

Holland & Knight

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Christopher H. Collins
(202) 457-7841
chris.collins@hklaw.com

February 8, 2016

VIA EMAIL AND HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, NW
Suite 220 South
Washington, DC 20001

Re: Application No. 19127 of 2800 Sherman, LLC

Honorable Member of the Board:

As a follow-up to the Board's discussion on February 2, 2016, and in preparation for your further discussion of this matter on February 9, please find the following attached documents, which were also given to Ms. Tania Jackson, Chief of Staff to Councilmember Nadeau, for her follow-up meeting with the Applicant, Mr. Jackson and Mr. Donaldson, as suggested by Commissioner Hood in this case:

1. The Applicant's revised site plan ("Neighbor Emergency Access Plan") showing the proposed emergency exit gates from Mr. Jackson's property (Lot 45), and Mr. Donaldson's property (Lots 137 and 820), and the intervening Lot 822, onto the Applicant's Lot 818. These will be installed if accepted by the neighbors.
2. The Applicant's revised site plan ("Neighbor Trash Removal and Emergency Access Plan") showing a proposed access way from those neighbor properties to the public alley, across Lot 813, for use by the neighbors to store their trash cans so that they can have trash pickup from the alley, rather than from the front of their properties as they do now. This access way will be provided if and when the Applicant is successful in completing the purchase of Lot 813 in the tax sale, and if the neighbors agree that they want it.
3. A compilation of relevant documents showing the lot history:
 - a. The creation of Lot 45 in 1902. The plat shows that Lot 45 measures 3000 sq. ft. This lot is currently owned by Mr. Jackson.
 - b. The creation of the north-south public alley in Square 2857 in 1912.

Board of Zoning Adjustment
District of Columbia
CASE NO. 19127
EXHIBIT NO. 44

- c. The creation of Lot 136, 137 and 138, and an abutting small public alley in 1915. The plat shows that Lot 137 measures 1749.30 sq. ft. This lot is currently owned by Mr. Donaldson.
- d. The closing of the small public alley behind Lots 136, 137 and 138 in 2003, and the reversion of that land to the abutting owners of Lots 136, 137 and 138.
- e. The conversion in 2004 of the land from the small closed alley to Tax Lots 819, 820 and 821, each measuring 250 sq. ft. Lot 820 is currently owned by Lot Mr. Donaldson.
- f. The conversion of former Lots 138 and 821 to Lot 822 in 2006. This lot is owned by a neighbor who is not a participant in this case.
- g. The Survey to Mark for Lot 818, certified by a Registered DC Land Surveyor in 2015, and recorded in the Office of the DC Surveyor.
- h. The Zoning Map of Lot 818, from the Office of Zoning website, showing the location of Lots 818 (Applicant), 45 (Jackson) and 137 and 820 (Donaldson), among others.
- i. The Existing Condition survey of Lot 818, showing in orange the outline of the garage structure spanning the north-south portion of Lot 818.
- j. The February 1, 2016 letter from Counselors Title to the Board, with a worksheet from Red Rock Title included, showing that there are no easements of record across the Applicant's Lot 818.
- k. The report to Mr. Jackson from Document Masters and Title Company, showing that there are no easements of record across the Applicant's Lot 818.
- l. The current records from the DC Office of Tax and Revenue website, showing the tax information for Mr. Donaldson's Lot 820 (250 sq. ft.) and Lot 137 (1749 sq. ft.), and for Mr. Jackson's Lot 45 (3000 sq. ft.). The land areas shown for those three lots correspond to the land areas of those lots when they were originally created.

We look forward to discussing this matter further at the February 9 public hearing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris H. Collins". The signature is fluid and cursive.

Christopher H. Collins

CHC/rcf

cc: Stephen Gyor, Office of Planning (by email)
James Turner, Chair, ANC 1B (by email)

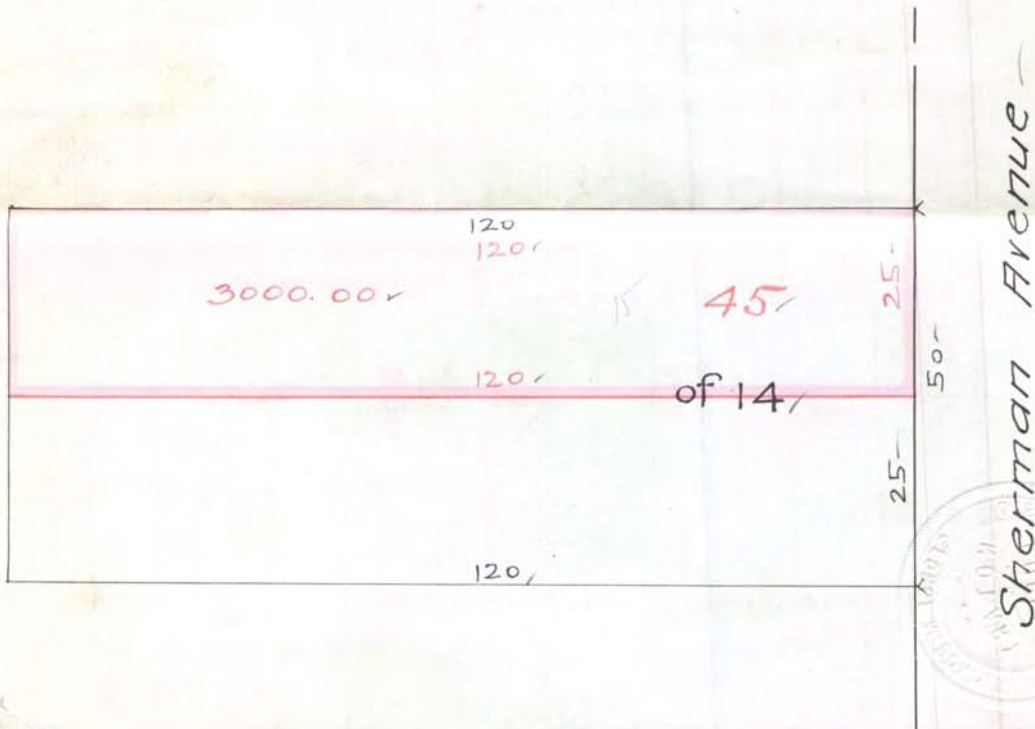
Attachments

12/19/19-14
105/19-14
16/3
2252
Columbia, D.C. No. 24

Pleasant Plains and Mount Pleasant, ✓

Block 14. ✓

NOTICE.—In case of trust, the fact must be stated in affidavit, and assent of trustees must be given.



I hereby subdivide the North 25 ft. of lot 14 (of subdivision by Todd et al., recorded in Book L. C., No. 2, page 24), Block 14, Pleasant Plains and Mount Pleasant, less the portion taken for widening of Sherman Avenue, ✓ as shown above in black, into a lot,

as shown above in red, and request that the subdivision be approved by the Commissioners of the District of Columbia and recorded in the office of the Surveyor of said District.

I do not own any part of lots 14 not covered by this proposed subdivision.

Witnesses { *Frank D. ...* } *Thomas X. D. ...* [SEAL] ✓

Witnesses { } [SEAL]

Office of the Surveyor of the District of Columbia,

Washington, June 6th 1902

I certify that the above subdivision, as shown in red, is correct, and I respectfully recommend the approval and admission to record in this office of the same.

Henry P. Looker, Surveyor, D. C. [SEAL]

Ordered: The subdivision shown above by red lines is hereby approved, and the Surveyor is directed to record the same in his office.

Date, June 11 1902

Wm. H. Ross
Kellerman Acty

Commissioners of the District of Columbia.

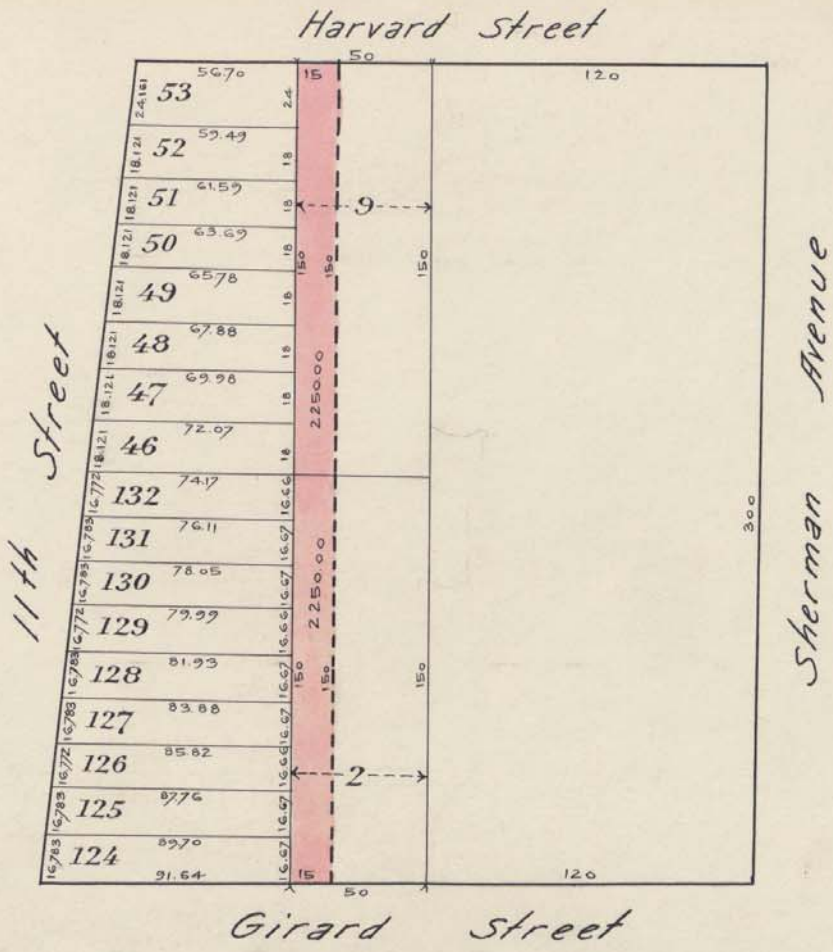
Scale: 1 in. = 20 ft.

J. C. A.

M. H. S.

M.P. Reilly

MOUNT PLEASANT, BLOCK 14.



I hereby certify that the awards have been paid in the matter of condemnation of alley in Square 2857, and that the area shown hereon in red becomes public alley.
(District Court Cause No. 977)

(Signed) D.J. Donovan
Acting Auditor, D.C.

E.D. 96884/6

Office of the Commissioners, District of Columbia.
Washington, D.C., November 4th. 1912.

ORDERED:

The Surveyor is hereby directed to record the above plat in his office.

(Signed) Cuno H. Rudolph
(Signed) John A. Johnston
(Signed) W.V. Judson
Commissioners, D.C.

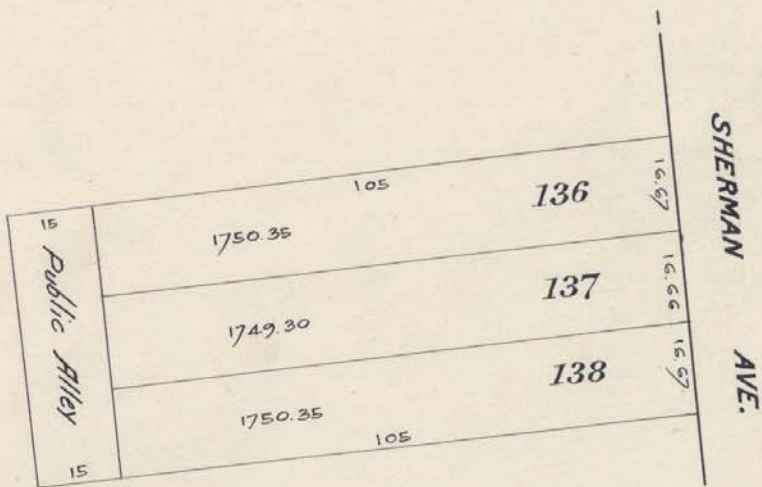
Washington, D.C., October 21st. 1912.

Plat prepared in the office of the Surveyor of the District of Columbia.
(Signed) M.C. Hazen
Surveyor, D.C.

I certify that the above is a true copy of the original received for record 3.10 P.M., Nov. 4-1912.
Witness my hand and seal this 4th day of November 1912.

(Seal)
M.C. Hazen
Surveyor, District of Columbia.

PLEASANT PLAINS & MT. PLEASANT, BLK. 14.



I hereby subdivide the Westerly 120 ft. by full width of lot 13(of subdivision recorded in Book L.C., No. 2, page 24), Block 14, Pleasant Plains and Mount Pleasant, into lots 136 to 138 and public alley 15 ft. wide, as shown above.

(Signed) N.M. Bell

Witness:

(Signed) David J. Durigan (Seal)

No Trust

(Signed) John A. McCarthy

I Certify that the foregoing plat is correct and agrees with the records of this office, and was received for record 10:10 A.M., March 6th. 1915.

Witness my hand and seal this 6th. day of March 1915.

W. C. ... (Seal)
Surveyor, District of Columbia

*Reb'd
Sherman*

PURSUANT TO D.C. LAW NO. 14-263, EFFECTIVE MARCH 27, 2003
 THE ALLEY SHOWN THUS: [Hatched] IS CLOSED, AND TITLE VESTS AS
 SHOWN UPON RECORDATION OF THIS PLAT.

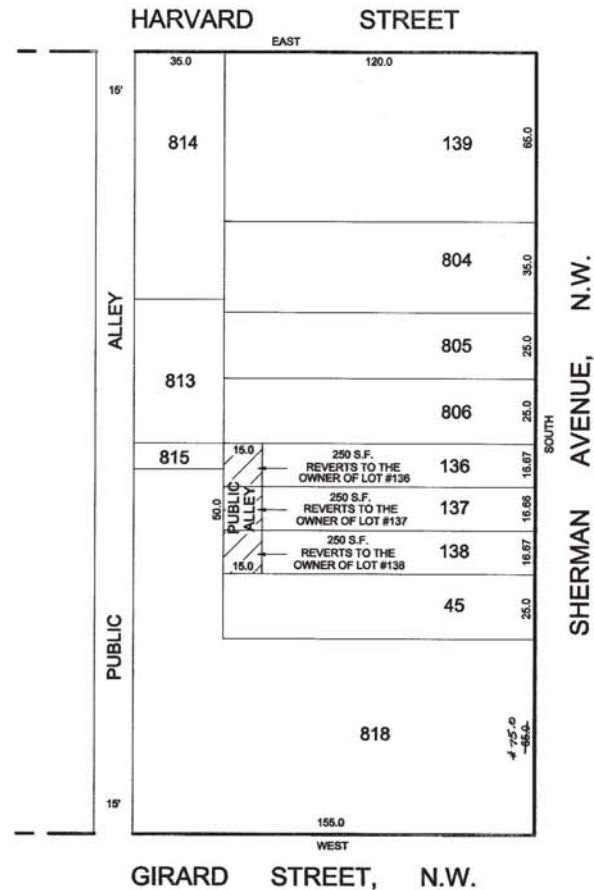
OFFICE OF THE SURVEYOR, D.C.

July 28, 2003

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

Robert F. Dwyer
 SURVEYOR, D.C.

PUBLIC ALLEY CLOSED SQUARE 2857



* CORRECTED DIMENSION ERROR ON LOT 818.

Robert F. Dwyer *June 11, 2014*
 SURVEYOR D.C. DATE

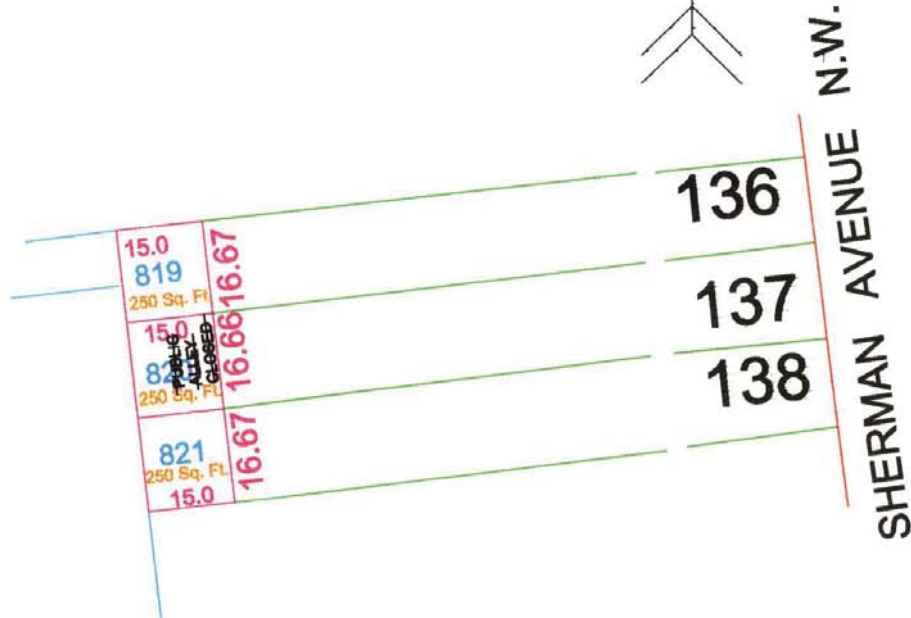
SURVEYOR'S OFFICE, D.C.	
Made for: COUNCIL MEMBER GRAHAM	
Drawn by: L.E.S.	Checked by: <i>ES</i>
Recorded and computations by:	
Recorded at: <i>11:20AM AUGUST 1, 2003</i>	
Recorded in Book: <i>197</i>	Page: <i>38</i> S.O. 8232
Scale: 1 inch = 30 feet	File No. 02-1463

OFFICE OF TAX AND REVENUE
ASSESSMENT DIVISION

38/2-5



ASSESSMENT AND TAXATION PLAT
SQUARE 2857



R.E. Brown 197/38 5/18/04
 Draftsman Reference Date

Scale, 1 inch 8 ft.

The Office of Surveyor of the District of Columbia shall admit this plat to record under the provisions of Chapter 7 of Title 47, District of Columbia Code, Designation of Real Property for Assessment and Taxation, and for other purposes.

[Signature]
 Chief Assessor, Office of Tax and Revenue

OFFICE OF TAX AND REVENUE
ASSESSMENT DIVISION

3827-K



ASSESSMENT AND TAXATION PLAT

SQUARE 2857



Andrea Haner Combination 12/6/06
Draftsman Reference Date

Scale, 1 inch 6 ft.

The Office of Surveyor of the District of Columbia shall admit this plat to record under the provisions of Chapter 7 of Title 47, District of Columbia Code, Designation of Real Property for Assessment and Taxation, and for other purposes.

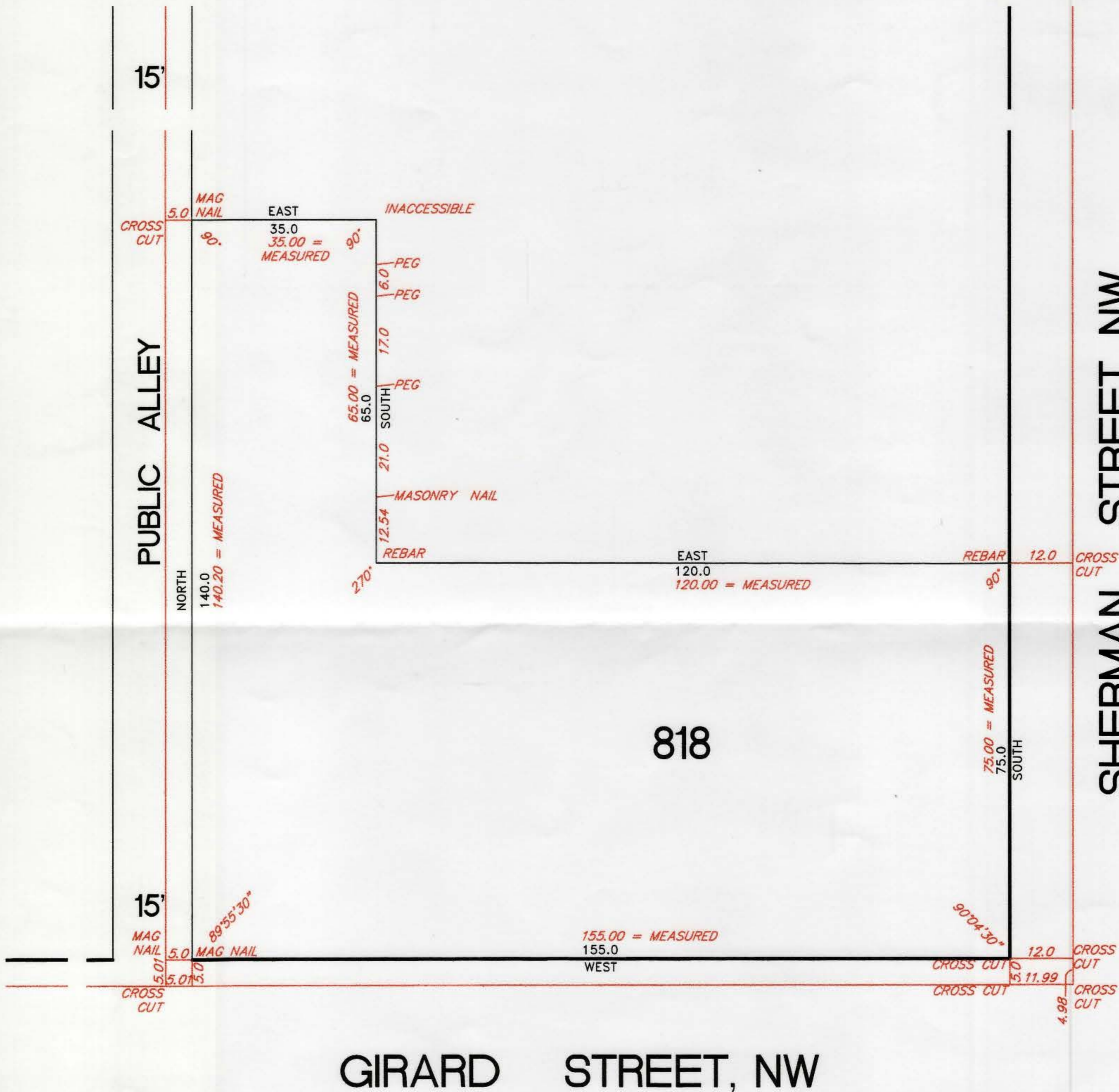
Thomas W. Branch
Chief Assessor, Office of Tax and Revenue

DISTRICT OF COLUMBIA GOVERNMENT
Office of the Surveyor

Plat of SURVEY OF LOT 818 TO MARK, SHOW ACTUAL ANGLES AND MEASURED DISTANCES.
SQUARE 2857

Scale: 1 inch = 20 feet

S.O. Receipt No. 5216-50-01648



OFFICE OF THE SURVEYOR, D.C.

This plat is accepted for recordation in accordance with Chapter 28, of Title 10 DCMR.

S.O. SEAL

12/18/2015 *[Signature]*
Date For Surveyor, D.C.

Recorded at 4:00 PM

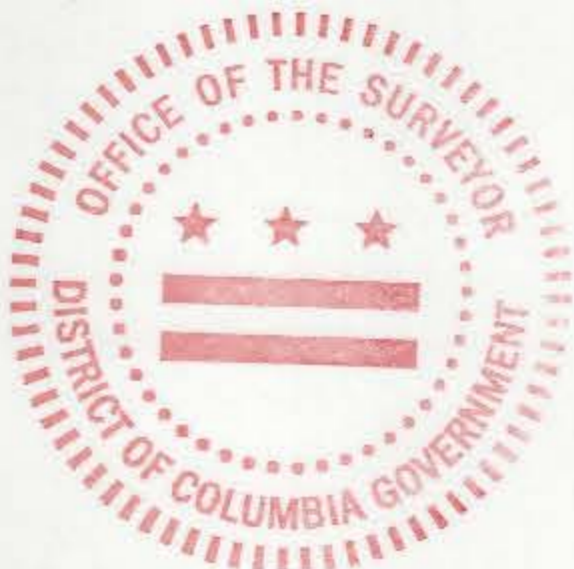
Recorded in Survey Book 1003, Page 214

RLS SEAL

REGISTERED LAND SURVEYOR'S CERTIFICATION

I certify that the survey shown hereon was made by me or under my direction in accordance with Chapter 28 of Title 10 DCMR.

12-10-15 *[Signature]*
Date Daniel T. Caywood
D.C. Registration Number: 96-6



MADDOX
Engineers & Surveyors, Inc.
3204 Tower Oaks Boulevard, Suite 200-A, Rockville, MD 20852
(301) 762-9001 www.maddoxinc.com

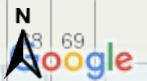
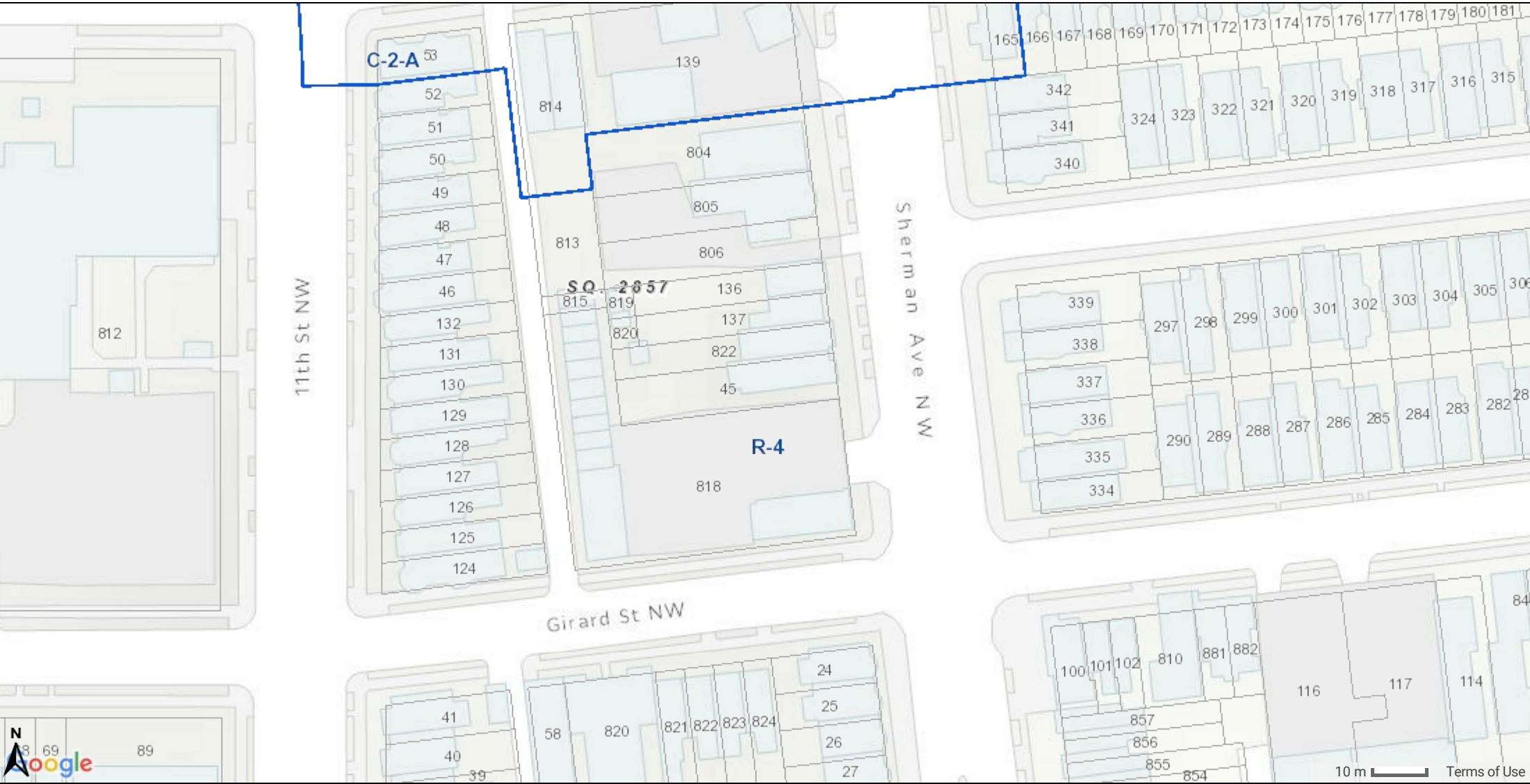
Party Chief: **J.J. SLAMA** Date: **09/29/2015**
RLS Job No. **14127.03**

719



EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

February 7, 2016



10 m Terms of Use

Zoning Layers			
	Zone Districts		Overlays Districts
	Pending Zones		Pending Overlay Districts
	Historic Districts		Campus Plans
	TDRs		Pending PUDs
	Air Rights Zone		Active PUDs
	Baist Index		CEA

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.



COUNSELORS
TITLE, LLC

February 1, 2015

Board of Zoning Adjustments
Government of the District of Columbia

Re: 2800 Sherman Avenue, NW
Square 2857 Lot 0818

To whom it may concern:

My company was engaged to handle the closing for the above-referenced property. In connection therewith we ordered and had completed a full title examination of said property (see attached). Per said examination, the courts and land records were researched in order to determine ownership, adverse proceeding and restrictions (amongst other things) of record related to said parcel. Per the report attached, there were no covenants, rights of way or easements affecting this title. Please do not hesitate to contact me if I can be of any assistance.

Best regards,

Christopher B. Darby, Esq.

Attachment

Client Name: COUNSELORS TITLE LLC Square: 2857 Lot: 818

Client Case #: 0122146-ALJ RRT Case #: DC-14-03219

Property Address: 2800 SHERMAN AVENUE NW Plat Reference: _____

Fee Simple Title Vested In: 2800 SHERMAN AVENUE LLC (A DISTRICT OF COLUMBIA LIMITED LIABILITY COMPANY)
Tenancy: NOT GIVEN

By Deed From: EARNEST C. SMITH AND WIFE, ROSA LEE SMITH
Dated: 3/4/1999 Rec'd: 3/10/1999 Liber: _____ Folio: _____ Instr. 9900021747

Subject To: _____ Mortgage 1ST Deed of Trust _____ Financing Statement

Dated: 6/23/2014 Rec'd: 6/25/2014 Liber: _____ Folio: _____ Instr. 2014056595
Granted By: 2800 SHERMAN AVENUE LLC, A DISTRICT OF COLUMBIA LIMITED LIABILITY COMPANY
Trustees: CLAUDE O. BARRINGTON AND JOHN GAMBLE Amount \$ 500,000.00
Beneficiary: INDUSTRIAL BANK
Assigned To: _____ @ Instr. # _____ Rec'd: _____

Note(s): 1.) ASSIGNMENT OF RENTS AND LEASES RECORDED 6/25/2014 AS INSTRUMENT NUMBER 2014056596

Subject To: _____ Mortgage _____ Deed of Trust _____ Financing Statement

Dated: _____ Rec'd: _____ Liber: _____ Folio: _____ Instr. _____
Granted By: _____
Trustees: _____ Amount \$ _____
Beneficiary: _____
Assigned To: _____ @ Instr. # _____ Rec'd: _____
Note(s): _____

Plat Items: NONE PER RECORD

Covenants: NONE PER RECORD

Rights of Ways / Easements: NONE PER RECORD

Judgments: NONE PER RECORD

EXAMINERS NOTES: _____

Through Dates: Land: 10/29/2014 Courts: 10/28/2014

Prepared by: MKM For the sole use and benefit of: COUNSELORS TITLE LLC

NOTE: RED ROCK TITLE, LLC, PROVIDES TAX INFORMATION AS A COURTESY ONLY. DUE TO A CHANGE IN THE WEB SITE THE TAX INFORMATION PAGES DO NOT PRINT IN THEIR ENTIRETY. PLEASE CONTACT THE TAX OFFICE AT 202-727-4829 OR ON-LINE AT

https://www.taxpaverservicecenter.com/RP_Search.jsp?search_type=Assessment FOR TAX INFORMATION AND OR SPECIAL ASSESSMENTS AND OR BID TAX INFORMATION.

NOTE: RED ROCK TITLE, LLC, BEARS NO RESPONSIBILITY FOR ITEMS INDEXED INCORRECTLY AT THE RECORDER OF DEEDS.

This report of title is issued for the sole benefit of the party indicated above, it cannot be relied upon by any other firm, and is not transferable or assignable without the written permission of Red Rock Title, LLC. Matters affecting the above real estate, which do not appear among the land records, are not covered by this report. This report is not intended to be a commitment to insure nor is it intended to be a policy of title insurance.

*Ally
Barnes
Barr*

Document Masters and Title Company
2736 Lorryng Drive Suite #304
Forestville, MD 20747

Phone (240-423-2324 or 301-669-6555) Fax (301-516-7903)

Client Name: Willie Jackson Square: 2857
Case Number: N/A Lot: 818

*neg. the
agmt*

Property Address: 2800 Sherman Ave, N.W.

Plat Reference: see legal

Fee Simple Title Vested in: 2800 Sherman Avenue, LLC - Ca
D.C. Limited liability Company

By Deed From: Earnest C. Smith + wife, Rosa Lee Smith,
as TIE

Dated: 3/4/91 Rec'd: 3/10/99 Liber: - Folio: - Instr: 21747

Subject To: Mortgage Deed of Trust Financing Statement
Dated: 3/4/99 Rec'd: 3/10/99 Liber: - Folio: - Instr: 21748

Granted By: 2800 Sherman Avenue, LLC

Trustee: Congressional Title & Escrow, Co, Inc Amount \$ 290,000.00

Beneficiary: Earnest C. Smith + Rosa Lee Smith

Assigned To: _____ Instru: _____ Rec'd: _____

Subject To: Mortgage Deed of Trust Financing Statement
Dated: _____ Rec'd: _____ Liber: _____ Folio: _____ Instr: _____

Granted By: _____

Trustee: _____ Amount \$ _____

Beneficiary: _____

Assigned To: _____ Instru: _____ Rec'd: _____

*zone 4
sherman*

RECEIVED
D.C. OFFICE OF ZONING
2016 JAN 26 PM 12:08

Plat Items: _____

Covenants: N.O.R.

Right of Ways / Easements: _____

Judgement: yes - see attached judgment abstract sheet

Examiner's Notes: _____

Through Dates: Land: 3/14/04 Courts: 3/1/04

Prepared by: A. McShee For the sole use and benefit of: _____

This report of title is issued for the sole benefit of the party indicated above, it cannot be relied upon by any other firm, and is not transferable or assignable without the written permission of Document Masters and Title Company. Matters affecting the above real estate, which do not appear among the land records, are not covered by this report. This report is not intended to be a commitment to insure nor is it intended to be a policy of title insurance.



Property Detail

Address: 2814 SHERMAN AVE R NW

SSL: 2857 0820

Record Details

Neighborhood:	COLUMBIA HEIGHTS	Sub-Neighborhood:	E
Use Code:	93 - Vacant-Zoning Limits	Class 3 Exception:	No
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	ALAN LEVY		
Gross Building Area:		Ward:	1
Land Area:	250	Triennial Group:	1

Owner and Sales Information

Owner Name: LEVON L DONALDSON
Mailing Address: 2814 SHERMAN AVE NW; WASHINGTON DC20001-3922
Sale Price: Not Available
Recordation Date: Not Available
Instrument No.:
Sales Code:
Sales Type:

Tax Year 2016 Preliminary Assessment Roll

	Current Value (2015)	Proposed New Value (2016)
Land:	\$5,030	\$5,030
Improvements:	Not Available	Not Available
Total Value:	\$5,030	\$5,030
Taxable Assessment: *	\$5,030	\$5,030

* Taxable Assessment after Tax Assessment Credit and after \$71,400 Homestead Credit, if applicable. ([Click here for more information](#)).

** If you believe you should be receiving tax relief through the Homestead deduction program and if you are domiciled in the District and this property is your principal place of residence, you can access the link below, complete the form, and return it per the instructions. For additional information regarding the Homestead program, call (202)727-4TAX. [Click here to download the Homestead Deduction and Senior Citizen Tax Relief application](#) *



Property Detail

Address: 2814 SHERMAN AV NW

SSL: 2857 0137

Record Details

Neighborhood:	COLUMBIA HEIGHTS	Sub-Neighborhood:	E
Use Code:	11 - Residential-Row-Single-Family	Class 3 Exception:	No
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Currently receiving the Senior Citizen Homestead Deduction*.		
Assessor:	ALAN LEVY		
Gross Building Area:		Ward:	1
Land Area:	1,749	Triennial Group:	1

Owner and Sales Information

Owner Name:	LEVON L DONALDSON
Mailing Address:	2814 SHERMAN AVE NW; WASHINGTON DC20001-3922
Sale Price:	Not Available
Recordation Date:	Not Available
Instrument No.:	
Sales Code:	
Sales Type:	

Tax Year 2016 Preliminary Assessment Roll

	Current Value (2015)	Proposed New Value (2016)
Land:	\$311,150	\$363,630
Improvements:	\$108,220	\$126,400
Total Value:	\$419,370	\$490,030
Taxable Assessment: *	\$229,183	\$252,101

* Taxable Assessment after Tax Assessment Credit and after \$71,400 Homestead Credit, if applicable. ([Click here for more information](#)).

** This property is currently receiving tax relief through the Homestead deduction program. If you are not domiciled in the District or the property is not your principal place of residence, you are obligated to inform the Office of Tax and Revenue. This can be done by accessing the link below and completing the necessary form and returning it per the instructions. You may also write to the Office of Tax and Revenue, Real Property Administration, P.O. Box 176, Washington, DC 20044. For additional information regarding the Homestead program, call (202)727-4TAX. [Click here to download the Homestead Deduction and Senior Citizen Tax Relief cancellation application](#) *



Property Detail

Address: 2810 SHERMAN AVE NW

SSL: 2857 0045

Record Details

Neighborhood:	COLUMBIA HEIGHTS	Sub-Neighborhood:	E
Use Code:	11 - Residential-Row-Single-Family	Class 3 Exception:	No
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Currently receiving the Senior Citizen Homestead Deduction*.		
Assessor:	ALAN LEVY		
Gross Building Area:		Ward:	1
Land Area:	3,000	Triennial Group:	1

Owner and Sales Information

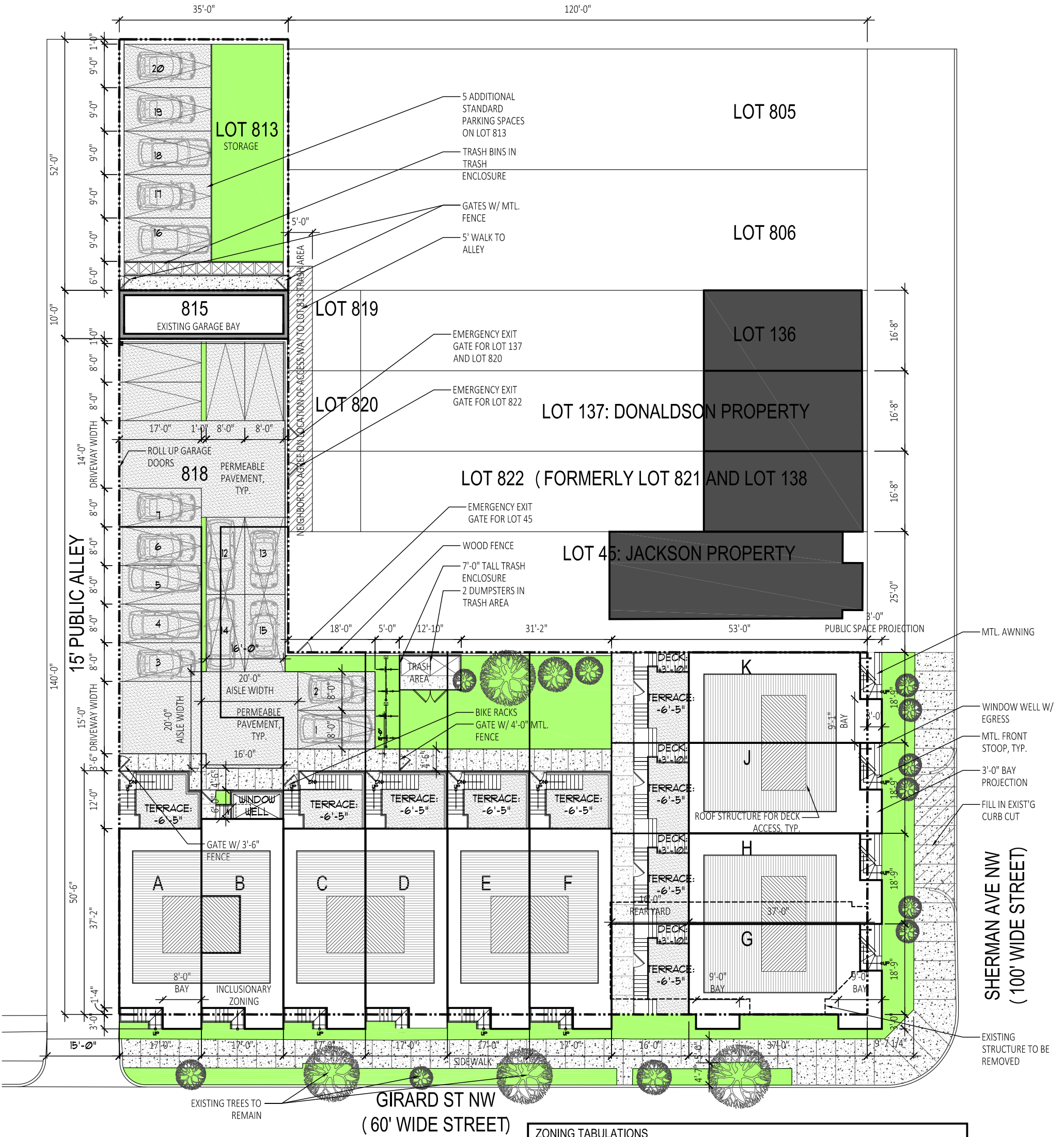
Owner Name:	WILLIE A JACKSON
Mailing Address:	2810 SHERMAN AVE NW; WASHINGTON DC20001-3922
Sale Price:	Not Available
Recordation Date:	Not Available
Instrument No.:	
Sales Code:	
Sales Type:	

Tax Year 2016 Preliminary Assessment Roll

	Current Value (2015)	Proposed New Value (2016)
Land:	\$419,700	\$480,030
Improvements:	\$217,110	\$246,670
Total Value:	\$636,810	\$726,700
Taxable Assessment: *	\$348,453	\$383,298

* Taxable Assessment after Tax Assessment Credit and after \$71,400 Homestead Credit, if applicable. ([Click here for more information](#)).

** This property is currently receiving tax relief through the Homestead deduction program. If you are not domiciled in the District or the property is not your principal place of residence, you are obligated to inform the Office of Tax and Revenue. This can be done by accessing the link below and completing the necessary form and returning it per the instructions. You may also write to the Office of Tax and Revenue, Real Property Administration, P.O. Box 176, Washington, DC 20044. For additional information regarding the Homestead program, call (202)727-4TAX. [Click here to download the Homestead Deduction and Senior Citizen Tax Relief cancellation application](#) *



PROPOSED NEIGHBOR TRASH REMOVAL AND EMERGENCY ACCESS PLAN

ZONING TABULATIONS		
OVERALL SITE AREA:	13,900 SF	
ZONING DISTRICT:	R-4	
	PROPOSED:	REQUIRED:
AVERAGE LOT AREA:	1,390 SF	1,500 SF (2604.3 IZ MODIFICAT'N)
AVERAGE LOT WIDTH:	17'-10"	16'-0" (W/ SPECIAL EXCEPTION)
AVERAGE REAR YARD:	29'-3"	20'-0"
AVERAGE LOT OCCUPANCY:	49%	60%
OFF STREET PARKING PROVIDED:	20	11

