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April 11, 2014

By E-Mail

D C Board of Zoning Adjustment
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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18638
EXHIBIT NO. 51

2014 APR 11 PM 1:11

RECEIVED
D.C. OFFICE OF PLANNING

Re BZA Application 18638
1456-1460 Church Street, N W

Dear Members of the Board:

The above-referenced application was the subject of a public hearing on January 7, 2014, and was considered by the Board for action at the public meeting held on April 8, 2014. At the meeting, the Board voted to grant the roof structure relief but the motion to grant the parking variance received only two votes in favor. Pursuant to §3125.2, "The concurring vote of at least a full majority of the members of the Board is necessary for any decision." The Board therefore has not disposed of the request for the variance.

On behalf of the Applicants in the case, we hereby request that the Board waive its rules to receive and consider this letter. Pursuant to §3100.5, the Board, for good cause shown, may waive any provisions of Chapter 31 if such waiver will not prejudice the rights of any party and is not otherwise prohibited by law. As the basis for the waiver, the Applicants state that the split vote on the motion to grant the parking variance did not dispose of that portion of the case and the matter is therefore still pending before the Board. The Applicants believe that the administrative efficiency of the Board and the resolution of this case for all parties involved would be best served by the Board considering the request which follows, rather than waiting for the Applicants to file a new modified application and go through the process de novo.

The discussion by the members of the Board on April 8, 2014, indicated that there was a difference of opinion on how the Board should apply the variance test to the application; i.e., what standard the Applicants need to meet in order to be entitled to relief. The Applicants request that the Board reopen the record and allow the Applicants and all other parties to file supplemental information addressing the points raised by the Board during its discussion; i.e.

- whether a lesser number of units, which would eliminate or reduce the need for a variance, is practical and feasible,

Holland & Knight

April 11, 2014

Page 2

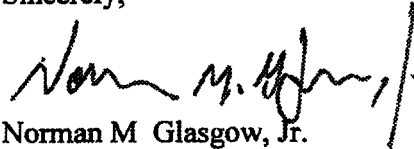
- whether there are other viable alternative designs or uses for the property that that would fall within the Regulations;
- providing economic information to support the practical difficulty; and
- providing evidence to demonstrate whether the proposed development would have adverse impacts on traffic and parking

The Applicants would submit that information within 14 days, or within such other time as the Board would direct. The Parties to the case would have the opportunity to respond, before the Board convenes to make its decision

Should the Board believe that additional inquiry of the Applicants is necessary and/or desirable, pursuant to §3124 2, the Board could reopen the record and schedule a further hearing on the designated issues noted above. The Applicants believe that augmenting the record prior to a final vote by the Board will be the best procedure, will be the most efficient for the Board and the parties to reach a conclusion on the requested parking relief, and will provide the best opportunity for the Board to decide the case having considered all of the appropriate tests after having been assured that all issues related to parking and traffic were fully addressed by the parties to the proceeding. Granting this request will serve to address and resolve some of the outstanding matters in order to avoid a deadlocked vote, where the case could remain unresolved and outstanding for an extended period of time and provide no finality for all parties

While we are aware of split votes in applications, we are hard pressed to recall a situation where the Board members expressed different views as to what information was necessary to be provided in order for the Board to determine whether the burden of proof had been met. We, therefore, believe that this situation is unique and that reopening the record or holding a further hearing on designated issues is appropriate to address the present status of the application

Sincerely,



Norman M Glasgow, Jr.



Mary Carolyn Brown

cc: ANC 2B
Stephen Gyor, for the Office of Planning
Martin Sullivan, for the Metropole Condominium Association