

March 14, 2018



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VIA IZIS

Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street NW Suite 210S
Washington, DC 20001

Re: BZA Application 19722 - 923-927 5th Street NW
Applicant's Additional Request for Special Exception Relief

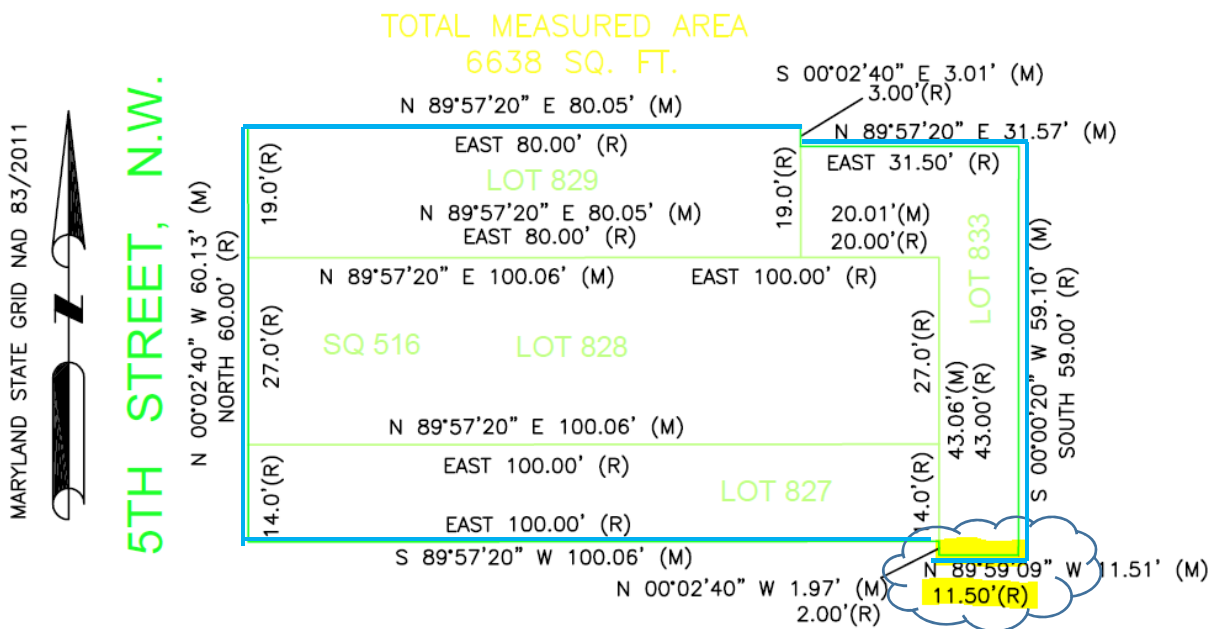
Dear Chairperson Hill and Members of the Board:

On behalf of Kline Operations, LLC (the "Applicant"), please find enclosed updated information in the above-referenced case.

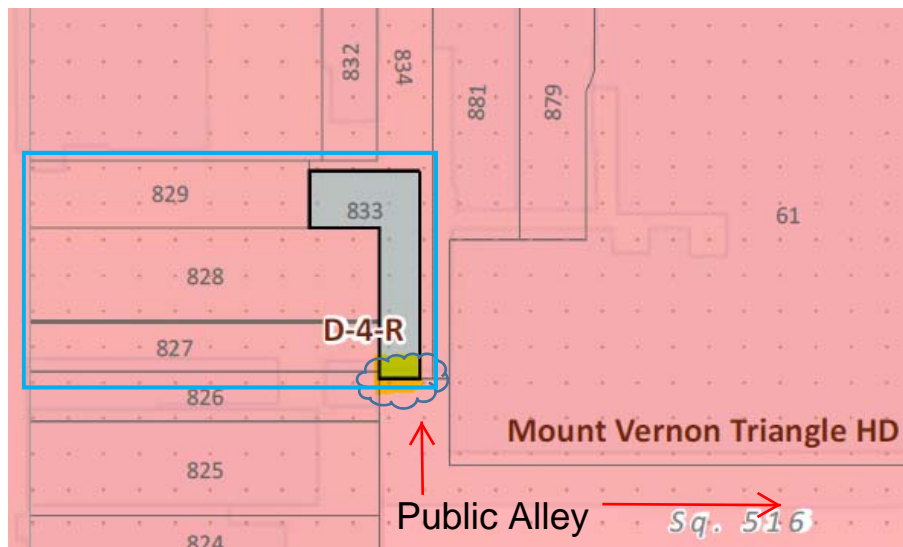
The Applicant has made a continuing effort to work diligently with various agencies to clarify the relief necessary for the Project. For example, the Applicant and its undersigned counsel met with the Historic Preservation Office staff on two occasions in February, as well as with the Office of Planning on February 26, 2018. In addition, counsel attended a meeting on Monday March 12, 2018 with the Zoning Administrator and Steve Cochran of the Office of Planning. Pursuant to the determinations made at that meeting, the Applicant hereby provides notice to the Board of its request for additional special exception relief from the requirements for loading access, and of the Applicant's intent to make minor changes to the plans, filed at BZA Ex. Nos. 39A1-8, to reduce the building height.

The Applicant requests special exception relief pursuant to 11 DCMR § X-901.2 and Subtitle C § 909.3 from the requirement for loading access. Subtitle C § 904.2 provides that a "driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.), a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12%)." However, the Board "may grant, as a special exception, a waiver of the access requirements of Subtitle C §§ 904.2 and 904.3 if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates: [either] (a) The lot has unusual topography, grades, shape, size, or dimensions; or (b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress." C § 909.3.

The Project is six inches short of meeting the 12-foot requirement for loading access because the Property has an unusual shape and dimensions, resulting in only 11.5' of linear frontage on the alley. The below excerpt from the surveyor plat shows the specific dimensions of the Property and the limited width where lot 833 meets the alley.



Furthermore, the zoning map is highlighted below to show the property's frontage on the alley.



This frontage is the only means of access to the loading berth, and as such is only six inches short of the 12' width access requirement. Therefore, the Project meets the special exception standard

as outlined in the initial application and Prehearing Statement (BZA Ex. Nos. 14, 39) and the Project meets the conditions of C § 909.3(a).

Finally, Applicant is currently waiting for confirmation from the Zoning Administrator regarding the requested penthouse setback relief. Upon receiving the clarification, the Applicant may update the Project's height in connection with that discussion.

Thank you for your attention to this matter. We look forward to clarifying any additional issues at the hearing on March 28, 2018. If you have any questions please do not hesitate to contact me on behalf of the Applicant.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', written over a horizontal line.

Meridith H. Moldenhauer
Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036

CERTIFICATE OF SERVICE

I certify that on March 14, 2018, a copy of this Additional Request was served via email on the Office of Planning and Advisory Neighborhood Commission 6E, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.cochran@dc.gov

Advisory Neighborhood Commission 6E
Alex Marriot, SMD 6E05 and Chair
6E05@anc.dc.gov
Anthony Brown, Chair of Zoning Subcommittee
brownanc6e@gmail.com

COZEN O'CONNOR



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Alyssa L. Bigley
1200 19th Street NW
Washington, DC 20036



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



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
923-927 5th Street NW	0516	827, 828, 829, 833	D-4-R
Single-Member Advisory Neighborhood Commission District(s):	6E05		

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/> X § 1000.1 - Use Variance	<input checked="" type="checkbox"/> X § 1000.1 - Area Variance	<input checked="" type="checkbox"/> X § 901.2-Special Exception
Pursuant to Subsections		I-207.1, C-909.2, I-612.4	I-205.5, C-1504.1, C-1500.3(c)

Pursuant to 11 DCMR Y § 300.6(b), the undersigned agent certifies that: C-909.3

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.



The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

**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 form 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)**

Owner's Signature 		Owner's Name (Please Print) BRAD KLINE	
Agent's Signature 		Agent's Name (Please Print) MERIDITH H. MOLDENHAUER	
Date	3/13/18	D.C. Bar No.	494695
or	Architect Registration No.		