



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 150 – MOTION / REQUEST

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.

CASE NO.: 18272

Motion/Request of:

☒ Applicant

☐ Petitioner

☐ Appellant

☐ Party

☐ Intervenor

☐ Other

Motion/Request to:

☐ Amend the Relief Sought

☐ Waive Posting / Affidavit of Posting Requirement

☐ Waive Notice Requirement to Shorten Period of Time Case is
Advertised in the DC Register

☐ Accept a Proffered Expert Witness

☐ Allow Non-Authorized Representative to Perform Cross-
Examination

☐ Reopen the Record

☐ Reopen a Hearing (before decision)

☐ Dismiss on the Merits

☐ Postpone

☐ Continue

☐ Correct a Transcript

☒ Waive the following Time Deadline (i.e. 14-day filing deadline)
7-day deadline under 3126.5

☐ Other:

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion or request, including relevant references to the Zoning Regulations or Map.

CERTIFICATE OF SERVICE

I hereby certify that on this

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day of

June

,

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I served a copy of the foregoing Motion or Request to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of

Planning in the above-referenced ZC or BZA case via:

☐ Mailed letter

☐ Hand delivery

☒ E-Mail

☐ Other

Signature:

Mary Carolyn Brown

BOARD OF ZONING ADJUSTMENT
District of Columbia

Print Name:

Mary Carolyn Brown

CASE NO. 18272

Firm/Organization:

Holland & Knight LLP

EXHIBIT NO. 52

Address:

2099 Pennsylvania Ave., N.W., Suite 100, Washington, D.C. 20006

Phone No.:

(202) 862-5990

E-Mail:

carolyn.brown@hklaw.com

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

In the event an authorized agent files a Motion or Request on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion or Request authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:

Mary Carolyn Brown, Holland & Knight LLP

Address:

2099 Pennsylvania Ave NW, Suite 100, Washington, D.C. 20006

Phone No.:

(202) 862-5990

E-Mail:

carolyn.brown@hklaw.com

Board of Zoning Adjustment
District of Columbia
CASE NO. 18272
EXHIBIT NO. 52

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
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Via E-Mail Filing

June 22, 2012

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

RE: BZA Case No. 18272
Motion for Waiver of Time Limits

Dear Board Members:

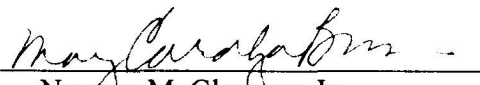
On behalf of KS FBC LLC, applicant in the above-referenced case, we hereby request a one-day waiver of time in which to file our Opposition to the Motion for Reconsideration of BZA Order No. 18272 filed by Ms. Kay Marlin. Under section 3126.5, our opposition to the motion was due on June 21, 2012, by 5:00 p.m., but was not filed until 10:37 a.m. this morning.

Due to press of other urgent business, and confusion over responsibility for the electronic mail submission, the opposition paper was not sent as intended. As soon as the error was discovered, our office immediately submitted the document. Waiver of the rule will not prejudice any party to the case or Ms. Marlin, who filed the motion, since it does not trigger any additional deadlines or responses. The opposition was filed less than two business hours later and thus did not unduly delay review of the document.

Therefore, the applicant respectfully request the Board of Zoning Adjustment to waive its rules and accept our Opposition to the Motion for Reconsideration one day late.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Norman M. Glasgow, Jr.
Mary Carolyn Brown

cc: service list attached

CERTIFICATE OF SERVICE

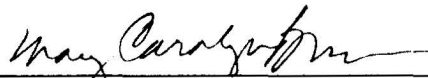
I HEREBY CERTIFY that the foregoing motion for waiver of time was served on June 22, 2012, by electronic mail on the following:

George R. Keys, Jr.
Jordan & Keys PLLC
1400 16th Street, N.W., Suite 710
Washington, D.C. 20036-2217

Helen White
The Richmond Condominium
1401 17th Street, N.W., Unit 602
Washington, D.C. 20036
The.Richmond@rcn.com

Chairperson
Advisory Neighborhood Commission 2B
9 Dupont Circle, NW
Washington, D.C. 20036

Kay Marlin
1401 17th St, NW, #401
Washington, DC, 20036
kmarlin@mindspring.com



Mary Carolyn Brown

Item D.

"A Detailed Statement of Existing and Intended Use of the Structure"

The property that is located at, 810 L Street, NE, Washington DC 20002, is currently a single family dwelling for a child development home with six children six weeks to twelve years old.

The proposed use is for a child development home to increase the number of children from six to twelve to accommodate much-needed childcare slots for the children of the District. Our hours of operation will be twenty four hours 7am - 7am Monday thru Sunday. Most parents use public transportation, which is located at the corner of 8th and L Street NE. We have a fenced yard located on the premises, which will be used at times. We would on a consistent basis go to Gallaudet University's play area. They have a large fenced play area that is sectioned off with fences and the play areas reflect the age group of the children and located around the corner at Florida Avenue and 8th Street NE.

Item E.

A detailed statement explaining how the application meets the specific test identified in the Zoning Regulations for variance are and/or use, special exception or other specific relief being sought. See Form -- Applicant's Burden of Proof for Variance and Special exception Applications.

1. Granting this application will help the great need for childcare slots for the area being private or district government subsidizing programs. We are currently using the facility as a childcare center, have enough spacing for additional children and steadily ask for available slots but was denied because of the zoning limitations. There would be no adverse affect on the use of the neighboring property.
2. Our noise is quite limited to our hours a day used for outdoor activities, our traffic flow is very minimum being as though the majority of our children are from the area, low income and use public transportation. Parents that do have other means of transportation are limited to the drop off and pick-up of their child.
3. There are and will be ample public parking spaces in the neighborhood and in the surrounding area.