



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA**



**FORM 150 – MOTION FORM**

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A  
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

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.:**

Motion of:

Applicant

Petitioner

Appellant

Party

Intervenor

Other \_\_\_\_\_

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Waive Notice and Posting Requirements for Variance Relief

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, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

Yes, consent was obtained by all parties

Consent was obtained by some, but not all parties

No attempt was made

Despite diligent efforts consent could not be obtained

Further Explanation: Applicant did not have sufficient time to seek consent from all affected parties.

**CERTIFICATE OF SERVICE**

I hereby certify that on this   day of , 2018

I served a copy of the foregoing Motion 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:

Print Name:

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19726  
EXHIBIT NO. 55

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

AMARO LLC )  
 ) Case No.: 19726  
 Applicant )  
 )  
 )  
 \_\_\_\_\_ )

**MEMORANDUM IN SUPPORT OF APPLICANT’S MOTION TO  
WAIVE NOTICE AND POSTING REQUIREMENTS FOR VARIANCE RELIEF**

Amaro LLC (“Applicant”), by and through the undersigned counsel, in support of the Motion to Waive Notice and Posting Requirements for Variance Relief, hereby states as follows:

1. Applicant owns property located at 101 Q Street NE (Square 3518, Lot 25) (“Property”), which is located within a PDR-2 Zone.

2. Applicant seeks to build a five-story structure on the Property containing an emergency shelter, including living units, administrative offices and related facilities, as well as additional commercial office space that may be rented to other office users (“Project”).

3. In connection with the Project, Applicant previously requested special exception relief to operate an emergency shelter within a PDR-2 Zone and to construct two enclosed penthouse-level stairwells within certain penthouse setback areas, pursuant to Subtitle C §§ 1502.1(b) and (d), and 1504 (the “Special Exception Application”).

4. During the course of review of the Special Exception Application, District agencies raised the question of whether the Subtitle C, §§ 711.6 and 902.3 require Applicant to include a loading berth and a twenty foot (20’) wide driveway for the surface level parking lot at the rear of the building (“Variance Relief”).

5. Applicant does not read the Zoning Regulations to require a variance from either such requirement, but has filed an Additional Statement of the Applicant for Variance Relief out of an abundance of caution.

6. The Special Exception Application has been published and Notice of the Special Exception proceeding was delivered to all relevant persons that are either tenants of the Property or reside within 200 feet of the Property. Applicant also completed significant outreach to neighborhood residents and civic groups and the affected ANC in connection with the Project, and has conducted several meetings with various District agencies in connection with the relief sought. These efforts are more fully described on the Supplemental Certification of Notification Efforts filed contemporaneously herewith.

7. The District of Columbia Department of Transportation report dated March 30, 2018 references the Variance Relief sought, and in so doing, confirms no objection to the omission of a loading berth or use of a twelve foot (12') driveway.

8. The Variance Relief sought is minimal and has no effect on the surrounding property owners or the public good.

9. With respect to the Variance Relief for the driveway, First Street is a very low-volume street that dead-ends adjacent to the Property. As such, the driveway would only actually impact the traffic that is accessing and departing the Project parking area, which consists of a maximum of ten (10) parking spaces which are not open for public use.

10. With respect to the Variance Relief for the loading berth, the office use within the Project is not expected to exceed 13,000 gross square feet of floor area (under conditions where a minimum occupancy of 20,000 gross square feet is necessary to trigger a loading berth requirement). The remaining shelter space will be constructed in a fashion consistent with a

residential multifamily building as opposed to a traditional shelter, and will consist of only 30 residential units which are pre-furnished (which is well below the minimum 50 unit requirement for loading facilities for multifamily buildings). As such, the reasonable expectation is the loading needs for the Project will be minimal and can be accommodated with smaller vehicles in the parking area.

11. The Project's design and functionality has not changed since the original Special Exception Application was filed and presented to the citizens, except for the inclusion of the fence and gate around the parking lot for security purposes.

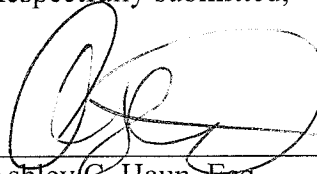
12. The Variance Relief is a technicality that does not affect the Project's intent and will not adversely impact the neighborhood.

13. The Applicant will provide the Eckington Civic Association with a copy of the filing as well as the affected ANC and other parties required to receive notice.

14. The ANC meeting originally scheduled for March 20, 2018 was cancelled due to the snow storm, and thus they will consider the Project on April 17, 2018, at which time the Applicant will explain the Variance Relief.

Wherefore, the foregoing premises considered, Applicant respectfully requests the publication and notice requirements for the requested variance be waived, and that the request for the variance be heard at the hearing for the special exception relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ashley C. Haun', written over a horizontal line.

Ashley C. Haun, Esq.

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*Attorney for Amaro LLC*

Date: April 3, 2018