



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
64 New York Avenue, N.E.	669	854	C-3-C	Special Exception	2108

Present use(s) of Property: Office and surface parking

Proposed use(s) of Property: Office and surface parking

Owner of Property: BREOF 64 New York Avenue REO LLC Telephone No: 202-266-1185

Address of Owner: 4678 World Parkway Circle, Saint Louis, MO 63134-3114

Advisory Neighborhood Commission: 5C Single-Member District(s): 5C02

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Application of BREOF 64 New York Avenue REO LLC, pursuant to 11 DCMR Sections 2108 and 3104, for a special exception
to reduce by less than twenty-five percent the amount of required off-street parking for an existing office building in the
C-3-C District at premises 64 New York Avenue, N.E. (Square 669, Lot 854).

EXPEDITED REVIEW REQUEST

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be
placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

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)

Date: 12/2/10

Signature*: Kyrus L. Freeman

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application
on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

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

Name: Kyrus L. Freeman E-Mail: kyrus.freeman@hklaw.com

Address: 2099 Pennsylvania Avenue, NW, Suite 100, Washington, DC 20006

Phone No.: 202-862-5978 Fax No.: 202-955-5564

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

FOR OFFICIAL USE ONLY

Board of Zoning Adjustment
District of Columbia
CASE NO. 18172
EXHIBIT NO. 1

Exhibit No. 1

Case No. 18172

INSTRUCTIONS

Any application that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. **(All applications must be submitted before 3:00 p.m.)**
3. At the time of filing this application before the Board of Zoning Adjustment (BZA), the Applicant shall complete and submit a Form 126 - Board of Zoning Adjustment Fee Calculator - and pay a filing fee in accordance with the BZA Schedule of Fees - 11 DCMR §3180. **(Check or money order is payable to the "DC Treasurer"; cash and credit/debit card payments will not be accepted.)**
4. If seeking an Expedited Review pursuant to § 3118.2, the applicant shall complete and submit Form 128 - Waiver of Hearing for Expedited Review.
5. ***At the time of filing this application, all applicants are REQUIRED to submit the following information (including one (1) original and fifteen (15) collated copies):***
 - A. Either a memorandum from the Zoning Administrator at DCRA directing the applicant to the BZA or a Form 135 - Zoning Self-Certification, which requires certification by a licensed architect or attorney.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed structures and accessory buildings and structures.
 - C. Architectural plans and elevations in sufficient detail to clearly illustrate any proposed structure to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 - Required Specifications for Plats, Plans and Elevations - for the required information on these drawings.)
 - D. A detailed statement of existing and intended use of the structure.
 - E. A detailed statement explaining how this application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 - Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - F. Three color images, not-to-exceed 8½" x 11", showing pertinent features of the structure and the property involved (front, rear and sides, if possible and applicable).
 - G. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and two (2) sets of self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 1101 4th Street, SW - West Building, Washington, D.C. 20024.)
 - H. The name and mailing address of any individual who has a lease with the owner for all or part of any structure located on the property involved in the application.
 - I. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change from a conforming use to a non-conforming use is requested, provide a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the Office of Planning (OP) and the Advisory Neighborhood Commission (ANC) within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly encouraged, at the time of filing this application, to contact these agencies to discuss the merits of their application. OP can be reached at (202) 442-7600. ANC information can be ascertained by contacting the Office of Advisory Neighborhood Commissions at (202) 727-9945.



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

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

KYRUS L. FREEMAN
202-862-5978
kyrus.freeman@hklaw.com

December 3, 2010

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

2010 DEC -3 PM 2:13
D.C. Board of Zoning
Adjustment

Re: Application for Special Exception Relief for 64 New York Avenue, N.E. (Square 669, Lot 854)

Honorable Members of the Board:

On behalf of BREOF 64 New York Avenue REO LLC, enclosed please find an application and supporting materials requesting approval of a special exception pursuant to Sections 2108 and 3104 of the Zoning Regulations, to reduce by less than twenty-five percent the amount of required off-street parking for an existing office building in the C-3-C District at premises 64 New York Avenue, N.E. (Square 669, Lot 854). We have enclosed a check in the amount of \$1,560.00 for the filing fee, and an original and twenty copies of the following:

- A completed BZA Application Form 120;
- Authorization letter from BREOF 64 New York Avenue REO LLC, the owner of the subject property, authorizing the law firm of Holland & Knight LLP to file and process the application;
- A building plat prepared by the D.C. Surveyor's office showing the boundaries and dimensions of the property, the footprint of the existing building, and the proposed parking layout;
- A statement of the existing and intended use of the subject property;
- A Preliminary Statement outlining how the application meets the required burden of proof;
- Photographs of the subject property;

- The name and mailing address of the owners of property within 200 feet in all directions from all boundaries of the subject property, plus two sets of mailing labels for this list; and
- In lieu of a memorandum from the Zoning Administrator, a completed zoning self-certification form (Form 135).

We believe the application is complete and acceptable for filing, and we request that the Board schedule a public hearing on the application at the soonest available time.

We are prepared to answer any questions or provide such other additional information as you may require. Thank you for your attention to this application.

Sincerely,



Kyrus L. Freeman

Enclosures

cc: Advisory Neighborhood Commission 5C (w/ enclosures – via U.S. Mail)
Jennifer Steingasser, Office of Planning (w/ enclosures – via Hand)