



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
800 New Jersey Avenue, SE	737	76	C-3-C	Area Variance	2116.12

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Present use(s) of Property: Vacant

Proposed use(s) of Property: Mixed-Use (grocery store and residential uses)

Owner of Property: Square 737 LLC

Telephone No: 202-465-7086

Address of Owner: 1100 New Jersey Avenue, SE Washington, DC 20003

Single-Member Advisory Neighborhood Commission District(s): ANC 6D07

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

The Applicant is proposing to redevelop the property with a mixed-use, eleven story project consisting of a full service grocery store on the ground floor and approximately 326 residential units above. The Applicant is proposing two levels of parking above the grocery store which are not set-back 20 feet from the property line along H Street, SE. Therefore, variance relief from the requirements of Sec. 2116.12 is requested.

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: June 6, 2013

Signature*: Paul A. T. Tummonds

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

Name: Paul Tummonds

E-Mail: ptummonds@goulstonstorrs.com

Address: 1999 K Street, NW Suite 500 Washington, DC 20006

Phone No(s): 202-721-1157

Fax No.: 202-263-0557

* 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. 18619 Board of Zoning Adjustment

District of Columbia

CASE NO.18619

EXHIBIT NO.1

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

June 7, 2013

HAND DELIVERY

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, NW, Suite 200 South
Washington, DC 20001

Re: Application for Variance Relief for property located at 800 New Jersey Avenue, SE (Lot 76 in Square 737)

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Dear Chairperson Jordan:

Square 737 LLC (the "Applicant") hereby submits an application for variance relief for the development of a proposed mixed-use project located at 800 New Jersey Avenue, SE (the "Property"). The Property is located in the C-3-C Zone District. Enclosed please find the following materials in support of the special exception and variance application:

- Detailed statement of the existing and intended use of the Property and the Applicant's satisfaction of the relevant variance standards;
- Architectural plans of the proposed building and color images of the Property and the surrounding area (Exhibit A to the attached statement);
- A Plat, prepared by the DC Surveyor's Office, which includes the Property and the footprint of the proposed building on the Property (Included in Exhibit A of the attached statement);
- BZA Application form, BZA Self-Certification form, agent authorization letter, and BZA Fee Calculator form (Exhibit B to the attached statement);
- The names and mailing addresses of the owners of all property within 200 feet of the Property (Exhibit C to the attached statement); and
- A check in the amount of \$1,040.00 made payable to the DC Treasurer.

Certificate of Service

I hereby certify that I sent a copy of the foregoing document to the following addresses on June 7, 2013 by first class mail:

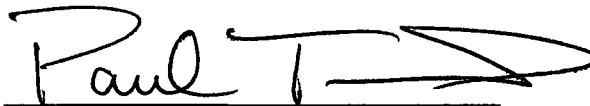
Joel Lawson
Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC 20024

Anna Chamberlin
District Department of Transportation
55 M Street, SE
Suite 400
Washington, DC 20003

ANC 6D
1101 4th Street, SW
Suite W 130
Washington, DC 20024

David Garber
ANC 6D07
1100 1st Street, SE #716
Washington, DC 20003

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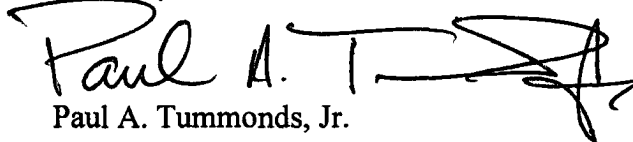


Paul Tummonds

Lloyd Jordan
June 7, 2013
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Please feel free to contact the undersigned if you have any questions regarding this application and the attached materials.

Sincerely,


Paul A. Tummonds, Jr.

Encl.

cc: Certificate of Service

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