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December 17, 2020

VIA IZIS

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

**Re: BZA Case No. 20350
401 Anacostia Road, SE (Parcel 0203/0009)
Request for Waiver from 40-Day Notice Requirement**

Dear Chairman Hill and Members of the Board of Zoning Adjustment:

On behalf of Mary's House for Older Adults, Inc. (the "Applicant"), we are respectfully requesting a waiver from the 40-day notice requirement under Subtitle Y § 402.1. The public hearing date for the above-referenced case is currently scheduled for January 13, 2021. For the reasons stated below, the granting of this waiver would not prejudice the rights of any party.

On December 17, 2020, a revised Public Hearing Notice ("PHN") was issued to provide an updated caption for the above-referenced case. Specifically, the original PHN misidentified the Applicant's requests for relief from the applicable side yard and lot occupancy requirements as special exceptions. However, as the Applicant has consistently indicated in all of its filings to date, the Applicant is seeking *area variances* in regards to side yard and lot occupancy. (*See, e.g.*, Ex. Nos. 1, 8, 13.)¹

Importantly, the original PHN contained no other deficiencies; it communicated the correct case number, applicant, property location, and future date of the public hearing. Recipients were therefore provided with sufficient information in order to track and review the Applicant's case. The Applicant has also presented the application before the affected Advisory Neighborhood Commission ("ANC"), ANC 7F, which has already submitted a letter of support into the record. (Ex. 16.) Furthermore, the revised PHN was sent nearly four weeks prior to the public hearing date. For these reasons, it is unlikely that the rights of any party would be prejudiced.

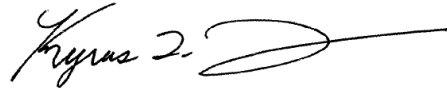
¹ On December 14, 2020, the Applicant filed a revised Form 135 Self-Certification only to update the citations to the applicable side yard and lot occupancy provisions under Subtitle D. (Ex. 29.)

In light of the foregoing, pursuant to its authority granted in Subtitle Y § 101.9, we respectfully request that the Board grant a waiver from the 40-day notice requirement in Subtitle Y § 402.1 in order to keep the currently scheduled hearing date of January 13, 2021.

We much appreciate your considerate attention to this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", with a long horizontal flourish extending to the right.

Kyrus L. Freeman

A handwritten signature in blue ink, appearing to read "C.S. Cohen", with a long horizontal flourish extending to the right.

Christopher S. Cohen

Encl.

cc: Certificate of Service

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on December 17, 2020, a copy of the foregoing updated and revised Form 135 Self-Certification was served by electronic mail on the following persons and addresses stated below:

1. District of Columbia Office of Planning

Ms. Jennifer Steingasser

Mr. Joel Lawson

Ms. Maxine Browne-Roberts

Via Email: jennifer.steingasser@dc.gov
joel.lawson@dc.gov
maxine.brownroberts@dc.gov

2. Advisory Neighborhood Commission (“ANC”) 7F

Commissioner Tyrell M. Holcomb, Chairperson

Commissioner Charlene Exum, Single-Member District 7F-04

Via Email: staff7F@gmail.com
7F01@anc.dc.gov
7F04@anc.dc.gov



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