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November 15, 2013

VIA ELECTRONIC SUBMISSION

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

Re: BZA Application No. 18660
1628-1632 11th Street, N.W. (Square 309, Lot 51)

RECEIVED
D.C. OFFICE OF ZONING
2013 NOV 18 AM 8:45

Dear Members of the Board:

On behalf of 1628 11th Street LLC, we request that the Board of Zoning Adjustment (the "Board") grant a waiver of the additional public hearing notice required under 11 DCMR § 3113.14, which requires the posting of hearing notice placards on the subject property at least 15 days in advance of the hearing. The Applicant also requests a waiver of 11 DCMR § 3113.19, which requires the Applicant to file an affidavit of posting at least 5 days prior to the public hearing.

The Applicant requests the Board to grant this waiver pursuant to the Board's authority set forth in 11 DCMR § 3100.5, which provides that, except for §§ 3100 through 3105, 3121.5 and 3125.4, the Board may, for good cause shown, waive any of the provisions of Chapter 31 if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

As demonstrated in the Affidavit of Posting filed with the Office of Zoning on November 15, 2013, the hearing placards were posted on the subject property on November 15, 2014. In addition, we note that the posting of hearing notice is one of multiple forms of notice given for public hearings in contested cases. Regarding the present application, the public hearing notice for this application was published in the D.C. Register pursuant to the requirements of 11 DCMR §3113.13 (a). Moreover, pursuant to 11 DCMR §3113.13(b) and (d), hearing notices were mailed on September 16, 2013 to Advisory Neighborhood Commission ("ANC") 2F and to property owners within 200 feet of the Applicant's property. Counsel for the Applicant responded to requests for information made by multiple recipients of the hearing notice. Moreover, as indicated in the ANC 2F letter of support included as Exhibit 23 in the record of this case, the Applicant presented this application in detail at the ANC 2F Community

BOARD OF ZONING ADJUSTMENT
District of Columbia

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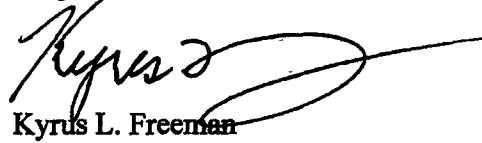
EXHIBIT NO. 28

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EXHIBIT NO.28

Development Committee meeting on September 25, 2013, and the Applicant also attended ANC 2F's regularly scheduled October 2, 2013 public meeting to discuss the project. Notice of each of these meetings was broadly provided in the community. Finally, pursuant to 11 DCMR § 3113.13(e), notice of the public hearing was posted on the Office of Zoning's website. Overall, multiple forms of notice have been provided for this application, and thus no party will be prejudiced by the grant of this waiver.

For all these reasons, the Board's grant of this waiver request is authorized and appropriate under § 3100.5.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", with a long horizontal flourish extending to the right.

Kyrus L. Freeman

Attachments

cc: Advisory Neighborhood Commission 2F (w/encl. by mail)