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**Roster of Persons 210 Feet or Less from Jemal's Takoma
 Lots in Square 3357 -- Washington, DC**

SSL	PREMISES	OWNERS
3353 0052	Carroll St	FCP Takoma Central LLC 5425 Wisconsin Ave. - Ste. 202 Chevy Chase, MD 20815-3583
3354 0013 3354 0014	0221 Vine St., NW 0225 Vine St., NW	225 Vine Street LLC 225 Vine St., NW # 00700 Washington, DC 20012-2019
3354 0023	0254 Carroll St., NW	Jet Enterprises, LLC 254 Carroll St., NW Washington, DC 20012-2006
3354 0833 3354 0834	0232 Carroll St., NW 6928 Maple St., NW	Maple Park Associates LLC 7101 Wisconsin Ave. - Ste. 1203 Bethesda, MD 20814-4873
3355 0005 3355 0802	0218 Vine St., NW Maple St., NW	Raymar Corporation Raymond J. Anselmo 3611 Cardiff Rd. Chevy Chase, MD 20815-5945
3355 0811	0300 Vine St., NW	Fenton Street Limited 300 Vine St., NW Washington, DC 20012-2022
3357 0034	6912 Willow St., NW	David G. Warhurst Collette N. Surla 6912 Willow St., NW Washington, DC 20012-2024
3357 0035	6910 Willow St., NW	Timothy D. Robertson Rachel Cipryk 6910 Willow St., NW Washington, DC 20012-2024
3357 0039	6914 Willow St., NW	Donald L. Washington 6914 Willow St., NW Washington, DC 20012-2024

SSL	PREMISES	OWNERS
3357 0047	6901 Maple St., NW	Ralph E. G. & T. K. Mensah 6901 Maple St., NW Washington, DC 20012-2013
3357 0049	6908 Willow St., NW	C. A. Werner Jack F. Werner, Jr. 6908 Willow St., NW Washington, DC 20012-2024
3357 0057	6827 Sandy Spring Rd., NW	Paul M. Pietsch Ambria B. Archibald 6827 Sandy Springs Rd., NW Washington, DC 20012-2017
3357 0060	0112 Carroll St., NW	Jamal's Takoma Pad L.L.C. 702 H St., NW - Ste. 400 Washington, DC 20001-3875
3357 0828	Willow St	Timothy D. Robertson Rachel Cipryk 6910 Willow St., NW Washington, DC 20012-2024
3357 0829	6915 - 6917 Maple St., NW	Pavit and Shraya Viswalingam Family Trust 5022 Warren St., NW Washington, DC 20016-4370
3357 0830	6906 Willow St., NW	Martin T. Elst 6906 Willow St., NW Washington, DC 20012-2024
3357 0833	6903 Maple St., NW	Peter Weiss Joann Axtmann 6903 Maple St., NW Washington, DC 20012-2013
3357 0841	6907 Maple St., NW	Mark Perry Wendy Caron 118 Van Buren St., NW Washington, DC 20012-2149

SSL	PREMISES	OWNERS
3357 0842	6909 Maple St., NW	Jose E. Feliciano Kwanza M. Jones 408 Pacific Ave. Venice, CA 90291-2510
3359 0005 3359 0043 3359 0048	6905 Willow St., NW Willow St 6856 Eastern Ave., NW	Donald Jemal Douglas Development Corp 702 H St., NW - Ste. 400 Washington, DC 20001-3875
3359 0047	6830 Laurel St., NW	Strayer University Inc. 2121 15th St N. # 300 Arlington, VA 22201-2625
3359 0049	6896 Laurel St., NW	Jemal's WTU LLC 702 H St., NW F1 4 Washington, DC 20001-3874
3355 0805 3355 0807 Par 01160058 Par 01160060	Maple St., NW Vine St., NW Cedar St., NW Cedar St., NW	Washington Metropolitan Area Transit Authority (WMATA) 600 5th St., NW Washington, DC 20001-2610

FCP Takoma Central LLC
5425 Wisconsin Ave. - Ste. 202
Chevy Chase, MD 20815-3583

Jet Enterprises, LLC
254 Carroll St., NW
Washington, DC 20012-2006

Raymar Corporation
Raymond J. Anselmo
3611 Cardiff Rd.
Chevy Chase, MD 20815-5945

David G. Warhurst.
Collette N. Surla
6912 Willow St., NW
Washington, DC 20012-2024

Donald L. Washington
6914 Willow St., NW
Washington, DC 20012-2024

C. A. Werner
Jack F. Werner, Jr.
6908 Willow St., NW
Washington, DC 20012-2024

Jamal's Takoma Pad L.L.C.
702 H St., NW - Ste. 400
Washington, DC 20001-3875

Pavit and Shraya
Viswalingam Family Trust
5022 Warren St., NW
Washington, DC 20016-4370

Peter Weiss
Joann Axtmann
6903 Maple St., NW
Washington, DC 20012-2013

Jose E. Feliciano
Kwanza M. Jones
408 Pacific Ave.
Venice, CA 90291-2510

225 Vine Street LLC
225 Vine St., NW # 00700
Washington, DC 20012-2019

Maple Park Associates LLC
7101 Wisconsin Ave. - Ste. 1203
Bethesda, MD 20814-4873

Fenton Street Limited
300 Vine St., NW
Washington, DC 20012-2022

Timothy D. Robertson
Rachel Cipryk
6910 Willow St., NW
Washington, DC 20012-2024

Ralph E. G. & T. K. Mensah
6901 Maple St., NW
Washington, DC 20012-2013

Paul M. Pietsch
Ambria B. Archibald
6827 Sandy Springs Rd., NW
Washington, DC 20012-2017

Timothy D. Robertson
Rachel Cipryk
6910 Willow St., NW
Washington, DC 20012-2024

Martin T. Elst
6906 Willow St., NW
Washington, DC 20012-2024

Mark Perry
Wendy Caron
118 Van Buren St., NW
Washington, DC 20012-2149

Donald Jemal
Douglas Development Corp
702 H St., NW - Ste. 400
Washington, DC 20001-3875

Strayer University Inc.
2121 15th St N. # 300
Arlington, VA 22201-2625

Jemal's WTU LLC
702 H St., NW FI 4
Washington, DC 20001-3874

Washington Metropolitan Area Transit
Authority (WMATA)
600 5th St., NW
Washington, DC 20001-2610



**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE: FEE UNIT TOTAL
 VARIANCE:

Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	2	\$2,080.00
TOTAL FOR VARIANCES:			\$2,080.00

SPECIAL EXCEPTION:

Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%	1	\$8,632.00
TOTAL FOR SPECIAL EXCEPTIONS:			\$8,632.00

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APPEAL:

NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			
GRAND TOTAL:			\$10,712.00

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Name: LEILA M. JACKSON BATTES Signature: Leila Battes

Exhibit No. _____ Last Revised (10/18/10) Case No. _____

SAMPLE CALCULATION:

Application of XXXXXXXXXXXX, pursuant to 11 DCMR §§ 3104.1, 3103.2, and 1202, for a variance from the lot occupancy requirements under subsection 403.2, a variance from the rear yard requirements under section 404, a variance from the nonconforming structure requirements under subsection 2001.3, a variance from the driveway width requirements under subsection 2117.8(c)(2), and a special exception to allow the expansion of a building devoted to a non-profit organization use under section 217, in the CAP/R-4 District at premises 224 2nd Street, S.E. (Square 762, Lot 7).

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	4	\$4,160.00
TOTAL FOR VARIANCES:			\$4,160.00
SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560	1	\$1,560.00
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			\$1,560.00
APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			-
GRAND TOTAL:			\$5,720.00

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If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

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**Amended Preliminary Statement of Compliance with Burden of Proof
BZA Application No. 18671**

This amended statement is submitted by Jemal's TP Land LLC, (the "Applicant"), the owner of Lots 26-29, 40, 808, 811, 814, 815, 818-820, 824, 825, 840 and 843 in Square 3357 (the "Property"). The Applicant seeks (1) a modification of plans previously approved under BZA Application No. 17679 for special exception approval for a new residential development in the R-5-A District with more than one principal building on a single lot and special exception approval for roof structures; (2) a variance from the parking requirements under Section 2100; and (3) a variance from the loading requirements under Section 2201. The purpose of these requests is to permit the redevelopment of the Property with two multiple dwellings, each containing 50 units, in the R-5-A District.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date, which is scheduled for February 11, 2014. In the prehearing statement and at the public hearing, the Applicant will provide testimony and additional evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

I. Background Information Regarding the Property

The Property consists of that certain 2.3± acre parcel of land located at 6923-6953 Maple Street, NW, and 6916-6926 Willow Street, NW, in the center of the block bounded by Maple, Willow, Carroll Streets and Sandy Spring Road, NW, within the boundaries of the Takoma Park Historic District. On the northern end of the Property there are two detached single family dwellings (6924 Willow Street and 6949 Maple Street, respectively) that are deemed

contributing houses to the Takoma Park Historic District. There is also a commercial parking lot on the Property that serves the CVS store to the north; the CVS store is not located on the Property. The remainder of the Property is vacant.

The Property was the subject of BZA Application No. 17679, the final order for which was issued on April 23, 2008 (the "2008 Approval"). The 2008 Approval and corresponding approved plans are attached as Exhibit A and B, respectively. In 2008, the Board granted special exception approval under Section 353 of the Zoning Regulations for a new residential development in the R-5-A District with more than one principal building on a single lot pursuant to Section 2516 and a special exception from roof structure requirements of Section 411 (setback, number of enclosures, walls of unequal height). In June 2010, the Board approved BZA Application No. 17679-A, which granted a two-year extension of the 2008 Approval from April 23, 2010, to April 23, 2012. In June of 2012, the Board approved BZA Application No. 17679-B, which granted a second two-year extension of the approval of the project from April 23, 2012, to April 23, 2014. Said BZA approvals are attached as Exhibits C and D, respectively.

II. Description of Development Proposal and Zoning Relief

The Applicant proposes to redevelop the Property with two new multi-family buildings, each containing 50 dwelling units. One building - Maple House - will be constructed on what is shown as Lot A on the plans; the other building - Willow House - will be constructed on what is shown as Lot B on the plans. Each building will have three stories with a maximum height of 40'-0" and each will contain approximately 47,744 square feet of gross floor area. In order to accommodate the construction of the multi-family buildings, the two existing single family dwellings on the northern end of the Property will be relocated to the southern end of the Property along Maple Street, on what is shown as Lot E and Lot D on the plans. A third house,

previously 6926 Willow Street, will be reconstructed on what is shown as Lot C, along Willow Street. The site plan configuration, architectural design, building height, FAR, lot occupancy and roof structures proposed in this modification are nearly identical to what was approved by the Board in 2008. However, the interior of the building has been modified such that each building now has 50 units instead of 38 as in the 2008 Approval. Additionally, the parking ratio for the project has been reduced to slightly less than 1:1 such that the project now requires a variance to provide 95 parking spaces where 103 spaces are required. Finally, the modified plan requires a variance to permit a 30' loading berth in lieu of a 55' loading berth.

The following areas of relief must be granted by the Board in order to facilitate the proposed redevelopment of the Property:

A. Number of Parking Spaces. The Applicant seeks a variance from Section 2101.1 of the Zoning Regulations in order to have 95 parking spaces for the project where 103 are required.

B. Number of Loading Facilities. The Applicant seeks a variance from Section 2201.1 of the Zoning Regulations in order to have fewer loading facilities than required. Specifically, the Applicant proposes to have one 12 x 30 berth only for each multi-family building where the Zoning Regulations require one 55' loading berth and one 20' service/delivery space for each building.

III. Project Meets Standard for Approving Special Exception for New Residential Development in R-5-A District With More Than One Principal Building on a Single Lot

In granting the 2008 Approval, the Board concluded that the then proposed development complied with the substantive provisions of § 2516. The Board also concluded that the project will not have an adverse effect on the character and future development of the neighborhood (§§ 2516.9 and 3104) and is in harmony with the Zoning Regulations and Zoning Map (§ 3104). As

noted on Page 9 of the 2008 Approval, the density and massing of the then proposed development is consistent with the type of development permitted in an R-5-A District, and preserves some open space while also bringing more residential units to the neighborhood. The building height, floor area ratio, and lot occupancy are within those permitted in the R-5-A District. Sufficient open space is being provided around both multiple dwellings, and their fronts are set back 20 feet from the curb to maintain consistency with the established building line of adjacent dwellings.

The development parameters proposed under this application are nearly identical to those approved for the Property in 2008. For example, the FAR in the 2008 Approval was 1.08 for Lot A, 1.08 for Lot B, and .97 overall. Under this application, the FAR is 1.08 for Lot A, 1.08 for Lot B and .97 overall. In the 2008 Approval, the Lot occupancy was 35.8% for Lot A, 35.8% for Lot B and 34.8% overall. Under this application, the lot occupancy is 35.9% for Lot A, 35.8% for Lot B and 34.5% overall. The building footprint for each building in the current application is 15,834 s.f., the same as it was in the 2008 Approval. The maximum building height and number of stories also is the same - 40' building height and three stories.

The rear and side yard setbacks under the proposed site plan are, for the most part, less than what was provided in the 2008 Approval. Specifically, the rear yard in the 2008 Approval was 41'-7" for Maple House and 41'-5" for Willow House; the side yards for Maple House were 34' and 82'-7"; they were 34' and 74'-2" for Willow House. Under the current application, the rear yard is 39'-3" for Maple House and 36'-4" for Willow House. The side yards for Maple House are 25'-3" and 70'-8", respectively; and the side yards for Willow House are 26'-9" and 109'-10", respectively. Notwithstanding these changes, the rear and side yards under the current application are significantly greater than what is required under the Zoning Regulations.

IV. Area Variance for Parking and Loading

The Project requires a variance from the parking and loading requirements under the Zoning Regulations. Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

1. The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
2. The owner would encounter practical difficulties if the zoning regulations were strictly applied or exceptional and undue hardship; and
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See *French v. District of Columbia Board of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained in the prehearing statement at the public hearing, all three prongs of the area variance test are met in this application.

A. The Property Affected by an Exceptional Situation or Condition. The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See *Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). In this case, the exceptional condition arises from the fact that the existing single family homes on the Property are deemed contributing homes within the Takoma Park Historic District. As such, these dwellings cannot be razed, but instead must be relocated to the southern

end of the Property. Similarly, the razed single family home previously at 6926 Willow Street must be reconstructed. This reduces the developable area on the Property and impacts the site plan configuration such that the Applicant is unable to comply with the parking and loading requirements and have a project that is financially feasible in the current market.

B. Strict Application Would Result in an Exceptional and Undue Hardship to the Property Owner. The Applicant would encounter practical difficulties if required to comply with the parking and loading requirements. The current site plan, particularly as it relates to the unit size and number of units, is the most viable because it reflects the current market conditions. Further, the proposed site plan configuration was previously accepted by the Office of Planning, ANC 4B and the Board after significant input from various stakeholders in connection with the 2008 Approval.

In order to meet the parking and loading requirements, the Applicant would have to reduce the number of units. Reducing the number of units to meet the required 1:1 parking ratio adversely impacts the economics of the project and is contrary to urban planning principles given that the Property is within two blocks of the Takoma Metro Station. Similarly, the Applicant would have to reduce the number of units or further reduce parking for the project in order to comply with the loading requirements. However, the proposed 30' loading berth is sufficient to service the project.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan. There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the Zone Plan if the Board grants the requested parking and loading variances. The project is providing 95 parking spaces were 103 are required. This is a fairly high unit to parking ratio given that the

Property is within two blocks of the Takoma Metro Station. Also, the proposed loading is sufficient to service the project. Practically speaking, residential projects like the one proposed under the Application are rarely serviced by 55' trucks.

Application of Jemal's TP Land LLC
Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815
818, 819, 820, 824, 825, 840 and 843

AMENDED STATEMENT OF EXISTING AND INTENDED USES

The northern end of the Property is currently improved with two single family dwellings and a commercial parking lot, however, the majority of the Property is vacant. The Applicant proposes to relocate the two existing single-family dwellings to the southern end of the Property along Maple Street, reconstruct another single family on the southern end of the Property along Willow Street and construct two new multi-family buildings, each containing 50 dwelling units. Each building will have three stories and a maximum height of 40'-0" and a gross floor area of approximately 47,744 square feet. The project will have an overall FAR of .97, lot occupancy of 34.5% and 95 parking spaces

Exhibit A

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17679 of Jemal's TP Land LLC, pursuant to 11 DCMR § 3104 1, for special exceptions under sections 353 and 2516, and under section 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N W and 6916-6926 Willow Street, N W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843)

HEARING DATE: November 13, 2007
DECISION DATES: January 8, 2008 and February 5, 2008

DECISION AND ORDER

On June 11, 2007, Jemal's TP Land LLC (the "Applicant"), the owner of the property that is the subject of this application (the "subject property"), filed an application with the Board of Zoning Adjustment (the "Board") pursuant to 11 DCMR § 3104 1 for special exception relief pursuant to Sections 353, 411, and 2516 of the Zoning Regulations to allow the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District on the subject property. The Board held a public hearing on the application on November 13, 2007. After the hearing, the record was closed, except to allow submission of a revised landscape plan from the Applicant and proposed orders from the Applicant and the party in opposition.

The Board received the requested post-hearing submissions and, at its public meeting on January 8, 2008, voted 3-0-2 to approve the application.

PRELIMINARY MATTERS

Self-Certification The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3114 2

Notice of Application and Notice of Public Hearing By memoranda dated June 13, 2007, the Office of Zoning sent notice of the filing of the application to the D C Office of Planning ("OP"), the D C. Departments of Transportation and Housing and Community Development, the Deputy Mayor for Education, Advisory Neighborhood Commission ("ANC") 4B, the ANC within which the subject property is located, the Single Member District member for 4B07, and the Council Member for Ward 4. Pursuant to 11 DCMR § 3113 1, notice of the hearing was

BZA APPLICATION NO. 17679

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published in the *D C Register* and sent to the Applicant, all individuals and entities owning property within 200 feet of the subject property, ANC 4B, and OP. The Applicant posted placards at the subject property providing notice of the public hearing and submitted an affidavit to the Board to this effect (Exhibit 40)

Request for Party Status The Board received an opposition Party Status request from Mr Jack Werner, who resides at 6908 Willow Street, N W (Exhibit 26). Mr Werner indicated that he and a number of other neighbors would be affected by the application for the following reasons: a) potential flooding, b) traffic and street parking, c) an absentee landlord, d) crowding of existing homes and noise, and e) loss of green space. The Board found that Mr. Werner, who lives within 200 feet of the project, would be more significantly affected by the proposed development than those in the general public and therefore granted his request for party status. However, during the course of his testimony, Mr Werner agreed that the Applicant met all of the legal requirements for the requested zoning relief, and that most of his concerns would be dealt with during the permitting process (T p 194, 196)

Other Persons in Opposition/Support The Board heard testimony in support of, and in opposition to, the application. Two individuals testified in support of the application, and two individuals testified in opposition to the application.

The Applicant's Case The Applicant presented testimony from Paul Millstein of Douglas Development Corporation, an expert in urban development and historic renovation; George Myers of GTM Architects, an expert in urban residential architecture; Steven E Sher of Holland & Knight LLP, an expert in zoning and land use planning; and Huy Tran of Kimley-Horn and Associates, Inc., an expert in civil engineering and stormwater management design. The Applicant also submitted a memorandum prepared by O R George & Associates, Inc., experts in traffic engineering and transportation planning (Exhibit 39).

Office of Planning (OP) Report OP submitted a report on November 5, 2007, marked as Exhibit 29 of the record, indicating that OP supported the proposed redevelopment of the subject property and recommending that the Board approve the requested special exceptions. Pursuant to the requirements of Section 353, OP opined that the site plan, arrangement of buildings and structures, as well as the provision of parking, recreation, landscaping, and grading, as they relate to the future residents of the project and the surrounding area, would have a positive impact on the immediate neighborhood. OP also analyzed the requirements of Section 2516 and indicated that the Applicant met its burden of proof with respect to each required element for approval of special exception relief to permit the construction of two or more principal buildings or structures on a single subdivided lot. With respect to the requested roof structure relief, OP recommended that the requested relief relating to setbacks (§ 411 2), more than one enclosure (§ 411 3), and enclosures of unequal heights (§ 441 5) should be granted since the proposed roof structures comply with the intent of the Zoning Regulations, would not hinder the light and air of adjacent property owners, and their location and design minimized their massing and visibility.

BZA APPLICATION NO. 17679

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District Department of Housing and Community Development ("DHCD") Report

DHCD submitted a report, dated November 5, 2007 and marked as Exhibit 30 of the record, indicating that DHCD reviewed the application and supported the requested special exceptions

District Department of Transportation ("DDOT") Report

DDOT submitted a report, dated November 7, 2007 and marked as Exhibit 41 of the record. DDOT supported the application and indicated that the development will not have an adverse traffic impact on the neighborhood

ANC 4B Report

ANC 4B was automatically a party to this application. The ANC filed a letter and resolution, dated November 5, 2007 and marked as Exhibit 31 of the record, indicating that, at its regularly scheduled, properly-noticed meeting on October 25, 2007, with a quorum present, it voted 6-2 in support of the application

FINDINGS OF FACT

Background

- 1 The subject property consists of Lots 26-29, 40, 808, 811, 814, 815, 818-820, 824, 825, 840 and 843 in Square 3357
2. The subject property is located in the center of the block bounded by Maple, Willow and Carroll Streets and Sandy Spring Road, N.W. The subject property has approximately 420 feet of frontage on Maple Street and approximately 407 feet of frontage on Willow Street
3. The subject property has a land area of approximately 101,879 square feet
- 4 The northern end of the property is currently improved with 3 detached single family dwellings and a commercial parking lot which serves a building to the north, which is not located on the property The remainder of the property is vacant
- 5 The subject property is zoned R-5-A and is also located within the Takoma Park Historic District

The Applicant's Proposed Project

- 6 The Applicant seeks to develop the subject property with two new multiple-dwelling buildings, each containing 38 dwelling units Each building will be three stories with a maximum height of 40'-0" as measured from the finished grade level at the middle of the front of each building to the ceiling of the top story Each building contains approximately 41,631 square feet of gross floor area

BZA APPLICATION NO. 17679

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- 7 The three existing single family dwellings currently on the property will be renovated and relocated to new lots at the south end of the site. Each of these dwellings will be provided with off-street parking.
- 8 Seventy-six surface parking spaces will be provided within the development.
- 9 Vehicular access from both Maple and Willow Streets will be provided at the northern end of the site via a 25-foot wide drive aisle, which will not encroach into any of the required yards.
10. The project also includes a bicycle storage area with 20 stalls.
- 11 Each proposed multi-family building includes a zoning-compliant loading dock and zone, as well as a trash room.
- 12 Each proposed multi-family dwelling will provide rooftop recreation space.
- 13 The southern portion of the lot is shielded from the neighbors' view by screening and closely-planted evergreens.
- 14 The project includes a combined total of approximately 25,611 square feet of green space around the multi-family buildings.
- 15 The design of the new multi-family buildings incorporates details from traditional Washington, D C apartment buildings from the early part of the 20th century. A belt course and decorated cornice line are included to visually reduce the mass of the buildings.
- 16 Both buildings are parallel to the street which they front (*i.e.*, Maple Street, NW and Willow Street, NW) and are set back about 20 feet from the curb. This setback is consistent with the established building line of the adjacent houses on Maple and Willow Streets.

Special Exception Under Section 353 for New Residential Development in R-5-A District

- 17 Pursuant to § 353.1 of the Zoning Regulations, in R-5-A Districts, the Applicant's proposed project must be reviewed by the Board as a special exception under § 3104 in accordance with the standards and requirements in § 353.
- 18 These requirements either pertain to agency referrals to be made by the Board or submissions to be made by the Applicant, all of which have been complied with.

Special Exception from Roof Structure Requirements of Section 411

- 19 The Board may grant special exception relief from the strict requirements for a roof

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structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and where such compliance would be "unduly restrictive, prohibitively costly, or unreasonable " 11 DCMR §411.11 Also, deviations from the roof structure requirements may not materially impair the intent and purpose of the Zoning Regulations and may not adversely affect the light and air of adjacent buildings. Id

- 20 The Applicant is seeking roof structure relief because the project incorporates multiple roof structures (§411.3), the roof structures will not be set back from all exterior walls a distance equal to their height above the roof (§411.2), and one of the roof structures will have walls of varying height (§411.5)
- 21 The Applicant proposes to provide a stair tower enclosure near the front façade of each building with a height of 9 feet, and a larger stair/vestibule/storage/elevator override enclosure in the center of the roof that measures 9 feet, but steps up to 15 feet, 6 inches at the portion enclosing the elevator override. The larger enclosure meets the setback requirements on all sides, except the interior parking lot side. Likewise, the stair tower enclosure near the front façade of each building meets the setback requirements on the street side, but not on the loading dock side since, on that side, it is located at the roof edge.

Relief from Set Back Requirement

- 22 The Applicant requests relief from § 411.2 of the Zoning Regulations, which requires that roof structures be set back in accordance with the provisions of the zone district in which the Project is located. The R-5-A District requires a roof structure to be set back from the building's walls a distance at least equal to the roof structure's height above the roof on which it is located.
- 23 A separate stair tower enclosure must be provided because the Building Code mandates that when residential recreation space is located on the roof of a building, a separate stairwell that leads to the bottom of the building must also be located on the roof. The Building Code also recommends that stair towers be located at the extreme end of a corridor. Thus, the placement of this tower and its resulting setback noncompliance is based on the building code and the internal configuration of the building.
- 24 Both roof structures are properly set back from the street-facing facades of the multiple-dwelling buildings.

Relief from Roof Structure Enclosure Requirement

- 25 Section 411.3 requires that all penthouses and mechanical equipment be placed in one rooftop enclosure. The Applicant's design calls for two penthouses.

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- 26 Due to the provision of rooftop recreation space, a separate stairwell leading to the bottom floor of the building, and preferably located near the end of a corridor, must lead to the roof See, Finding of Fact No 23 The other penthouse is necessary for the additional stair tower and elevator override, for providing access to the roof, and to break up massing on the roof

Relief from Walls of Equal Height Requirement

- 27 The Applicant requests relief from section 411 5 of the Zoning Regulations, which requires the enclosing walls of a penthouse to be of equal height The project incorporates two different enclosing wall heights on the stair/vestibule/storage/elevator override roof structure
- 28 Due to the provision of rooftop recreation space, the building code requires that all accessible levels be served by an elevator, which results in an elevator override
- 29 The portion of the enclosure over the elevator override steps up to 15 feet, 6 inches in order to fully enclose the override, while the walls of the stair tower, vestibule and storage portion of the enclosure have a height of only 9 feet Therefore, approximately 88% of the roof structure has a height of 9 feet, and the remaining 12% has a height of 15 feet, 6 inches
- 30 The entire elevator override enclosure could be 15 feet, 6 inches high, but the step down in height reduces the visibility of the roof structure from the surrounding areas

Special Exception for Theoretical Building Sites (§2516)

- 31 Although the three single-family dwellings currently on the property will be re-located and established on individual lots, the two multifamily buildings proposed will be constructed on a single lot
- 32 Each of these multifamily buildings is a principal building located in a Residence Zone, which, without relief, would require its own lot 11 DCMR § 3202 3
- 33 Pursuant to §§ 2516 1 and 3104 of the Zoning Regulations, the Board has the authority to grant relief to permit the construction of two or more principal buildings or structures on a single subdivided lot
- 34 All submission and referral requirements mandated by § 2516 have been met See, 11 DCMR §§ 2516 3 and 2516 10
- 35 The property is located in an R-5-A District and, other than the relief approved herein, meets all the applicable zoning requirements of that District See, 11 DCMR 2516.2 and 2516 4

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36 The height of the two proposed multifamily buildings is being measured from the finished grade at the middle of the front of each building See, 11 DCMR 2516 7

37 All applicable requirements with respect to ingress and egress have been complied with, as illustrated by the plans in the record, particularly Exhibit No 27, Attachment C, Architectural Plans, at Sheet A101 See, 11 DCMR § 2516 6

CONCLUSIONS OF LAW

Pursuant to section 3104 of the Zoning Regulations, the Board is authorized to grant special exceptions where, in the judgment of the Board, the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them In this case, along with the general requirements of §§ 3104 and 353, the Applicant also had to meet the requirements of § 411.11 for the requested roof structure special exceptions, and those of § 2516 for the project as a whole

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met In reviewing an application for special exception relief, "[t]he Board's discretion is limited to a determination of whether the exception sought meets the requirements of the regulations " *First Baptist Church of Washington v District of Columbia Board of Zoning Adjustment*, 423 A 2d 695, 701 (D.C 1981) (*quoting Stewart v District of Columbia Board of Zoning Adjustment*, 305 A 2d 516, 518 (D C 1973)) If the applicant meets its burden, the Board must ordinarily grant the application *Id*

Roof Structure Relief

Pursuant to § 411 11 the Applicant is asking the Board to “approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411 3 through 411 6 ” A penthouse, such as the two at issue in this application, is among the two types of structures regulated by those three subsections The subsections regulate the “number” of penthouses, by permitting only one, § 411 3, and the design of penthouses, by requiring “enclosing walls from roof level shall be of equal height,” § 413 5 The Applicant is seeking special exception approval of two penthouses, one of which will have uneven walls Also, because the penthouses will not meet the 1 1 setback requirement of § 400 7, which applies to the structures by virtue of § 411 2, the Applicant seeks a special exception from this “location” requirement

Subsection 411 11 authorizes special exceptions from these location, design, and number restrictions where meeting the restriction is “impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable ”

The need to have two penthouses arises from the Building Code's requirement that when residential recreation space is located on the roof of a building, a separate stairwell that leads to the bottom of the building must also be located on the roof. In addition, a single monolithic structure spanning almost the entire roof is contrary to sound design principles and would likely have a greater adverse effect on the light, air, and view of the neighbors. The Applicant's inability to set back these penthouses on a 1:1 basis from the side walls is a result of its desire to comply with the Building Code's recommendation that this stairwell be placed at the extreme end of a corridor. Further, both roof structures will meet the required setbacks from the street sides of the buildings, thus achieving the goal of largely removing them from view from the street.

The last roof structure special exception, for walls of unequal height on one of the structures, also arises out of an attempt to create a more sound and pleasing design. Approximately 12% of the larger of the two roof structures will be 15 feet, 6 inches high to enclose the elevator override, but the other approximately 88% will be stepped down to a height of 9 feet because it does not enclose the taller elevator override. The Board concludes that it would be contrary to the intent of the Zoning Regulations to force the Applicant to make the entire structure 15 feet, 6 inches high, resulting in a much larger and more intrusive structure.

Special Exception for New Residential Development in an R-5-A District with More than One Principal Building on a Single Lot

The Applicant also requests special exceptions pursuant to §§ 353 and 2516. Section 353 applies to all new residential development in R-5-A Districts, except one-family detached and semi-detached dwellings, and sets forth both the referral requirements for this Board and the types of plans to be submitted to the Board by the Applicant. It does not, however, set forth any specific criteria to be met by the application. Those criteria are to be found, generally, in § 3104.

In addition, the Applicant is seeking to construct the two new buildings on a single record lot pursuant to § 2516, which includes specific criteria that must be, and in this case, have, been met.

The project will comply with the substantive provisions of Title 11 (§ 2516.9) and as required by § 2516.6, there are two means of ingress and egress to the site, both 25-foot wide and not included in any required yard. See, Findings of Fact Nos. 10 and 42, and Exhibit cited in latter.

Contrary to the claims of the opposition, the Board concludes that the project will not have an adverse effect on the present character and future development of the neighborhood (§§ 2516.9 and 3104) and is in harmony with the Zoning Regulations and Zoning Maps (§ 3104). The primary concerns raised by the party in opposition to the application were increased density and the massing of the buildings on the site, leading to a loss of open space, storm water management

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and drainage, increased traffic and parking problems, inadequate landscaping, inadequate community input, and the effect of an absentee landlord and a transient population¹

As the site is now a large swath of undeveloped land except for the three single-family dwellings to be relocated by the Applicant, any development would result in some loss of open space. The density and massing of the proposed development, however, are consistent with the type of development permitted in an R-5-A District, and preserve some open space while also bringing more residential units to the neighborhood. The building height, floor area ratio, and lot occupancy are within those permitted in this R-5-A District. Sufficient open space is being provided around both multiple dwellings, and their fronts are set back 20 feet from the curb to maintain consistency with the established building line of adjacent dwellings.

Landscaping and storm water management issues have been sufficiently addressed by the Applicant as shown in the record. The Applicant revised its landscape plan after the hearing in consultation with community members, resulting in improved buffering between the project and existing residences. See, Exhibit No 42 OP, whose task it is to assess water supply issues, pursuant to § 2516 10, opined that existing water and sewer lines have sufficient capacity to handle the demand generated by the project. Further storm water management issues will be addressed at the building permit stage, and are not within the Board's purview.

Nor does the Board conclude that the traffic and parking needs generated by the project will result in adverse impact on the neighborhood. The project will provide adequate parking on-site and, according to the DDOT Report, there is also on-street parking available in the neighborhood. DDOT also notes that existing traffic volume on the adjacent streets is low, and the Board concludes that any traffic increase arising out of the development of the project will readily be absorbed.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309 10(d) and 6-623 04 (2001). Great weight means acknowledgment of the issues and concerns of those two entities and an explanation of why the Board did or did not find their views persuasive. The Office of Planning and ANC 4B both recommended approval of the application. The Board agrees that the Applicant has carried its burden of proof in meeting the requirements for special exception relief and accords the recommendations of OP and ANC 4B the deference to which they are entitled.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application pursuant to 11 DCMR § 3104 1, for special exceptions under sections 353 and 2516, and under section 411, regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N.W. and 6916-6926

¹The latter concerns, an absentee landlord and a transient population, are not zoning issues, and therefore, not within the Board's jurisdiction.

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Willow Street, N.W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843)

Accordingly, it is therefore **ORDERED** that the application be **GRANTED** in accordance with the architectural plans and elevations prepared by GTM Architects included with Exhibit 27 of the record in this case, as modified by the landscape plan submitted on December 27, 2007 and marked as Exhibit No. 42 of the record.

VOTE: **3-0-2** (Ruthanne G. Miller, Michael G. Turnbull, and Mary Oates Walker to approve, Shane L Dettman abstaining; Marc D Loud not participating or voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order

ATTESTED BY:


JERRELLY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: APR 23 2008

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD

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IN ACCORDANCE WITH THE D C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D C OFFICIAL CODE §§ 2-1401.01 *ET SEQ* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17679

As Director of the Office of Zoning, I hereby certify and attest that on APRIL 23, 2008, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below

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Chairperson
Advisory Neighborhood Commission 4B
6856 Eastern Avenue, N W , #314
Washington, D C 20012

Single Member District Commissioner 4B07
Advisory Neighborhood Commission 4B
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Matthew LeGrant, Zoning Administrator

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ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR

Exhibit B

Exhibit C

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17679-A of Jemal's TP Land and LLC, pursuant to 11 DCMR §3104 1, for special exceptions under sections 353 and 2516, and under section 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N W and 6916-6926 Willow Street, N W. (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843).

HEARING DATE (Orig. Application): November 13, 2007
DECISION DATES (Orig. Application): January 8, 2008 and February 5, 2008
FINAL ORDER ISSUANCE DATE: April 23, 2008
MOTION TO EXTEND DECISION DATE June 22, 2010

ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17679

The Underlying BZA Order

On January 8 and February 5, 2008, the Board of Zoning Adjustment (the "Board" or "BZA") approved the Applicant's request for special exceptions under §§ 353 and 2516, and under § 411 regarding roof structures to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District. Thus, pursuant to 11 DCMR § 3104 1, the Board granted special exceptions under §§ 353 and 2516 which authorizes exceptions to building lot control in residence districts to permit the construction of a new residential development in the R-5-A District at premises 6923-6953 Maple Street, N.W and 6916-6926 Willow Street, N W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843). The Order was issued April 23, 2008 (BZA Order 17679)

Under the Order, and pursuant to § 3130 1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until April 23, 2010

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Section 3130 1¹ states

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6

(11 DCMR § 3130 1).

Waiver of 30-day filing requirement pursuant to 11 DCMR § 3130 9

The Applicant first filed its request for a time extension on April 6, 2010, approximately three weeks prior to the expiration of Order No 17679 on April 23, 2010 (Exhibit 48) At its special public meeting on May 11, 2010, the Board granted the Applicant permission to file supplemental information by May 18, 2010 and to address the waiver of the 30-day filing requirement, pursuant to § 3130 9 Subsection 3130 9 says “A request for a time extension filed at least thirty (30) days prior to the date upon which an order is due to expire shall toll the expiration date for the sole purpose of allowing the Board to consider the request ” 11 DCMR § 3130.9.

On May 17, 2010, the Applicant filed a letter with the Board, dated May 11, 2010, that contained a request to waive § 3130.9 of the Zoning Regulations to accept the Applicant’s time extension motion that, with the supplemental information being filed, was completely filed less than 30 days prior to the expiration of the underlying order and to toll that order’s expiration. (Exhibit 50). In its May 11, 2010 letter to the Board, the Applicant stated that due to dramatic reductions in staffing resulting from the weakened economy and its inability to timely verify key information relied upon in its affidavit supporting the extension request, the Applicant was unable to file its completed request for an extension at least 30 days prior to the order’s expiration The Applicant indicated that no one was prejudiced by the delay in filing (Exhibit 50) At its June 22, 2010 meeting, the Board, by consensus, approved the waiver of the 30-day filing requirement

Motion to Extend Time

On May 17, 2010, the Board received a letter from the Applicant, dated May 11, 2010, which included the April 6, 2010 letter and additional supporting documentation and

¹ Section 3130 1 was amended by the addition of the phrase “except as permitted in § 3130 6” by the Zoning Commission in Z C Case No 09-01 The amendment became effective on June 5, 2009

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which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire April 23, 2010 (Exhibit 50).

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because, due to the deterioration of the real estate market in Washington, D.C., the frozen credit markets, and the continuing economic crisis these have caused, the Applicant has been unable to obtain the necessary financing commitment to begin the project, despite attempts to obtain financing for the project ever since the Board originally approved it. To meet its burden of proof, the Applicant provided a signed and notarized affidavit which indicated that the Applicant has diligently sought financing and attempted to move forward with development of the site since the time of the BZA's original approval. The Applicant noted that while the latest reports suggest that the multi-family housing sector may be starting to stabilize, the economy is not expected to rebound prior to the time when the underlying BZA Order was due to expire (Exhibit 50, Exhibit B).

The Applicant filed a letter, dated May 13, 2010, with the Board which had been sent to the Chair of the Advisory Neighborhood Commission ("ANC") 4B, which is the affected ANC, and to the other party in the case, Mr. Jack Werner, notifying them of the Applicant's motion for a two-year time extension and sharing all the documentation in support of that motion with them (Exhibit 50). There was no response to the Applicant's motion filed from any party in the case or the Office of Planning ("OP"). The project is within the boundaries of ANC 4B. ANC 4B did not file a report.

According to the Applicant, the reasons for its request to the Board to extend the time of the Order are because of its inability to secure financing for the project due to the prevailing unstable economic and real estate market conditions, both locally and nationally. The Applicant stated that it has aggressively pursued financing options for the project without success because of the continuing economic real estate crisis. The Applicant noted that while it was anticipated that the markets for existing residential products may begin to stabilize in future and the credit crunch for new multi-family construction may lessen, these improved conditions were not expected to occur prior to the expiration of the above-mentioned order. In addition, the Applicant indicated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on April 23, 2008. The extension would allow the Applicant the necessary additional time in which to secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit

Criteria for Evaluating Motion to Extend

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No 09-01. The Section became effective on June 5, 2009

Section 3130.6 of the Zoning Regulations states in full

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval, provided, that the Board determines that the following requirements are met

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond,
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application, and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control,
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control, or

- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control

(11 DCMR § 3130 6)

As discussed herein, pursuant to 11 DCMR § 3130 9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. Although the Applicant filed its request with the supplemental information on May 17, 2010, which was less than the required 30-day period for tolling, the Applicant presented reasons, as described above, for its delay in filing its motion and the supporting documents. By consensus, pursuant to § 3100 5, the Board granted the Applicant's request for flexibility and tolled the effect of the underlying Order.

Also, the Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130 6(a). The Applicant's inability to secure the necessary financing and the poor economic conditions in the District constitute the "good cause" required under § 3130 6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated April 23, 2008 (Exhibits No 27 and 42 in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130 6 of the Regulations, the Board hereby extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of April 23, 2012.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and

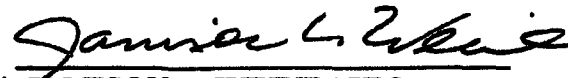
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conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until April 23, 2012.

VOTE ON WAIVER MOTION: 3-0-2 (Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg, to approve; no other Board members participating, nor voting)

VOTE ON TIME EXTENSION MOTION: 4-0-1 (Shane L. Dettman, Meridith H. Moldenhauer, Nicole C. Sorg, Michael G. Turnbull (by absentee ballot) to approve; no other Board member (vacant) participating, nor voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: JUN 29 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

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FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 17679-A

As Director of the Office of Zoning, I hereby certify and attest that on JUN 29 2010, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Chairperson
Advisory Neighborhood Commission 4B
6856 Eastern Avenue, N.W. #314
Washington, D.C. 20012

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Advisory Neighborhood Commission 4B
25 Sheridan Street, N.W.
Washington, D C 20011

Muriel Bowser, Councilmember
Ward Four
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PAGE NO. 2

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Washington, D.C 20024


ATTESTED BY: 
JAMISION L. WEINBAUM
Director, Office of Zoning

Exhibit D

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Exhibit D

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Order No. 17679-B of Jemal's TP Land and LLC, Motion for a Second Two-Year Extension of BZA Order No. 17679, pursuant to 11 DCMR § 3130.

The original application was pursuant to 11 DCMR § 3104.1, for special exceptions under §§ 353 and 2516, and under § 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N.W and 6916-6926 Willow Street, N W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840, and 843)

HEARING DATE (Orig. Application): November 13, 2007
DECISION DATES (Orig. Application): January 8, 2008 and February 5, 2008
FINAL ORDER ISSUANCE DATE (No. 17679): April 23, 2008
DECISION ON FIRST MOTION TO EXTEND ORDER. June 22, 2010
ISSUANCE DATE OF FIRST EXTENSION (No. 17679-A): June 29, 2010
DECISION ON 2ND MOTION TO EXTEND ORDER: June 12, 2012

**ORDER ON SECOND MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17679**

The Underlying BZA Order

On January 8 and February 5, 2008, the Board of Zoning Adjustment (the "Board" or "BZA") approved the Applicant's request for special exceptions under §§ 353 and 2516, and under § 411 regarding roof structures to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District. Thus, pursuant to 11 DCMR § 3104.1, the Board granted special exceptions under §§ 353 and 2516 which authorizes exceptions to building lot control in residence districts and under § 411 to permit the construction of a new residential development in the R-5-A District at premises 6923-6953 Maple Street, N W and 6916-6926 Willow Street, N W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843) Order No 17679 (the "Order") was issued April 23, 2008 (Exhibit 46)

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Under the Order, and pursuant to § 3130 1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until April 23, 2010

Section 3130 1¹ states

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130 6

(11 DCMR § 3130.1)

2010 Motion to Extend

On April 6, 2010, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR § 3130 6,² a two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on April 23, 2010 (Exhibit 48) Also, on May 17, 2010, the Applicant filed a letter with the Board, dated May 11, 2010, that contained supplemental information together with a request to waive § 3130 9 of the Zoning Regulations to accept the Applicant's time extension motion that, with the supplemental information being filed, was completely filed less than 30 days prior to the expiration of the underlying Order and to toll that Order's expiration (Exhibit 50)

At a decision meeting on June 22, 2010, the Board found that the requirements of 11 DCMR § 3130 6 had been met and granted the Applicant both the waiver it requested pursuant to § 3130 9 as well as a two-year extension of BZA Order No 17679 until April 23, 2012. (Exhibit 52, BZA Order No 17679-A)

2012 Motion to Extend

On April 20, 2012, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR § 3130.6, upon a showing of good cause, a second two-year extension of the authority granted in the original BZA Order, which was then due to expire on April 23, 2012, as well as requests for the Board to waive, pursuant to § 3100 5 of the Zoning Regulations, the 30-day filing requirement in § 3130 9, to allow tolling of the expiration of the Order, and the restriction to one extension in § 3130 6, to allow more than one extension of the Order (Exhibit 54.)

Waiver of 30-Day Filing Requirement Pursuant to 11 DCMR § 3130 9

¹ Section 3130 1 was amended by the addition of the phrase "except as permitted in § 3130 6" by the Zoning Commission in Z C Case No 09-01 The amendment became effective on June 5, 2009

² Section 3130 6 was adopted by the Zoning Commission in Z C Case No 09-01 and became effective on June 5, 2009

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As stated, the Applicant's request for a second extension of the Order that was submitted on April 20, 2012 contained a request to waive § 3130 9 of the Zoning Regulations to accept the Applicant's time extension motion that was filed less than 30 days prior to the expiration of the underlying order and to toll that order's expiration (Exhibit 54) Subsection 3130 9 says. "A request for a time extension filed at least thirty (30) days prior to the date upon which an order is due to expire shall toll the expiration date for the sole purpose of allowing the Board to consider the request " (11 DCMR § 3130 9) The request was submitted three days before the Order was due to expire on April 23, 2012, thereby requiring a waiver of the requirements of § 3130 9 ³

In its April 20, 2012 letter, the Applicant requested that the Board exercise the discretion that it is granted pursuant to 11 DCMR § 3100 5, and waive the 30-day requirement in 11 DCMR § 3130 9 Also in its April 20th submission, the Applicant stated that when it was made aware of the impending expiration, the Applicant researched the loan documents and financing restrictions related to the Property and that, due to the Applicant's extensive real estate portfolio, this was not an insignificant task and took considerable time to complete, thereby resulting in the Applicant filing its request for an extension less than 30 days prior to the expiration of the underlying Order. The Applicant indicated that no one was prejudiced by the delay in filing. (Exhibit 54)

Subsection 3100 5 provides

Except for §§ 3100 through 3105, 3121.5 and 3125 4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law

As §§ 3100 through 3105, 3121 5, and 3125.4 do not apply to extension requests, the Board concludes that it is authorized, for good cause shown, pursuant to 11 DCMR § 3100 5, to waive the 30-day provision and toll the expiration date of the Order for the sole purpose of allowing the Board to consider the request. At its June 12, 2012 meeting, finding sufficient good cause shown, the Board voted to approve the waiver of the 30-day filing requirement

Waiver of One-Extension-Only Requirement Pursuant to 11 DCMR § 3130 6

Also as a preliminary matter, the Board addressed whether to waive the limitation to one extension in 11 DCMR § 3130 6 to allow the grant of a second extension of the Order In Z C Case No 09-01, the Zoning Commission ("Commission") amended 11 DCMR § 3130, in part, by adding § 3130 6 The amendments adopted by the Commission in Z C Case No. 09-01 became effective on June 5, 2009 Subsection 3130 6 expressly limits the number of time

³ During the Board's deliberations of this waiver request, it was mentioned that at a recent Zoning Commission public meeting, the Office of Planning had announced that it intended to bring forward a text amendment to amend 11 DCMR § 3130 to change or eliminate this requirement

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extensions to one⁴ In Z C Case No 09-01, the Commission also specifically authorized the Board to extend the time limits of § 3130.1 and provided the criteria for doing so *Z C Order No 09-01*, 56 DCR 4388 (June 5, 2009)

In its letter of April 20, 2012, the Applicant requested that the Board exercise its discretion pursuant to 11 DCMR § 3100 5, and waive the limitation in 11 DCMR § 3130.6 to a single time extension⁵

To show good cause for granting the waiver, the Applicant indicated that it is unable to obtain financing for the construction of the Project, the Applicant has not benefitted in any way from the delay of development of the property, and there would be no benefit to the District, the neighborhood, or the Applicant in depriving the Applicant additional time in which to develop the Project The Applicant also asserted that granting the waiver would be in the interest of administrative efficiency for the Board and the community

As §§ 3100 through 3105, 3121 5, and 3125 4 do not apply to extension requests, the Board concludes that it is authorized, for good cause shown, pursuant to 11 DCMR § 3100 5, to waive the restriction to one extension pursuant to § 3130 6 At its June 12, 2012 meeting, finding sufficient good cause shown, the Board voted to approve the waiver of the one extension restriction requirement Further, the Board concludes that granting the waiver will not prejudice the rights of any party and is not otherwise prohibited by law

The merits of the 2012 request to extend

As noted above, the Board received the Applicant's request, dated April 20, 2012, for a two-year extension in the authority granted in the underlying BZA Order, which was due to expire April 23, 2012. Included with the request was a sworn and signed affidavit from Douglas Jemal, Managing Member of the Applicant, to show good cause, pursuant to 11 DCMR § 3130 6 (Exhibit 54)

The Applicant served its extension request dated April 20, 2012 to the Chair of the Advisory Neighborhood Commission ("ANC") 4B, which is the affected ANC, and to the Office of Planning ("OP"), notifying them of the Applicant's motion for a two-year time extension and

⁴ During the Board's deliberations of this waiver request, it was mentioned that at a recent Zoning Commission public meeting, the Office of Planning had announced that it intended to bring forward a text amendment to amend 11 DCMR § 3130 to change or eliminate this restriction

⁵ Subsection 3100 5 provides

Except for §§ 3100 through 3105, 3121 5 and 3125 4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law

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sharing all the documentation in support of that motion with them (Exhibit 54) OP, in its report dated June 5, 2012, noted that the application submitted by the Applicant dated April 20, 2012, has been in the public record since it was filed on April 20, 2012 (Exhibit 55)

The project is within the boundaries of ANC 4B ANC 4B filed a letter on May 30, 2012, with an attached resolution in support of the request for an extension. The ANC stated that at a regularly scheduled, duly noticed meeting on May 22, 2012, at which a quorum of eight of nine members were present, ANC 4B voted unanimously (8 0) to adopt the resolution supporting the application (Exhibit 57)

OP filed a report recommending that the Board grant the Applicant's request for a second two-year extension of Order No 17679 (Exhibit 55) Councilmember Muriel Bowser, who represents Ward 4, which is the ward in which the project is sited, also submitted a letter on June 7, 2012, in support of the application (Exhibit 56)

According to the Applicant, the reasons for its request to the Board to extend Order No. 17679 for another two years are because of its inability to finance the construction of the project in view of the deterioration the real estate market. The Applicant also stated that a portion of the property is encumbered by a securitized loan which matures in 2013 and that the lender is unwilling to release that encumbered portion of the property and allow the development to proceed In its affidavit the Applicant indicated that over the last four years, there has been a downturn in the real estate market and the economy has fallen into recession, leading to economic conditions beyond the Applicant's control This has discouraged financial institutions from lending for residential projects The Applicant also stated that its attempts to seek financing for the project from financial institutions such as Berkadia, Wells Fargo, and Virginia Commerce Bank have not been successful because of the uncertainty in market conditions and the softening of the housing market The Applicant noted in its sworn statement that it had acquired a securitized loan with Morgan Stanley Mortgage Capital, Inc. which matures in 2013 That securitized loan encumbers a portion of the property and the lender is unwilling to release it and allow the development of the project to proceed The Applicant stated that due to the downturn in residential market conditions since the approval of the project in 2008, it is unable to pay off the loan prior to the loan's maturity date in 2012 Therefore, due to the encumbrance and market conditions, the Applicant is unable to proceed with the development The Applicant requests the second two-year extension to allow time for the securitized loan to mature and to allow it to obtain financing for the construction of the project The Applicant believes that the real estate sub-market of the project area will be stronger by 2015, giving potential lending institutions more comfort with the project (Exhibit 54)

In addition, the Applicant indicated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on April 23, 2008 Also, there have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property The extension would allow the Applicant the necessary additional time in which to secure financing Accordingly, the Applicant requested

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that, pursuant to § 3130 6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit

The Zoning Commission adopted 11 DCMR § 3130 6 in Zoning Commission Case No 09-01. The Subsection became effective on June 5, 2009

Subsection 3130 6 of the Zoning Regulations states in full

- 3130 6 The Board may grant one extension of the time periods in §§ 3130 1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval, provided, that the Board determines that the following requirements are met
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond,
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application, and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control,
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control

(11 DCMR § 3130 6)

As discussed herein, pursuant to 11 DCMR § 3130 9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to

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expire Although the Applicant filed its request with a sworn affidavit on April 20, 2012, which was less than the required 30-day period for tolling, the Applicant presented reasons, as described above, for its delay in filing its motion and the supporting documents Pursuant to § 3100.5, the Board voted to grant the Applicant's request for flexibility and tolled the effect of the underlying Order

The Board also found that the Applicant has met the criteria set forth in § 3130 6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130 6(a) The Applicant's inability to secure the necessary financing and the poor economic conditions in the District constitute the "good cause" required under § 3130 6(c)(1)

As required by § 3130 6(b), there is no substantial change in any of the material facts upon which the Board based its original approval In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated April 23, 2008 (Exhibits No 27 and 42 in the record) There have been no changes to the Zone District classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's original Order

Neither the ANC nor any party to the application objected to an extension of the Order The Board concludes that the extension of that relief is appropriate under the current circumstances

Pursuant to 11 DCMR § 3101 6, the Board has determined to waive the requirement of 11 DCMR § 3125 3, that the order of the Board be accompanied by findings of fact and conclusions of law Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No 17679-B for a second two-year time extension of Order No 17679, which Order shall be valid until April 23, 2014, within which time the Applicant must file plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE ON WAIVER OF § 3130.9 MOTION (30-DAY FILING DEADLINE): 5-0-0

(Michael G Turnbull, Nicole C Sorg, Lloyd J Jordan, Rashida Y V MacMurray, and Jeffrey L Hinkle, to Approve)

VOTE ON WAIVER OF § 3130.6 MOTION (ONE-TIME EXTENSION): 5-0-0

(Lloyd J Jordan, Nicole C Sorg, Rashida Y V MacMurray, Jeffrey L Hinkle, and Michael G Turnbull, to Approve)

VOTE ON TWO-YEAR TIME EXTENSION MOTION: 5-0-0

(Lloyd J Jordan, Nicole C Sorg, Rashida Y V MacMurray, Jeffrey L Hinkle, and Michael G Turnbull, to Approve)

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: JUN 18 2012

**PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT
UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 17679-B

As Director of the Office of Zoning, I hereby certify and attest that on June 18, 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANCs and SMDs that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below.

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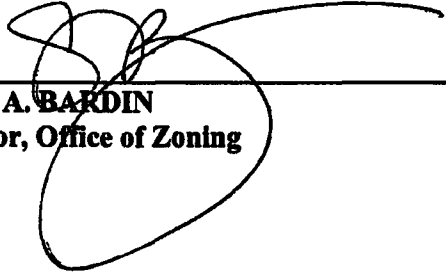
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ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

**Roster of Persons 210 Feet or Less from Jemal's Takoma
Lots in Square 3357 -- Washington, DC**

SSL	PREMISES	OWNERS
3353 0052	Carroll St	FCP Takoma Central LLC 5425 Wisconsin Ave. - Ste. 202 Chevy Chase, MD 20815-3583
3354 0013 3354 0014	0221 Vine St., NW 0225 Vine St., NW	225 Vine Street LLC 225 Vine St., NW # 00700 Washington, DC 20012-2019
3354 0023	0254 Carroll St., NW	Jet Enterprises, LLC 254 Carroll St., NW Washington, DC 20012-2006
3354 0833 3354 0834	0232 Carroll St., NW 6928 Maple St., NW	Maple Park Associates LLC 7101 Wisconsin Ave. - Ste. 1203 Bethesda, MD 20814-4873
3355 0005 3355 0802	0218 Vine St., NW Maple St., NW	Raymar Corporation Raymond J. Anselmo 3611 Cardiff Rd. Chevy Chase, MD 20815-5945
3355 0811	0300 Vine St., NW	Fenton Street Limited 300 Vine St., NW Washington, DC 20012-2022
3357 0034	6912 Willow St., NW	David G. Warhurst Collette N. Surla 6912 Willow St., NW Washington, DC 20012-2024
3357 0035	6910 Willow St., NW	Timothy D. Robertson Rachel Cipryk 6910 Willow St., NW Washington, DC 20012-2024
3357 0039	6914 Willow St., NW	Donald L. Washington 6914 Willow St., NW Washington, DC 20012-2024

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SSL	PREMISES	OWNERS
3357 0047	6901 Maple St., NW	Ralph E. G. & T. K. Mensah 6901 Maple St., NW Washington, DC 20012-2013
3357 0049	6908 Willow St., NW	C. A. Werner Jack F. Werner, Jr. 6908 Willow St., NW Washington, DC 20012-2024
3357 0057	6827 Sandy Spring Rd., NW	Paul M. Pietsch Ambria B. Archibald 6827 Sandy Springs Rd., NW Washington, DC 20012-2017
3357 0060	0112 Carroll St., NW	Jamal's Takoma Pad L.L.C. 702 H St., NW - Ste. 400 Washington, DC 20001-3875
3357 0828	Willow St	Timothy D. Robertson Rachel Cipryk 6910 Willow St., NW Washington, DC 20012-2024
3357 0829	6915 - 6917 Maple St., NW	Pavit and Shraya Viswalingam Family Trust 5022 Warren St., NW Washington, DC 20016-4370
3357 0830	6906 Willow St., NW	Martin T. Elst 6906 Willow St., NW Washington, DC 20012-2024
3357 0833	6903 Maple St., NW	Peter Weiss Joann Axtmann 6903 Maple St., NW Washington, DC 20012-2013
3357 0841	6907 Maple St., NW	Mark Perry Wendy Caron 118 Van Buren St., NW Washington, DC 20012-2149

SSL	PREMISES	OWNERS
3357 0842	6909 Maple St., NW	Jose E. Feliciano Kwanza M. Jones 408 Pacific Ave. Venice, CA 90291-2510
3359 0005 3359 0043 3359 0048	6905 Willow St., NW Willow St 6856 Eastern Ave., NW	Donald Jemal Douglas Development Corp 702 H St., NW - Ste. 400 Washington, DC 20001-3875
3359 0047	6830 Laurel St., NW	Strayer University Inc. 2121 15th St N. # 300 Arlington, VA 22201-2625
3359 0049	6896 Laurel St., NW	Jemal's WTU LLC 702 H St., NW Fl 4 Washington, DC 20001-3874
3355 0805 3355 0807 Par 01160058 Par 01160060	Maple St., NW Vine St., NW Cedar St., NW Cedar St., NW	Washington Metropolitan Area Transit Authority (WMATA) 600 5th St., NW Washington, DC 20001-2610