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July 17, 2015

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Request for Minor Modification to Plans Approved Under BZA Case No. 18801 / Fort Lincoln Multifamily Housing and Fort Lincoln Joshua Barry Townhouse, LLC

Dear Members of the Board:

This letter is submitted on behalf of Fort Lincoln Multifamily Housing and Fort Lincoln Joshua Barry Townhouse, LLC (collectively, the "Applicant") to request a minor modification to plans approved under BZA Order No. 18801. We respectfully request that this item be placed on the Consent Calendar of the next available public meeting pursuant to Section 3129 of the Zoning Regulations.

Relevant Background

On July 29, 2014, the Board granted the Applicant's request in BZA Case No. 18801 for a special exception under Section 2516 to erect more than one building on a record lot and a variance from the loading requirements under Section 2201 of the Zoning Regulation, in order to facilitate the development of the subject property with 103 townhouses and three apartment houses with a total of 260 apartment units. The Board's approval was subject to the architectural plans and drawings at Exhibits 48A-G and 50 of the record for BZA Case No. 18801.

Proposed Modification

The Applicant seeks to amend the approved plans in order to provide 123 townhomes (instead of 103 townhomes as depicted in the approved plans) and 240 apartment units (instead of 260 apartment units as depicted in the approved plans). The total number of units overall for the development under both the approved and revised plans is the same – 263 – although, under the

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modification the apartment units are within one building instead of three. The street configuration for the development is the same except to the eastern portion of the site where there was a slight reconfiguration to accommodate the additional townhomes and the reduction in the number of apartment houses from three to one. Finally, please note that under the revised plan, the development no longer requires the variance from the loading requirements previously granted by the Board.

A letter in support of the proposed modification from the Commissioner Robert Looper III, the Single Member District Representative for ANC 5C-03, is attached.

Compliance with Section 3129 of the Zoning Regulations

The Applicant's request for a modification of the approved plans complies with the relevant subsections of Section 3129 as follows:

<u>Section 3129.2</u>	This request is in writing, states specifically the modifications requested and the reasons therefore and includes copies of the plans for which approval is requested.
<u>Section 3129.3</u>	The final date of BZA Order No. 18801 is August 8, 2014. This modification is filed within two years of the date of the final order.
<u>Section 3129.4</u>	The request was served on all parties to the original application as evidenced by the attached Certificate of Service. The only party to the original application was ANC 5C.
<u>Section 3129.6</u>	The modification is a minor modification that does not change the material facts upon which the Board relied in approving the original application. The proposed change in the number of townhouse and apartment units does not change the material facts upon which the Board originally granted the special exception approval to erect more than one building on a record lot.

Attachments/Enclosures

In support of this minor modification request, we have attached the following documents:

- Exhibit A Revised plans for proposed development
- Exhibit B Relevant sections of previously approved plans
- Exhibit C BZA Order No. 18801
- Exhibit D Letter of Support from Commissioner Robert Looper, III

A filing fee of \$14,872.00 is enclosed herewith also. This fee represents 26% of the original hearing fee (\$57,200.00) in accordance with 11 DCMR § 3180(f).

Thank you for your considerate attention to this matter. We remain hopeful of your favorable review of this request.

Very truly yours,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

Attachments/Enclosures

cc: Mr. Joel Lawson, Office of Planning (Via Hand Delivery)
 Mr. Matthew Jesick, Office of Planning (Via Hand Delivery)
 Advisory Neighborhood Commission 5C (Via U.S. Mail)
 Commissioner Robert Looper, III, ANC 5C-03 (Via U.S. Mail)