

**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:

Withdraw Applicant's request for a driveway variance and for a refund of the \$1,040 variance filing fee.

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: In the interest of time, Applicant has not yet talked to the ANC but will do so.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of April, , 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: Emily J. Vaias

Print Name: Emily J. Vaias, Esq.

Address: 1909 K Street NW, 12th Floor, Washington, D.C. 20006

Phone No.: (202) 661-2239      E-Mail: vaiase@ballardspahr.com

Board of Zoning Adjustment

District of Columbia

CASE NO. 18726

EXHIBIT NO.61

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

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

---

**MEMORANDUM IN SUPPORT OF APPLICANT'S MOTION TO  
WITHDRAW APPLICANT'S REQUEST FOR DRIVEWAY VARIANCE**

Amaro LLC (“Applicant”), by and through the undersigned counsel, in support of the Motion to Withdraw Applicant’s Request for a Driveway Variance, hereby states as follows:

1. Applicant owns property located at 101 Q Street NE (Square 3518, Lot 25) (“Property”), which is located within the PDR-2 Zone, on which Applicant seeks to build a five-story structure containing an emergency shelter and commercial office space (“Project”).
2. 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 “Application”).
3. During the course of review of the Special Exception Application, and in the District of Columbia Department of Transportation’s memo dated March 30, 2018, the question was raised as to whether 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. In response, and in an abundance of caution, on April 3, 2018 Applicant amended the Application to include a request for variance relief from the requirements of Subtitle C, §§ 711.6 and 902.3.

4. On April 5, 2018, Applicant met with the Zoning Administrator to further discuss the variance relief requested, and during this meeting the Zoning Administrator confirmed that the expected traffic to and from the parking area constitutes “one-way traffic” for which a twelve- foot (12’) driveway is sufficient. *See Exhibit A – Zoning Administrator Confirmation.*

5. Accordingly, Applicant is hereby moving to withdraw its request for a variance from the requirements of Subtitle C, § 711.6 related to the driveway, and simultaneously submitting a revised Self-Certification form.

6. Applicant is a non-profit entity engaged in the business of providing crisis housing for survivors of domestic violence, and has limited funds which can be devoted to the Project. Considering the foregoing, and considering further that the request for variance relief from Subtitle C, § 711.6 was only filed in advance of the April 5, 2018 meeting with the Zoning Administrator because of the immediacy of the public hearing date, Applicant respectfully requests a refund of the \$1,040.00 filing fee for the variance request for the driveway.

Wherefore, Applicant respectfully moves to withdraw its request for a variance from Subtitle C, § 711.6 and Applicant further requests that it be refunded the \$1,040.00 filing fee for such request.

Respectfully submitted,



Date: April 9, 2018

Ashley C. Haun, Esq.  
Emily J. Vaias, Esq.  
Ballard Spahr LLP  
1909 K Street, NW, 12<sup>th</sup> Floor  
Washington, DC  
Phone: (202) 661-2239  
E-mail: [hauna@ballardspahr.com](mailto:hauna@ballardspahr.com)  
[vaiase@ballardspahr.com](mailto:vaiase@ballardspahr.com)

*Attorneys for Amaro LLC*

# EXHIBIT A

## Haun, Ashley (DC)

---

**From:** LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>  
**Sent:** Friday, April 06, 2018 4:43 PM  
**To:** Vaias, Emily, J. (DC)  
**Cc:** Haun, Ashley (DC)  
**Subject:** RE: 101 Q Street, NE - Meeting Tomorrow

Emily Vaias:

By means of this email I confirm that I am in agreement with the analysis and the conclusions stated in your below email.

Please let me know if you have any further questions.

**Matthew Le Grant | Zoning Adminstrator, Office of the Zoning Administrator**  
Department of Consumer and Regulatory Affairs  
Matthew.legrant@dc.gov | 1100 4th St SW, DC 20024  
main: 202.442.4576 | desk: 202.442.4652  
[dcra.dc.gov](http://dcra.dc.gov)



---

**From:** Vaias, Emily, J. [mailto:[VaiasE@ballardspahr.com](mailto:VaiasE@ballardspahr.com)]  
**Sent:** Thursday, April 05, 2018 6:22 PM  
**To:** LeGrant, Matt (DCRA)  
**Cc:** Haun, Ashley  
**Subject:** RE: 101 Q Street, NE - Meeting Tomorrow

Mr. LeGrant – Thank you for meeting with us this morning to discuss our pending applications for 101 Q Street, NE. We would appreciate your confirmation of the below items:

1) Driveway width – The proposed driveway is 12 feet in width and serves the small parking lot with only 10 spaces. The driveway will operate as a one-way driveway with controlled access for security purposes which will only allow one vehicle to enter or exit at a time. Accordingly, this driveway satisfies the zoning requirements of Subtitle C, Section 711.6 and a variance is not necessary.

2) Loading berth – Because the Project proposes 32,000 square feet in a newly constructed building (which could include up to 25,000 square feet of emergency shelter and 7,200 square feet of office) it is required to provide a loading berth pursuant to Subtitle C, Section 902.3. A variance is needed to reduce this requirement.

Please let me know if you need anything more. Thanks again – Emily

**Emily J. Vaias**

1909 K Street, NW, 12th Floor  
Washington, DC 20006-1157  
202.661.2239 DIRECT  
202.661.2299 FAX

vaiase@ballardspahr.com  
VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

---

**From:** Vaias, Emily, J. (DC)  
**Sent:** Wednesday, April 04, 2018 4:33 PM  
**To:** 'LeGrant, Matt (DCRA)'  
**Cc:** Haun, Ashley (DC)  
**Subject:** 101 Q Street, NE - Meeting Tomorrow

Mr. LeGrant – Thank you for agreeing to meet with us tomorrow (Thursday, April 5 at 11:00 am) to review our pending special exception and possible variance applications. I have attached hereto a short agenda describing the current status of the project and applications. We are scheduled to go to the BZA next Wednesday, April 11. We want to review with you whether we really need variances for the driveway width and the loading berth requirements. We will bring some additional materials with us, but I wanted you to have our outline of the issues and at least the zoning map and proposed site plan prior to our meeting. Thanks again. See you tomorrow – Emily

**Emily J. Vaias**

---

1909 K Street, NW, 12th Floor  
Washington, DC 20006-1157  
202.661.2239 DIRECT  
202.661.2299 FAX

vaiase@ballardspahr.com  
VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

DCRA actively uses feedback to improve our delivery and services. Please take a minute to [share your feedback](#) on how we performed in our last engagement. Also, [subscribe](#) to receive DCRA news and updates.