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July 25, 2001

LINDSLEY WILLIAMS
SENIOR ADVISOR FOR LAND USE, PLANNING, AND ZONING
202-828-1893

Internet Address:

VIA HAND DELIVERY

Richard Nero
Office of Zoning
One Judiciary Square, Suite 200
441 Fourth Street, N.W.
Washington, D.C. 20001

Re: BZA Case No. 16773 (2633 Sixteenth Street, N.W., Lot 32, Square 2574)

Dear Mr. Nero:

As you know, on Tuesday, July 15, this firm filed an application for a variance on behalf of Totten Tower Limited Partnership relating to their property located at 2633 Sixteenth Street, N.W. (Lot 32, Square 2574). Your office assigned the application Case Number 16773. This case seeks a variance in the maximum allowable Floor Area Ratio in the R-5-D zone district, the zoning mapped to the site and surrounding area. The case was filed on a self-certification basis, the computations for which we received from the owner's architect, Robert S. Mills, AIA, of Commonwealth Architects, located in Richmond, Virginia. Mr. Mills is licensed to practice in the District of Columbia.

On Thursday, July 17, you advised me of your need to discuss portions of the self-certification form filed in connection with the above-captioned case, and you and I discussed this situation on that day agreeing on a course of action.

Over the next few days, I contacted the owner and his architect explaining what needed to be done, by whom, when, and why. Today, I received from the architect a substitute computation sheet (both sides 1 and 2). The change on the first page clarifies the source of the data initially filed and also reflected on the enclosed pages as the architect of record, Robert S. Mills, AIA. His name and signature appear in the "Agent" area, consistent with his relationship with the owners. The changes on the second page are consistent with your earlier guidance, except that he has identified all the parking and loading entries as "Not Applicable" instead of "completing" them per your request. This deviation arises from the fact that this is an historic landmark property and

BZA
Case No. 16773
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16773
EXHIBIT NO.26

parallel provisions of the Zoning Regulations provide that the standards generally set do not apply in those situations (see §2100.5 and §2200.5).

I personally supplemented the pages he supplied as follows (all typed on the original, differentiating them from handwritten entries made by or under the direction of Mr. Mills):

- On page 1, I completed the box relating to ANC(s) and Single Member Districts, with which Mr. Mills and his firm have less familiarity than we; I also added the case number, now that it has been established by your office.

- Also, on page 1, I replicated the entries made initially that denoted this is a variance case under §3103 and the FAR limit imposed at §402.4.

- Finally, on that page, I added Mr. Mill's District architectural registration number, ARC100013 in the appropriate cell.

- On page 2, I calculated and typed in the deviation percent in the relevant space based on his stated FAR figures. He notes the FAR variance sought amounts to 0.1748. Expressed as a percentage increase relative to the allowed 3.5, the increase amounts to 4.994 percent, which I rounded to 5.0 percent.

Enclosed please find the revised self-certification document.

For your information, the firm of Holland & Knight LLP will be providing *legal and related services* in connection with this application. We have requested and expect shortly to receive a letter from the owner to the Board making this relationship explicit, as well as clarifying the relationship the owners have with the certifying architect, Robert S. Mills of Commonwealth Architects.

Please let me know if you determine any other issues that need to be dealt with in making the necessary referrals to city officials and the Advisory Neighborhood Commission in which the project is situated, ANC 1-B. You can reach me at my office via telephone (202) 828-1873 or by email at LWilliams@hklaw.com. Thank you for your help in expediting this case on intake and set down.

Very truly yours,

HOLLAND & KNIGHT LLP

Lindsley Williams
Senior Advisor for Land Use,
Planning, and Zoning

Enclosure

cc: Timothy Chapman
Robert S. Mills, AIA
Advisory Neighborhood Commission 1-B (within which the site is located)
Advisory Neighborhood Commission 1-C (which begins across Sixteenth Street)

WAS1 #998228 v1

Form 1 - BZA Certification - Side 1 (Revised 03/07/00)

ZONING SELF CERTIFICATION FORM

Date	Project Address(es)			
7/25/01	2633 Sixteenth Street NW			
Square	**Lot(s)**	**Zone District(s)**	**ANC(s)/Single Member District(s)**	**Case No.**
2574	32	R-5-D	1-B / 1B-12	16773

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

☐	Use Variance DCMR 11 §3103	☒	Area Variance DCMR 11 §3103	☐	Special Exception DCMR 11 §3104

which is provided for by DCMR Title 11 Section No(s).: 3103 and 402.4

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia;
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief as a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
Larry S. Sniffen	Larry S. Sniffen
Agent's Signature	**Agent's Name (Please Print)**
Robert S. Mills, AIA	Robert S. Mills, AIA

D.C. Bar No.		or	Architect Registration No.	ARC100013

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is:

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA - Director of the Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * www.dcoz.dcgov.org

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on BZA Certification Form 1. All certification forms must be completely filled out (front and back) and be typewritten or legibly printed. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form per each application filed. Present this form with the BZA Form 2 application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING	REQUIRED	ALLOWED	PROVIDED	VARIANCE Deviation/Percent
Lot Area	21,788	N/A	N/A	N/A	N/A
Lot Width	100' x 220.37'	N/A	N/A	N/A	N/A
Lot Occupancy	N/A	N/A	N/A	N/A	N/A
Floor Area Ratio (FAR)	3.4966		3.5	3.6748	0.1748 (5.0%
Parking Spaces	N/A	N/A	N/A	N/A	N/A
Loading Berths	N/A	N/A	N/A	N/A	N/A
Front Yard	N/A	N/A	N/A	N/A	N/A
Rear Yard	N/A	N/A	N/A	N/A	N/A
Side Yard	N/A	N/A	N/A	N/A	N/A
Court, Open	N/A	N/A	N/A	N/A	N/A
Court, Closed	N/A	N/A	N/A	N/A	N/A

JUL-24-01 11:00 From:HOLLAND & KNIGHT LLP 307 2029555564 T-352 P.03/03 Job-620