Form 150
(Revised 04/29/02)

Case No. #17009

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

MOTION

Notice: See other side of motion form for instructions.

Applicant, Appellant, Appellee, Party, Intervener	vs.	Applicant, Appellant, Appellee, Party, Intervener
EmMark Brown		RWN Development Group

Motion of (state what you want the Board to do)

The "Brown's" would like to request a motion for reconsideration and/or a rehearing for the decision made July 7, 2003 for the case referenced above. The original deed to 1700 has been removed from public records and Ms. Brown feels the Deed could have an easement preventing the rear blockage of her residence 2316 17th Street, NW. (see B1)

Points and Authorities (state each and every reason why the Board should grant your motion, including relevant references to the Zoning Regulations or Map)

RWN Development submitted pictures to the Board of the "Brown's" property 2317 17th Street which are false. The pictures submitted were of 2314 17th Street (see attachment A). The correct pictures are shown on attachment B. The correct pictures shows that the height increase will block the rear entrance for fire escapes and installation of utilities. Attached are petitions of 58 neighbors opposing the height incr (see D

CERTIFICATE OF SERVICE

I hereby certify that on this (date) 17th day of (month) July, (year) 2003, I served a copy of the foregoing Motion on each agency that has requested party status or entities that have be granted party status on the above referenced BZA case via

☐ First-class mail ☐ Hand delivery ☐ Other (specify)

(ATTACH A LIST OF PARTIES SERVED)

Signature: EmMark Brown Applicant *

Print Name: EmMark Brown Firm/Organization:

Address: 2316 17th Street, NW Washington, DC 20009

* *In the event an authorized agent files a motion on the behalf of the maker of the motion, a letter signed by the maker of the motion authorizing the agent to act on his/her behalf shall accompany the notice of application.*

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

BZA Case No. 17009 Exhibit No. 36

Name:

Address:

Phone No: Fax No: E-Mail:

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17009
EXHIBIT NO. 36

MOTION FOR RE-HEARING

Re: BZA APPLICATION NO. 17009

HEARING DATE: May 13, 2003

DECISION DATE: June 3, 2003

PERSONS IN OPPOSITION: The Browns

The Browns hereby request a rehearing based on the following facts:

1. The hearing dated May 13, 2003, The Browns questioned whether there is an easement on the Deed for the rear exit of their property. A member of RWN Development Group stated that there is no easement. (See hearing minutes.)
2. The Deed for 1700 Kalorama Road, N. W. was removed from the file. Mr. Jeffrey Jennings from Council Member Jim Graham's office tried to locate this Deed. The original Deed is an issue for the development of any increase in the height of this property. Why was this Deed removed? YOUR DECISION SHOULD BE PLACED ON HOLD UNTIL A FULL INVESTIGATION HAS BEEN COMPLETED ON THE REMOVAL OF THE DEED. SOMEONE IN THE

RECORDER OF DEEDS OFFICE MUST HAVE REMOVED THIS DEED FROM THE FILE, WHICH IS ILLEGAL.

3. RWN Development Group submitted pictures with false information stating that 2314 – 17th Street, N. W. (see Attachment A) are The Brown's property. They know this is not The Brown's property. The corrected pictures are attached as Attachment B.

4. RWN Development has been in court with the owners of 2314 – 17th Street, N. W. (see Attachment C)

5. The height increase of the two-story addition over the parking garage will leave **2316** – 17th Street, N. W. (The Brown's property), with no fire exit to the rear. RWN has a right to build over the garage but only to a height of 40 feet. (See attachments A & B)

6. The rear of 1700 Kalorama Road, N. W. should have the same height (40 feet) as the other part of the building. A company that submits false information to the Zoning Board cannot be trusted to comply with any other ordinances.

7. The Zoning Board ruled to give RWN permission to increase the height of the building at 1700 Kalorama Road, N. W. This

means that the Zoning Board's ruling will allow the rear exit of The Brown's property to be closed off leaving no fire escape route.

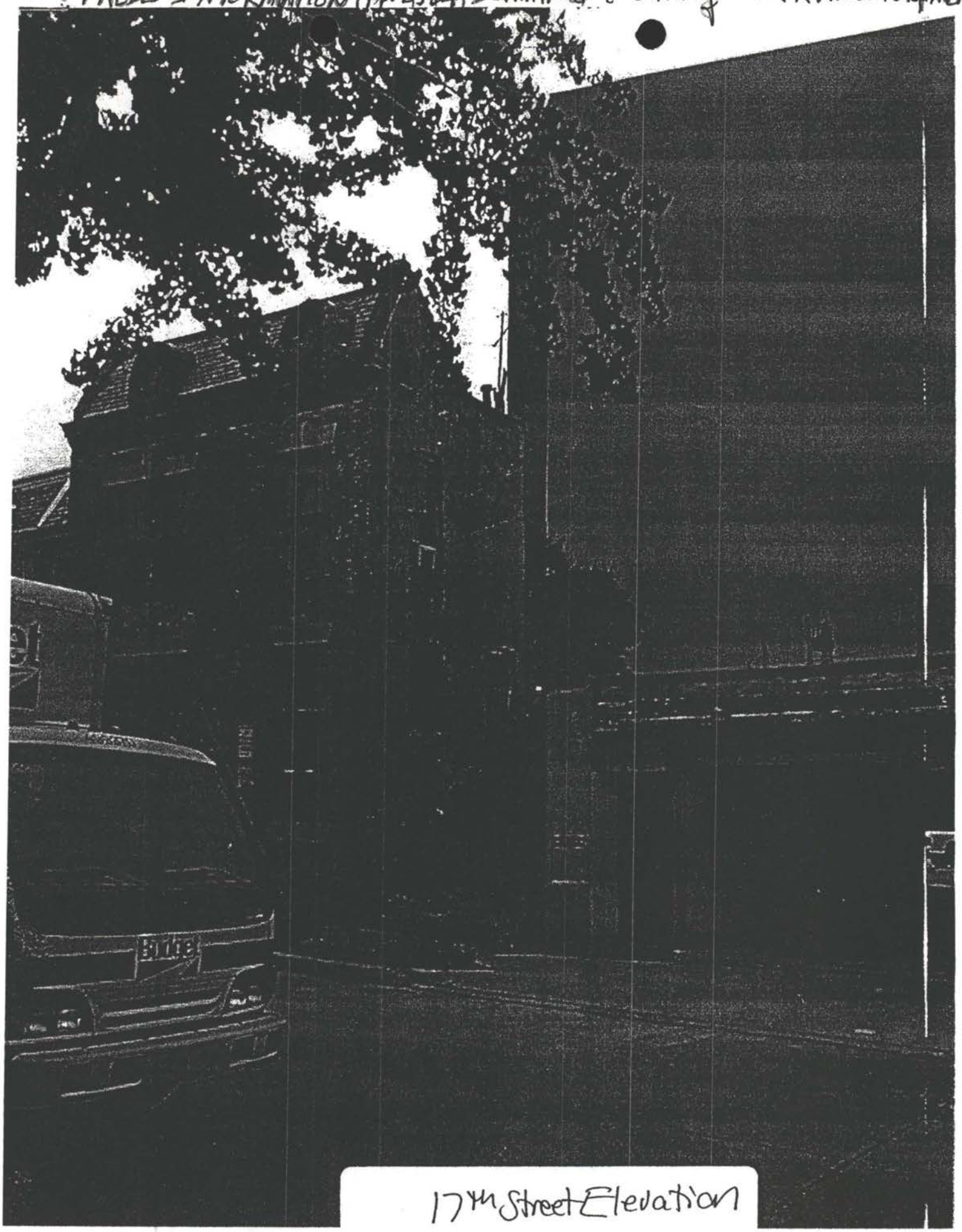
Therefore, attached to this Request for Rehearing, as Attachment D is a petition with 58 signatures opposing the height request for Kalorama Loft by RWN DEVELOPMENT GROUP. Fifty-five of these neighbors did not attend the May 13, 2003 hearing. Some of the neighbors did not receive a notice for the May 13, 2003 hearing. These neighbors have a right to be heard on this matter.

Dated: July 17, 2003.

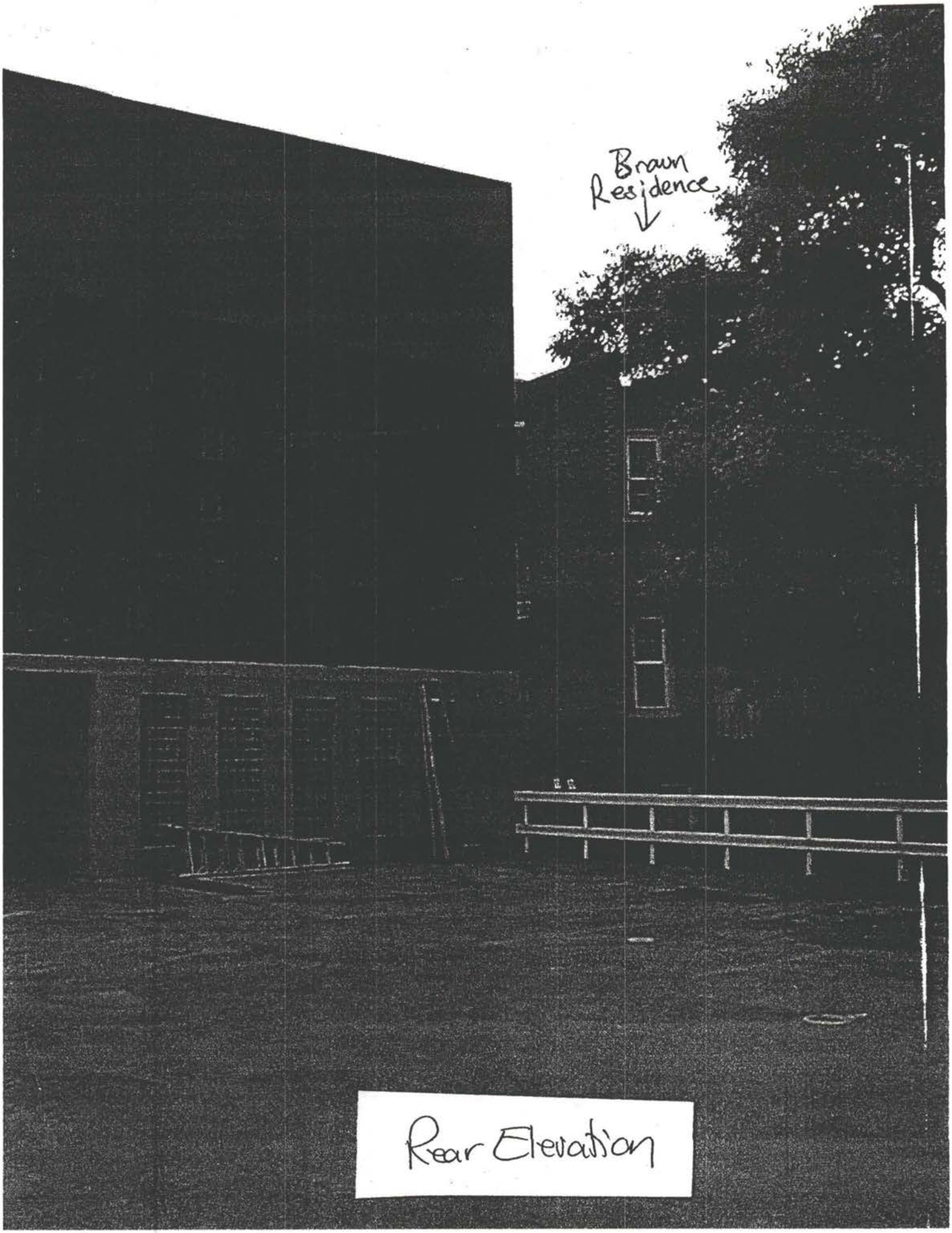
EMMARK BROWN

ATTACHMENT A

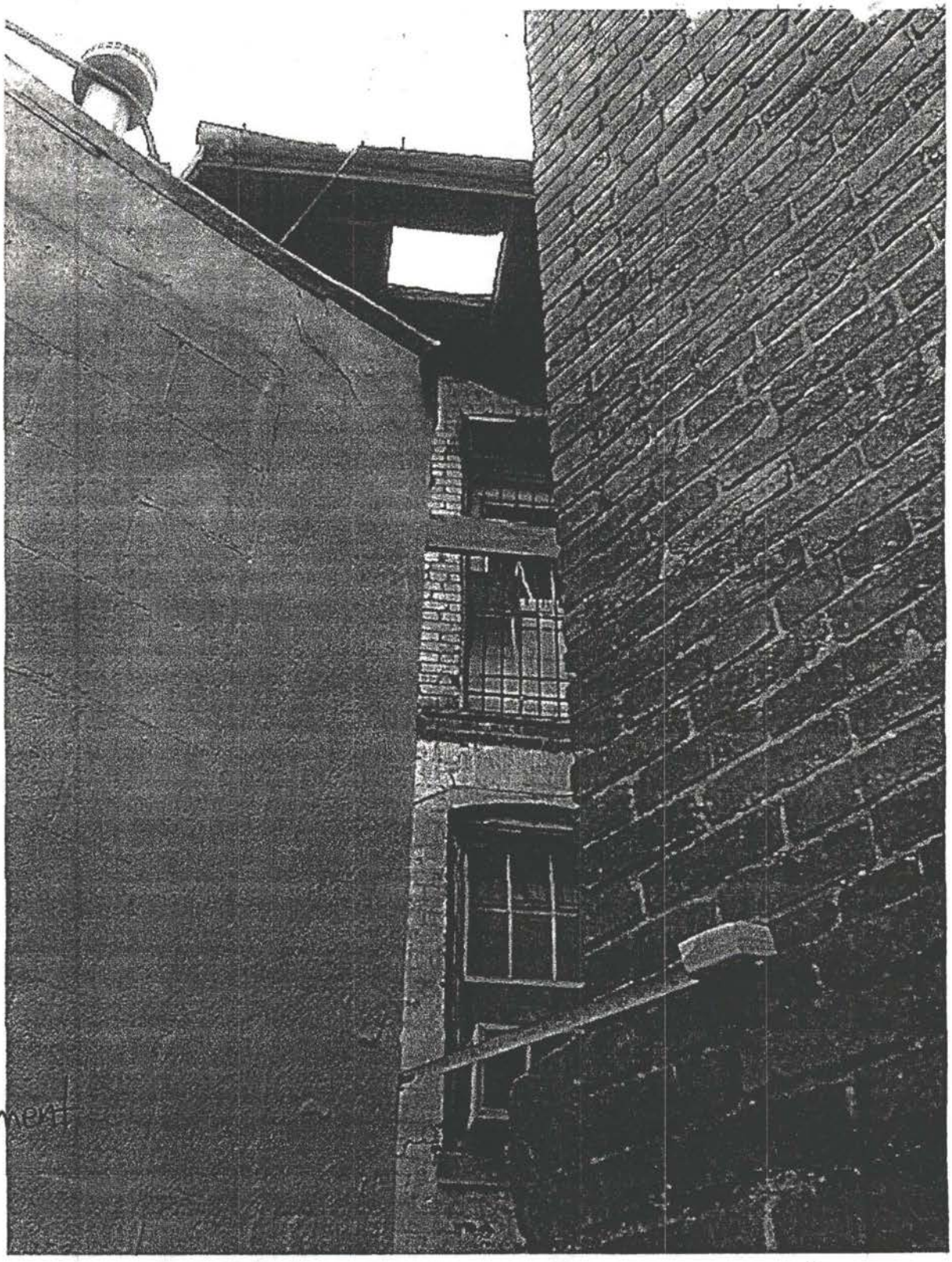
FALSE INFORMATION (pp. 23 & 4) SUBMITTED [illegible]



17th Street Elevation



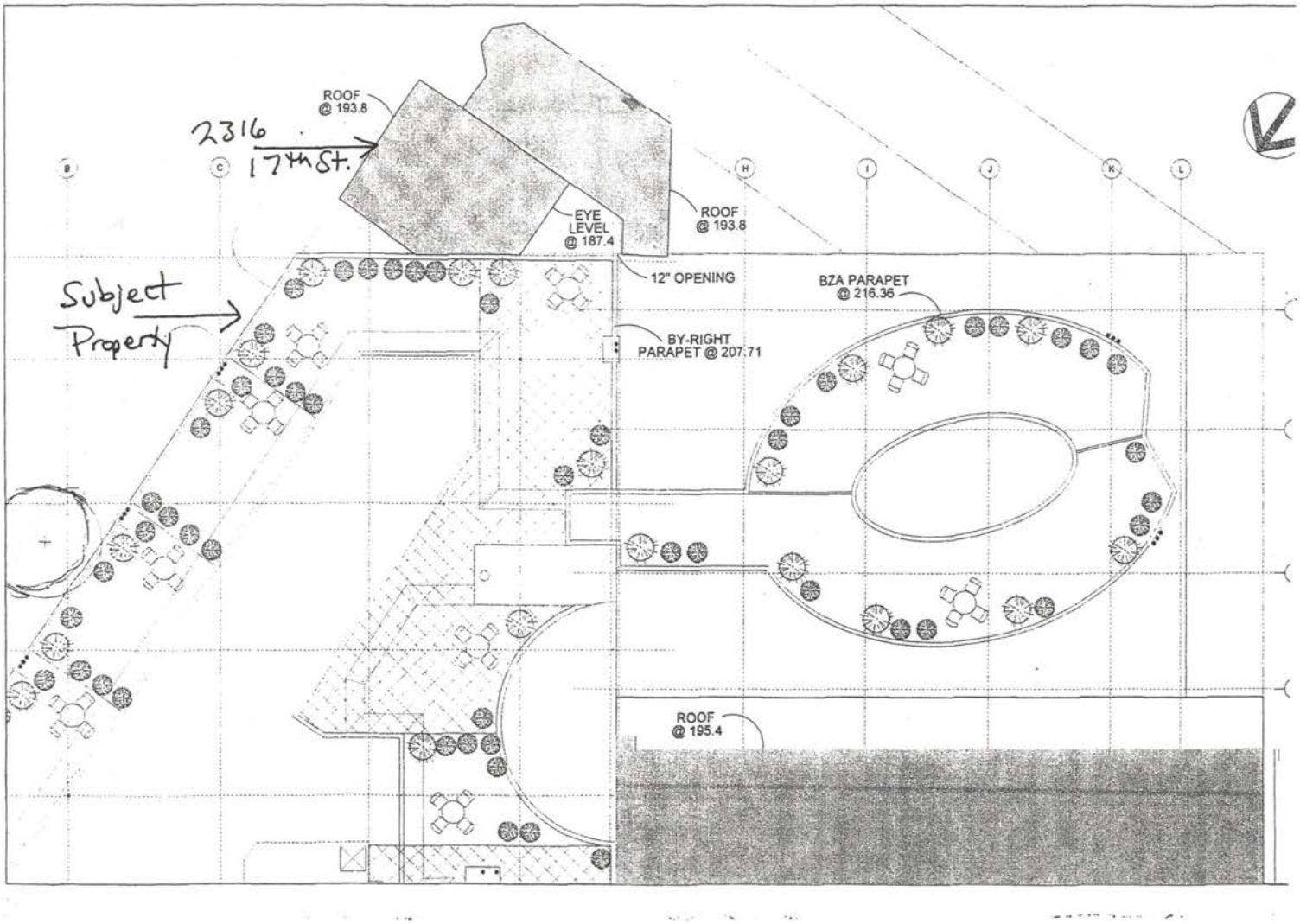
Rear Elevation



Subject Property

Close up of Rear

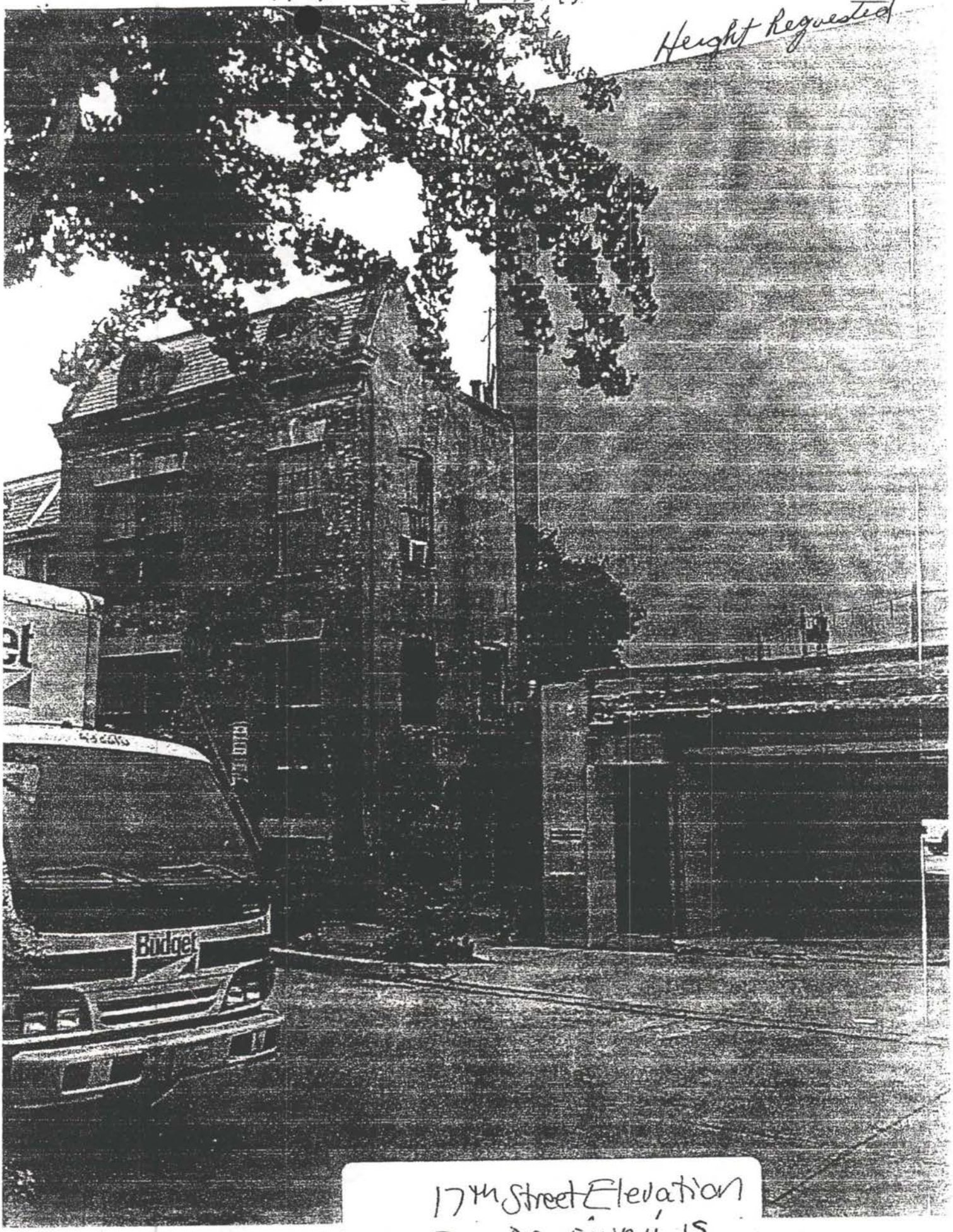
↑ Brown Residence


ROOF
@ 193.8
2316
17th St.
EYE
LEVEL
@ 187.4
ROOF
@ 193.8
12" OPENING
BZA PARAPET
@ 216.36
Subject
Property
BY-RIGHT
PARAPET @ 207.71
ROOF
@ 195.4

ATTACHMENT B

CORRECTION (see pp 2,3&4)

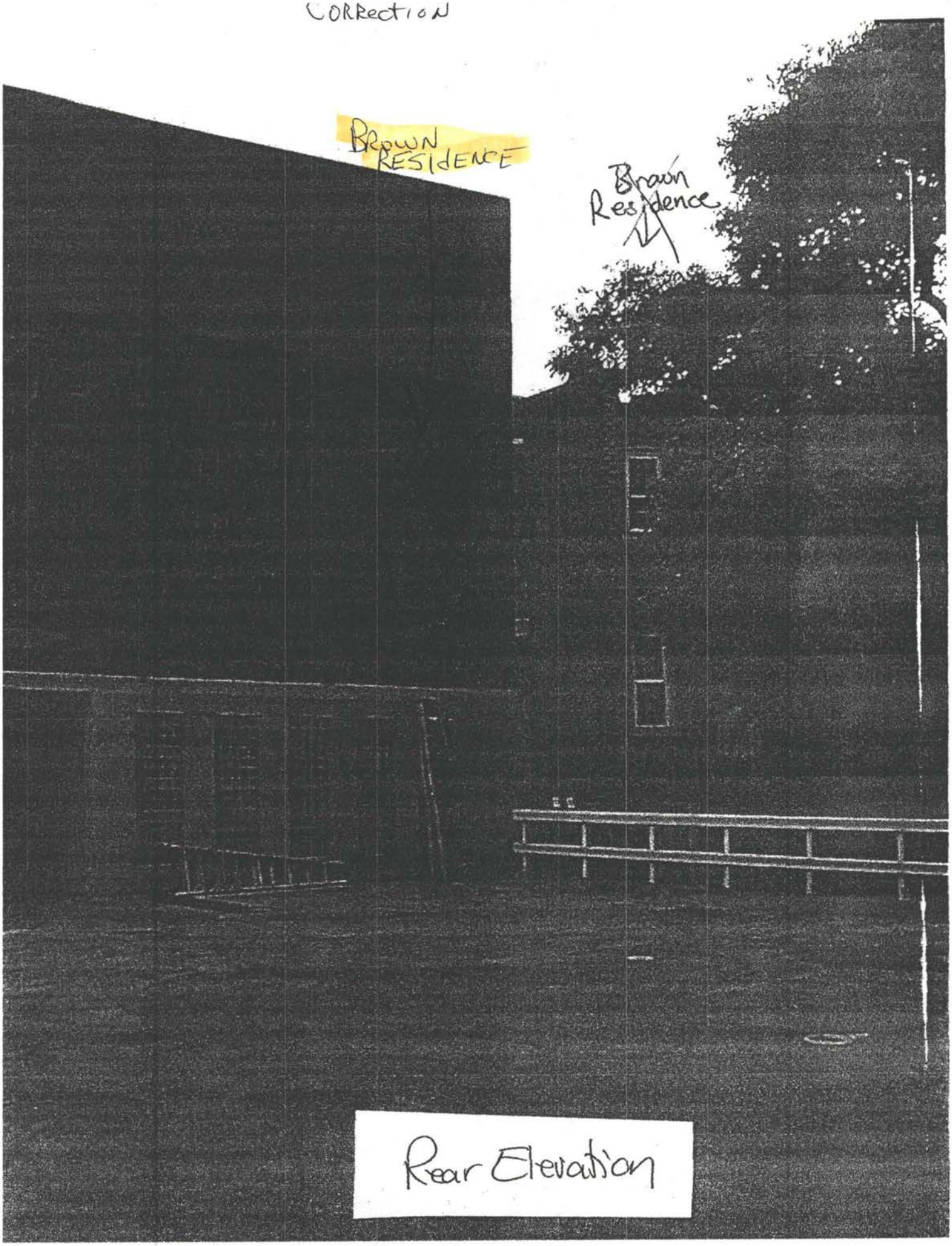
Height Requested



17th Street Elevation

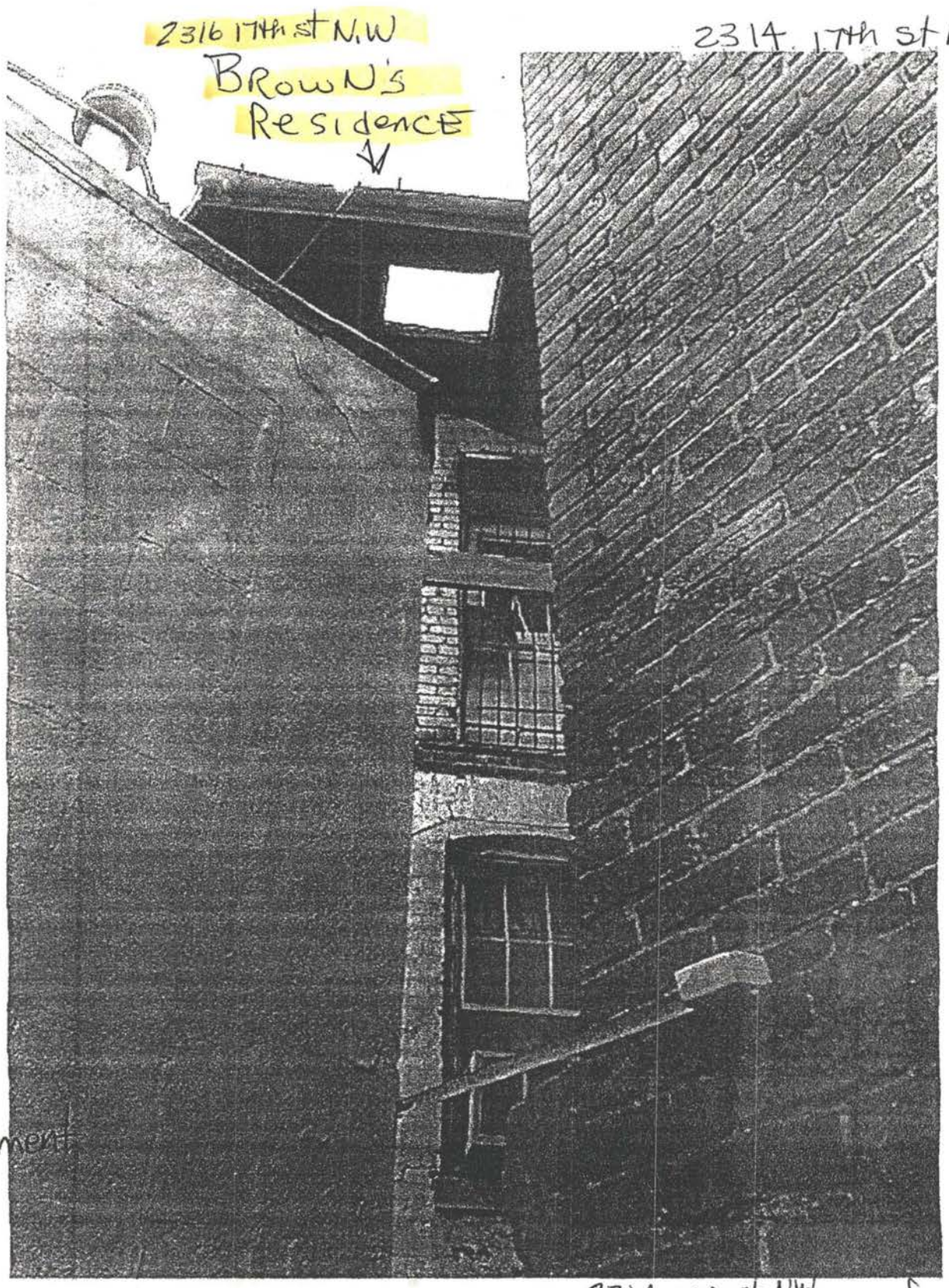
DISTANCE FROM WALKWAY TO DRIVEWAY IS
2311 17th St NW 1700 KALORAMA ROAD

CORRECTION



Rear Elevation

Correction

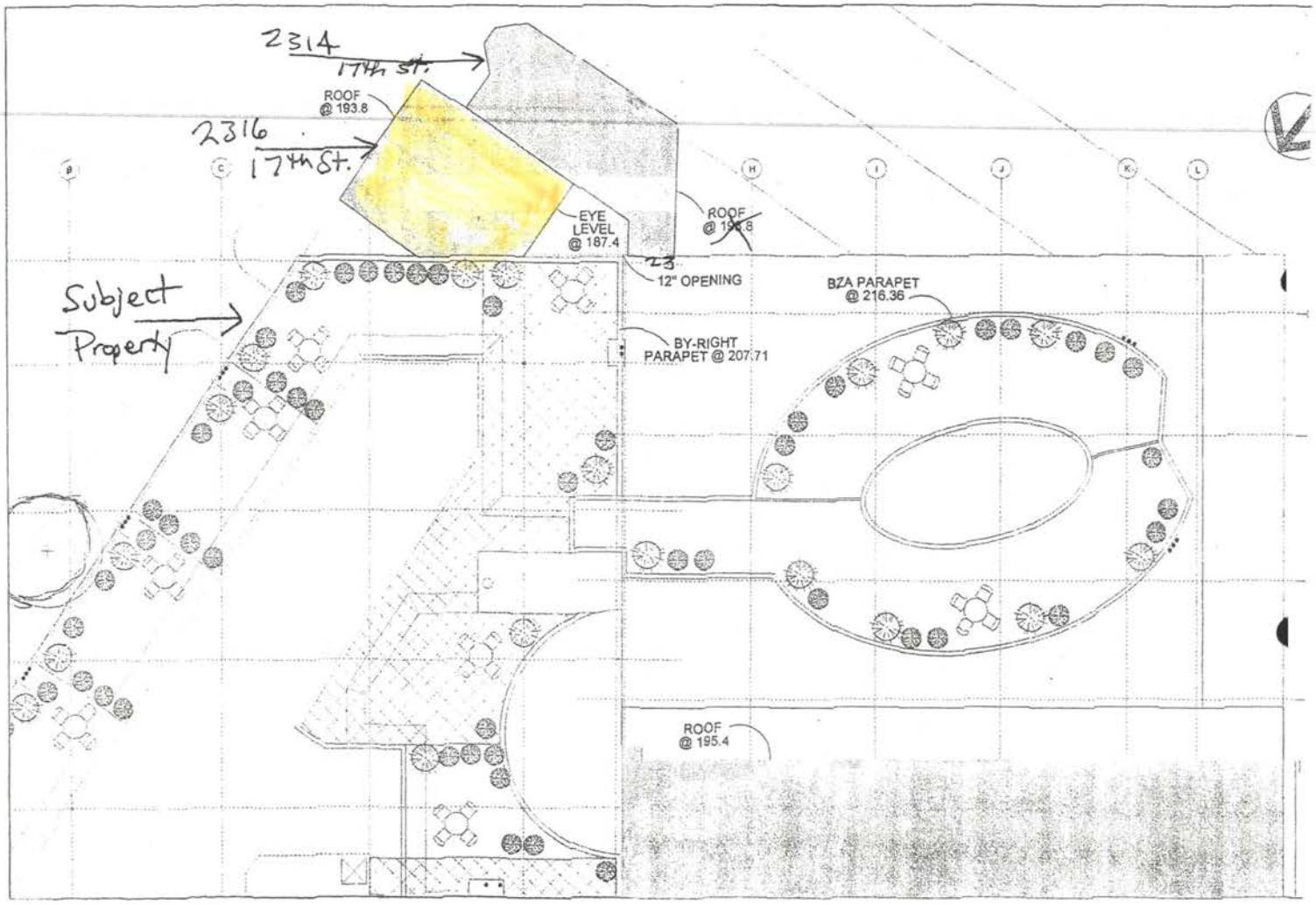


object property
Replacement

2314 17th St. N.W

Close up of Rear

Brown Residence


2314 17th St.
ROOF @ 193.8
2316 17th St.
EYE LEVEL @ 187.4
ROOF @ 193.8
12" OPENING
BZA PARAPET @ 216.36
Subject Property
BY-RIGHT PARAPET @ 207.71
ROOF @ 195.4

ATTACHMENT B1

ATTACHMENT B1

Facsimile Cover Sheet
Council of the District of Columbia
Office of Ward One Councilmember
Jim Graham

1350 Pennsylvania Avenue, NW, Suite 406
Washington, DC 20004
Telephone: 202/724-8181
Facsimile: 202/724-8109

To: DEA
Tel:
Fax: 301 816 9175

From: Jeff Jennings

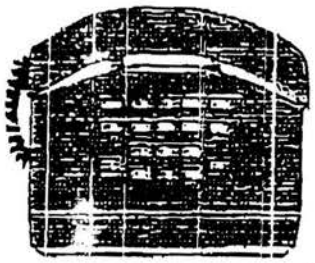
Date:

Total number of pages (including cover sheet):
Should you have any trouble with this transmittal, kindly notify the sender without delay.

Comments:

OFFICE OF TAX AND REVENUE
CUSTOMER SERVICE ADMINISTRATION
TELEPHONE INFORMATION CENTER
941 NORTH CAPITOL ST, N.E.
FIFTH FLOOR
WASHINGTON, DC 20002

Tax Fax



TODAY'S DATE: 7-17-03
TO: JEFF
LOCATION: Council Graham Office
TELEPHONE NUMBER: (202) 724-8181
FAX NUMBER: (2) 724-8109

FROM: Ms Jayne CSA
TELEPHONE NUMBER: (202) 727-4829
FAX NUMBER: (202) 442-6890.

COMMENTS: Copy of Order 1700 Kalorama Condo. LLC-

NUMBER OF PAGES ___

71204018
1 of 7

Doc# 80021:9729

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made on the 4th day of October, 2002, by 1700 Kalorama Limited Partnership, a District of Columbia limited partnership, having an address at 1700 Kalorama Road, NW, Suite 103, Washington, DC 20009 ("Grantor"), to 1700 Kalorama Condominium LLC, a District of Columbia limited liability company, having an address at 1700 Kalorama Road, N.W., Suite 105, Washington, D.C. 20009 ("Grantee").

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars ($10.00) in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey unto Grantee, its successors and assigns, in fee simple and with SPECIAL WARRANTY covenants of title, all that certain lot or parcel of land situate in the District of Columbia, as such land is more particularly described on Exhibit A attached hereto and incorporated herein (the "Real Estate").

TOGETHER WITH all improvements thereon and all easements, rights-of-way, waters, privileges, advantages, covenants, improvements thereon and appurtenant rights thereunto belonging; and

TOGETHER WITH all right, title and interest of Grantor in and to the land lying in the bed of any street, road or avenue, opened or proposed, in front of, abutting or adjoining the Real Estate.

TO HAVE AND TO HOLD the aforesaid Real Estate in fee simple absolute, subject to all recorded easements, conditions, restrictions, agreements and encumbrances that lawfully apply to the Real Estate.

AND Grantor does hereby further covenant that it will execute such further assurances of the said grant of the Real Estate as may be reasonably requisite.

[Signature Page Follows]

EXHIBIT A

LEGAL DESCRIPTION

All that certain property in the City of Washington, District of Columbia, more particularly described as follows:

Lot numbered 81 in Square 2567 in a subdivision made by 1700 Kalorama Limited Partnership as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 179, folio 36.

And known for purposes of taxation and assessments as Lot 0081 in Square numbered 2567.

IN TESTIMONY WHEREOF, Seventeen Hundred Corporation, a District of Columbia corporation, as sole General Partner of and for 1700 Kalorama Limited Partnership, has on this 4th day of October 2002, caused these presents to be signed by Michael Minkoff, its President, and its corporate seal to be affixed, and does hereby appoint Michael Minkoff its true and lawful attorney-in-fact either of whom may acknowledge and deliver these presents as its act and deed as the sole General Partner of and for 1700 Kalorama Limited Partnership.

1700 Kalorama Limited Partnership,
a District of Columbia limited partnership

By its Sole General Partner:

Seventeen Hundred Corporation
a District of Columbia corporation

By: _____
Name: Michael Minkoff
Title: President

District of Columbia)
)
_____) ss:

I, David M. Lautenberger, a Notary Public in and for the District of Columbia, DO HEREBY CERTIFY THAT Michael Minkoff, President and Attorney-In-Fact for Seventeen Hundred Corporation, the sole general partner of 1700 Kalorama Limited Partnership, personally appeared before me in the aforesaid jurisdiction, and as attorney-in-fact as aforesaid, and by virtue of the power vested in him by the foregoing and amended instrument, bearing the date of 4th day of October, 2002, acknowledged the same to be the act and deed of the Grantor named in such instrument.

Given under my hand and seal this 4th day of October, 2002.

_____
Notary Public

My Commission Expires:

David M. Lautenberger
Notary Public, District of Columbia
My Commission Expires 12-14-04

Doc# 20021197R9
Fee#:
Payee: —
Filed & Recorded
10/15/2002 10:50:43 PM
MARY KILEY
RECORDER OF DEEDS
WASHINGTON D.C. RECORDER OF DEEDS
RECORDING $ 20.00
SURCHARGE $ 5.00
RECORDATION TAX $ 50,600.00
TRANSFER TAX FE $ 56,903.80

RETURN TO: KINDRED
TITLE BY: JURIAN JE COMPANY
1028 Connecticut Ave. NW, Suite 709
Washington, DC 20036
ATTN: [illegible]

ATTACHMENT C

LAW OFFIC

KASS, MITEK & KASS
A PROFESSIONAL LIMITED L BILITY COMPANY
SUITE 11)
1050 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 0036-5596

(202) 659-(00
FAX: (202) 29 2608

BENNY L. KASS (DC, MD)
MARK M. MITEK (DC, PA)
BRIAN L. KASS (DC, MD)
JENNIFER M. OSTROWSKI (DC, MD)
LAURIE PYNE O'REILLY (DC, MD & VA)
RICHARD P. SCHMITT (DC, MD)

OF COUNSEL:
NATHANIEL E. BUTLER (DC, IL, CO)

Writer's E-Mail Address: rschn t@kmklawyers.com

February 27, 2003

GLORIA W BROWN
2316 17TH ST NW
WASHINGTON, DC 20009-2702

Dear Ms. Brown:

We have been asked by of one of your n hbors to research whether the planned construction at 1700 Kalorama Road i mpliant with the District of Columbia Zoning Code. ?

The developer's applications for building rmits suggest that the parking garage will be enlarged to the rear lot line of yo r property. The size of the planned construction may have a detrimental effect on t light and air reaching your home.

We would like to offer our services in det mining how best to protect your property rights.

Please call this writer at (202) 669-2986 t discuss how we may be of assistance.

Very t yours,

Richard P. Schmitt

DEA DoNot call this Law OFICE

F:\WP_FILES\CLIENTS\00402.102\ltr-1700 Kalor.wpd

I AM not going to hire their SERVICE
I AM CALLING

4/02 (1) ZONING 202 442 4610
(2) BUILDING Inspector 442 9557
(3) Consumer & Reg Affairs 442 4400
4/08 (4) MAYORS Command Center 727 1000 - MR DUPREE

ATTACHMENT D

This is a petition to **oppose** height request for Kalorama Loft by developer Richard Naige. The heightening of this project will change the life styles of the existing residence in the Kalorama neighborhood. It will reduce visibility and change the air quality for some neighbors. The extended garage could possible cause environmental hazard because more cars mean more exhaust fumes. The two Penthouse units that are planned for this project are not necessary.

Please sign this petition to be presented to the Zoning Board 2003 to show support in stopping the height request.

Thanks for your support.

1.	William F. Falls	2331 Ontario Rd NW
2.	Eric Hirshfield	2323 Ontario Rd NW
3.	Donald L. Messick	2310 17th St NW
4.	Greg Miller	2308 17th St NW
5.	Meg Asher	2308 17th St
6.	Melissa McKim	2304 17th St.
7.	L Holland Somers	2298 17th St. NW #1
8.	Robert Sierralta	2298 17th St. NW #2
9.	Michael Evans	2298 17th NW #4
10.	Thomas A. Frankiewicz	2337 17th St. NW
11.	Jordan Fitzgerald	2337 17th St NW #2003
12.	Hyacinth Sharpe	1678 Kalorama Rd
13.	Heidi Eitel (Heidi Eitel)	1680 Kalorama Rd NW
14.	Brian Yourish	1680 Kalorama Rd NW
15.	Noreen O'Connor	2320 Ontario Rd NW
16.	Rich Hanerff	2320 Ontario Rd NW
17.		2322 Ontario Rd NW
18.	Hugo Roell	2312 ONTARIO ROAD N.W

DID NOT RECEIVE ZONING HEARING NOTI

This is a petition to **oppose** height request for Kalorama Loft by developer Richard Naige. The heightening of this project will change the life styles of the existing residence in the Kalorama neighborhood. It will reduce visibility and change the air quality for some neighbors. The extended garage could possible cause environmental hazard because more cars mean more exhaust fumes The two Penthouse units that are planned for this project are not necessary.

Please sign this petition to be presented to the Zoning Board 2003 to show support in stopping the height request.

Thanks for your support.

1. Lisa M. Landmeier 2312 ONTARIO ROAD NW
2. Roland Richardson 2231 Ontario Rd NW #24
3. CLARK L. TYNES 3478 23rd St SE
4. Delores Harris 223 ONTARIO RD NW #A
5. Victoria Smith 231 ONTARIA RD NW #35
6. William Wilton 231 ONTARIA RD #34
7. Amy Lawson 22 Ontario Rd #22
8. Ophelia Little 2231 ONTARIO Rd #17
9. Gloria L. Johnson-223 Ontario Rd. N.W. Apt #23
10. Donald Nicken 2301 Ontario Rd
11. Terrence Mann 2301 Ontario Rd
12. KEVIN SHEETZ 2307 ONTARIO ROAD NW
13. Scott Lewins 1685 Crescent Place #1
14. Patricia Hest 1661 Crescent Pl. #410
15. [illegible] 1661 Crescent Pl #410
16. [illegible] 1661 Crescent Pl. #21
17. [illegible] 1661 CRESCENT PL #401
18. [illegible] 1685 CRESCENT PL NW #27

This is a petition to **oppose** height reques Kalorama Loft by developer Richard Naige. The heightening of this project will c ge the life styles of the existing residence in the Kalorama neighborhood. It will redu isibility and change the air quality for some neighbors. The extended garage co ossible cause environmental hazard because more cars mean more exhaust fumes. e two Penthouse units that are planned for this project are not necessary.

Please sign this petition to presented to the Zoning Board 2003 to show support in stopping the hei request.

Thanks for your support.

1. M J WISHART 2254 ONTAR RD NW, 20009
2. 2252 ONT RD NW 20009
3. 2250 Ontar Rd NW 20009
4. Caroline Smith 2248 Ont rio Rd NW 20009
5. 2238 ONTARIO NW 20009
6. 2207 onto olo Rd NW 20009
7. 2207 onto NW 20009
8. 2207 Ontario NW 20009
9. 2219 ntario Rd NW 20009
10.
11.
12.
13.
14.
15.
16.
17.
18.

APPLICATION NUMBER 170.

This is a petition to **oppose** the 10 feet heigh[t] Loft by developer Richard Naige. The heightening of this proj[ect] styles of the existing residence in the Kalorama neighborhood. It [will] rec[ommend] change the air quality for some neighbors. The extended g[arage] c[ould] use environmental hazard because more cars mean more exhaus[t] [and] house units that are planned for this project are not necessary.

Please sign this p[etition] on [May 20] to the Zoning Board on May 23, 2003 to show support in stoppin[g] [this] Thanks for your support.

1. Emmett Brown 2316 17th St.
2. Gloria Brown, 2316 17th St. NW [Wash.] DC
3. Deadrid Braun 2316 17th St. NW Wash., DC
4. B Reed Parker 2312 17th St. NW Wash. DC B. Reed Parker
5. [illegible] 2327 17th St. NW Wash, DC
6. Marsha Peterson 2327 17th St. NW Wash DC
7. Jennifer Morse 2319 Ontario Rd NW WDC 20009
8. [illegible] Howard 2311 Ontario Rd NW 20009
9. Raymond Rawlinson 2321 17th St NW WDC 20009
10. Ellen McLaren 2317 Ontario Rd NW WDC 20009
11. Catherine [illegible] 2320 Ontario Rd. N.W.
12. Jonathan Swafford [illegible] 2321 17th St NW, Washington DC 20009
13. Jessica Myers Jessica Myers 2312 17th St. NW, Washington DC 20009
14. _____
15. _____
16. _____
17. _____
18. _____