate M. Olson

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