BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:

Rodut Associates of DC, LP from the Administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs (DCRA) to issue Certificate of Occupancy No. CO 100692, dated July 5, 2005, authorizing the use of an apartment building 1150 K Street, NW	)	**BZA Appeal No. 17430** **Hearing: March 21, 2006**

DISTRICT OF COLUMBIA
BOARD OF ZONING
2006 MAR 21 P 2:16

SUPPLEMENTAL INFORMATION TO OWNER'S MOTION TO DISMISS

After a review of Appellant's Prehearing Statement and in order to clarify the record, Owner submits for the Board's consideration copies of three (3) certificates of occupancy relating to the residential occupancy at 1150 K Street, NW (see Attachment A). All of these certificates of occupancy have been updated by BLRA to indicate that they regard uses in Lot 27 in Square 317. Owner submits that the original issuance of Certificate of Occupancy No. CO100692, which is the certificate that is the subject of the present appeal, as well as the other two certificates of occupancy relating to the apartment use (CO102476 and CO102814), were appropriately issued, as they reference only address 1150 K Street, NW, with no reference to lot or square. Nonetheless, Owner has obtained three re-issued certificates of occupancy from BLRA that reference Square 317, Lot 27. Owner also notes that the application relating to CO102814, relating to eight apartment units, did originally reference Lot 27 (see Attachment B).

Owner further submits that the Board should dismiss the appeal for lack of jurisdiction given the untimely nature of the appeal and Appellant's failure to meet the standing requirement to demonstrate aggrievement through the issuance of the certificate of occupancy. Even should the Board determine to entertain the appeal, there is no question but that the appeal should be dismissed as totally without merit and failing to state a claim which would require action by the Board other than to deny and dismiss with prejudice. With the re-issuance of Certificate of Occupancy No. 100692 to explicitly reference Lot 27, in Square 317, the appeal is now clearly moot.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17430
EXHIBIT NO. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17430
EXHIBIT NO. 25

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Supplemental Information to Owner's Motion to Dismiss was served this 20th day of March, via hand delivery, upon the following:

John Patrick Brown, Jr., Esq.
Stephanie A. Baldwin, Esq
Greenstein Delorme & Luchs
1620 L Street, NW
Suite 900
Washington, DC 20036

Charles D. Reed
Chairman, ANC 2F
5 Thomas Circle, NW
Washington, DC 20005

Isabel M. Pacheco, Esq., Assistant Attorney General
Dennis Taylor, Esq., Assistant Attorney General
941 N. Capitol Street, NE
Suite 9400
Washington, DC 20001

1150 K Condominium Association
1150 K Street, NW
Washington, DC 20005

Bill Crews
Zoning Administrator
941 N. Capitol Street, NE
Second Floor
Washington, DC 20002

Ronald Walton
2020 K Street, NW
Suite 800
Washington, DC 20006

Dennis R. Hughes

Dennis R. Hughes

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.
CO 100692

THIS PERMIT IS VALID ONLY FOR THE PREMISES OF THE PROJECT ADDRESS

DATE : 7/5/2005

ADDRESS:	FLOOR(S):	PRCLID : (square) (lot)
1150 K ST NW L	BASEMENT 2ND.THRU 14TH FL.,P1-P4	WARD : ZONE :

PERMISSION IS HEREBY GRANTED TO :
CORPORATION : 1150 INVESTORS INC.
ID No.: 242807

TRADING AS:
1150 K STREET CONDOMINIUM

APPROVED USES:
APARTMENT BUILDING

PREVIOUS USES
OTHER - SEE DESCRIPTION

TYPE:	OCCUPIED SQ. FOOTAGE:	OCCUP. LOAD:	EXPIRATION DATE:
NEW C/O	[redacted]	121	NONE

DESCRIPTION OF USE:
CONDOMINIUM 121 UNITS AND PARKING GARAGE. LOT [redacted]

FEES
TEC
$55.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premises at the above address or part thereof, and for the purpose(s) described above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used thereby will render this Certificate VOID and a NEW Certificate must be obtained.

Patrick J. Canavan, Psy. D.
DIRECTOR

PERMIT CLERK
THINGOC MACKOAN

Department of Consumer & Regulatory Affairs
District of Columbia Government

Attachment A

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.: CO 102476

THIS PERMIT IS VALID ONLY FOR THE PREMISES OF THE PROJECT ADDRESS

DATE : 8/4/2005

ADDRESS	FLOOR(S):	PRCLID : (square) (lot)
1150 K ST NW 911	PART OF 5TH FL	WARD : ZONE :

PERMISSION IS HEREBY GRANTED TO :
CORPORATION : 1150 INVESTORS, INC
ID No: 242807

TRADING AS :

APPROVED USES :	PREVIOUS USES :
OTHER - SEE DESCRIPTION	OTHER - SEE DESCRIPTION

TYPE :	OCCUPIED SQ. FOOTAGE :	OCCUP. LOAD :	EXPIRATION DATE :
LOAD CHANGE	1,1[illegible]	1	NONE

DESCRIPTION OF USE :
LOT:27 SQUARE: 317 - CONDOMINIUM UNIT (1) UNIT

$75.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated. VALID ONLY for the premises at the above address or part thereof, and for the purpose(s) indicated above, and is NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

Patrick J. Canavan, Psy. D.
DIRECTOR

PERMIT CLERK : JOSEPH BEMBRY

Department of Consumer & Regulatory Affairs
Document Control Center

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.:
CO 102814

THIS PERMIT IS VALID ONLY FOR THE PREMISES OF THE PROJECT ADDRESS

DATE : 8/9/2005

ADDRESS:	FLOOR(S):	PRCLID : (square) (lot)
1150 K ST NW	PART OF 3RD, 4TH, 6TH, 8TH, 9TH & 10TH	WARD : ZONE :

PERMISSION IS HEREBY GRANTED TO:
CORPORATION : 1150 INVESTORS, INC
ID No.: 242807

TRADING AS:

APPROVED USES :
OTHER - SEE DESCRIPTION

PREVIOUS USES :
OTHER - SEE DESCRIPTION

TYPE:	OCCUPIED SQ. FOOTAGE:	OCCUP. LOAD:	EXPIRATION DATE:
NEW C/O	[illegible]	6	NONE

DESCRIPTION OF USE:
LOT:27 SQUARE:317 - CONDOMINIUM BUILDING (8) UNITS

FEES:
$89.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY unless an expiration date is stated. VALID ONLY for the premise at the above address or part thereof, and for the purpose(s) indicated above, and is NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

Patrick J. Canavan, Psy, D.	PERMIT CLERK:
DIRECTOR	[illegible] MACKOAH

Department of Consumer & Regulatory Affairs

8/9/05 Appeal

20366

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
APPLICATION FOR CERTIFICATE OF OCCUPANCY

Date 8/8/05 Receipt No _____

Application Fee $33.00 Non Refundable
Certificate Fee is Based on square footage 102814 Cashier's No. _____

INFORMATION ON PROPOSED BUSINESS

1 Premise Address 1150 K STREET, NW, WASH. DC 20005 Suite/Room No. _____
2 Business Telephone No 2029740405 Fax No 2029740 Lot 27 Square 317
3 Trade Name of Business 1150 INVESTORS INC
4. Is Business Incorporated? Y/N Y Partnership? Y/N _____ Sole Proprietor? Y/N _____ New/Existing _____
5 Corporate Name 1150 INVESTORS, INC 242807
6. President RONALD E. WALTON Vice President J. W. WALTON Secretary R. HARRIS
7 Sole Proprietor _____
8. Business Owner's Mailing Address 2020 K ST, N.W. #850, WASH., DC 20006 phone # (daytime) 202974-0405

INFORMATION ON OCCUPANCY

9. ☐Ownership Change ☒Partial Occupancy ☐New Bldg. ☒Use change ☒Load Change ☐B Z A No _____
10. Proposed Use of Premises RESIDENTIAL Condominium Bldg 8 UNITS
11. Prior Use of Premises Vacant
12 Proposed Occupancy Load 8 Units Square Feet Occupied 8488
13. Floors to be Occupied Part of 3rd 4th 6th 8th 9th 10th FILTH Basement? ☐Yes ☐No
14 Is this Business Sexually Oriented according to the DC Zoning Regulations? ☐Yes ☒No

INFORMATION ON ENTIRE BUILDING

15. Building Owner 1150 INVESTORS, INC Telephone No. 2029740405
16 Building Owner's Address 2020 K STREET, NW, WASH. DC. 20006
17 Square feet 20,970 Numbers of floors 14 Basement yes

ATTESTATION & SIGNATURE

I certify that all of the statements on this application are true to the best of my knowledge and belief, I agree to comply with all applicable laws and regulations of the District of Columbia.

18 Owner of Business _____ Date _____
Signature

If Authorized Agent for owner of Business (Attach Authorization)
19 Agents Name CARLOS PONCE Date _____
Print Clearly Signature
20 Agents Address 3606 Newton PL NW WASH DC 20016

Visit our website www.dcra.dc.gov/dcra/permits for permit applications

Attachment B

7,488
$488
10.00

$1,000.

NOTICE	TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL AT 1 - 800 - 521 - 1639. ALL CALLS ARE CONFIDENTIAL

13.9 52

OFFICE USE ONLY

ADDRESS

Premise Address 1150 K St. NW Suite/Room No.

ZONING DIVISION

Zone C-3-C Overlay District Y / N B.Z.A No. B.Z.A approved date

Prior Use (New Bldg # B452,618)

Ltr: 6/26/03 for 8 Units

Date of Last Certificate Last Certificate No Prior B.Z.A No

Accepted for filing by Date

EXAMINERS USE

Use Change [X] Yes [ ] No Inspections Required [ ] Yes [ ] No. By Date

Building Permit Required [ ] Yes [ ] No By Date 8/9/05

Inspection Fee $ Issuance Fee $ 5[illegible]00 By Date

Approved for issuance by Date

C of O INSPECTION

Date of scheduled Certificate of Occupancy inspection 8/9/05

Inspection Status [ ] Approved [ ] Disapproved By Branch Date

Inspector's Signature Printed Name

Reason for Disapproval

C of O APPROVAL

[ ] Approved [ ] Denied [ ] Canceled By

Reason for Denial/Cancellation

If Approved, Certificate of Occupancy No. Date of Issuance

Bldg 8/2/05 Electric 8/2/05 Plumbing 8/1/05 Fire 8/2/05 Zoning

Visit our website www.dcra.dc.gov/permits for permit applications.