

# Holland & Knight

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June 7, 2016

Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210  
Washington, DC

Re: BZA Application No. 18723A

Dear Members of the Board:

On behalf of the applicant, we respectfully request the Board accept into the record the following response to ANC 1B's resolution that was filed June 5, 2016.

The ANC resolution incorrectly assumes that the applicant's use has changed to a homeless shelter facility. The approval by the Board and the applicant's approved plans are for an apartment building, and that remains the same. Asserting that there has been a change of use is not consistent with the District's filing of homeless shelter approvals in various wards of the city and specifically does not include this site. The subject property use, whether by the District or the applicant, is for an apartment building.

An apartment building requires a 30-day minimum stay and is not focused on who the occupants are or the level of housing history of the occupants.

If the use were to change and be one that requires approval by the Board, then approval of the change in use should occur at that time and not be assumed as a part of this extension request process.

Secondly, while the Council has appropriated funds to acquire the property by eminent domain, it is the Executive Branch that actually exercises the power of eminent domain. To date, the applicant has not received any notice of taking or any other action on behalf of the District to condemn the property.

The discussions that the applicant has had with the Executive Branch to date indicate that the Executive Branch does not intend to exercise eminent domain to acquire title to the property. The difference between the Executive Branch desiring to enter into a lease and the Council's appropriating funds for eminent domain highlight the situation the applicant has been in since obtaining its initial BZA approval, and is a further reason that the previously approved BZA

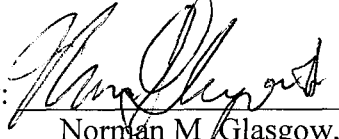
Board of Zoning Adjustment  
District of Columbia  
CASE NO.18723A  
EXHIBIT NO.14

Order should be extended. If circumstances change such that BZA relief is required to establish a use or building modifications or changes of design, then that should be considered by the Board at that future date, if such events occur.

The property owner and applicant have met their burden of proof to be entitled to an extension of time of the approval which the Board actually granted and the plans that were approved by the Board.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:    
Norman M. Glasgow, Jr.