



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
4422 Connecticut Avenue, NW	1971	822	R-1-B	Special Exception	3104.1; 214

Present use(s) of Property: Accessory parking lot

Proposed use(s) of Property: Accessory parking lot

Owner of Property: BB&H Joint Venture

Telephone No:

(301) 656-9000

Address of Owner: 7507 Arlington Road, Bethesda, Maryland 20814

Single-Member Advisory Neighborhood Commission District(s): 3F06

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

BB&H Joint Venture on behalf of Potomac Foods Company-II, Inc. requests for a special exception under Section 214 of Title 11 DCMR Zoning Regulations to permit the continued use of the property at 4422 Connecticut Avenue, NW, Square 1971, Lot 822 for an accessory parking lot.

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: February 18, 2014

Signature*:

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

Name: Richard M. Pollak, Esq., Troutman Sanders

E-Mail:

richard.pollak@troutmansanders.com

Address: 1850 Towers Crescent Plaza, Suite 500, Tysons Corner, Virginia 22182

Phone No(s): (703) 734-4354

Fax No.:

(703) 448-6511

* 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. 18741 Board of Zoning Adjustment
District of Columbia

CASE NO.18741

EXHIBIT NO.1

BZA # 18741

RICHARD M. POLLAK
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703 448 6511 facsimile
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February 18, 2014

BY HAND DELIVERY

D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2014 FEB 18 AM 10:52

Re: Application of BB&H Joint Venture, on behalf of Potomac Foods Company – II, Inc., for Continued Use of a Parking Lot Accessory to an Existing Burger King Restaurant – (Square 1971, Lot 822)

Dear Members of the Board:

Enclosed please find the application of BB&H Joint Venture, on behalf of Potomac Foods Company – II, Inc. (together, the “Applicant”), for a special exception to permit the continued use of a parking lot accessory to the existing Burger King restaurant located at 4422 Connecticut Avenue, NW (Square 1971, Lot 822) (the “Property”). Attached please find the following documents:

- 1) A completed Form 120 Application for the Property (Exhibit A);
- 2) A completed Form 126—Board of Zoning Adjustment Fee Calculator (Exhibit B);
- 3) A completed Form 135—Zoning Self-Certification (Exhibit C);
- 4) A letter from BB&H Joint Venture, the owner of the Property, authorizing Troutman Sanders LLP to file the application and represent the Applicant in all matters before the Board (Exhibit D);
- 5) A plat, prepared by the D.C. Surveyor, depicting the Property (Exhibit E);
- 6) A detailed statement of existing and intended use of the Property (Exhibit F);
- 7) A detailed statement of how the Applicant meets the burden of proof for a special exception relief (Exhibit G);
- 8) Five color images of pertinent portions of the Property (Exhibit H);

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D.C. Board of Zoning Adjustment
February 18, 2014
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- 9) List of names and mailing addresses, including two sets of self-stick mailing labels, of the owners of all property within 200 feet in all directions from all boundaries of the Property (Exhibit I);
- 10) The name and mailing address of any person who has a lease with the owner for all or part of any building located on the Property (Exhibit J);
- 11) Certificate of Occupancy No. 88239, showing the current authorized use of an accessory parking lot (Exhibit K); and
- 12) A check made payable to the D.C. Treasurer in the amount of \$1,768.00 for the filing fee.

We believe this application is complete and acceptable for filing, and we request that the Board schedule a public hearing on the application as soon as possible. Thank you for your attention to this application, and I look forward to hearing from you.

Sincerely,

Troutman Sanders LLP

By: 
Richard M. Pollak

Enclosures

cc: Karina L. Sigar, Troutman Sanders LLP – by hand
ANC 3F (office) – by hand
ANC 3F06 (office) – by hand
Office of Planning – by hand
Brian Timmons, Potomac Foods – by mail

Active 21691533v1 220762 000050

RECEIVED
D.C. OFFICE OF PLANNING
2014 FEB 18 AM 10:58

EXHIBIT A

Form 120 Application

RECEIVED
I.D. OFFICE OF ZONING
2014 FEB 18 AM 11:00