

OFFICE OF ZONING

2011 DEC 12 PH 4: 36

***goulston&storr*s**
counselors at law

Jeff C. Utz
Associate
jutz@goulstonstorr.com
202-721-1132 Tel
202-263-0532 Fax

December 12, 2011

VIA HAND DELIVERY

Meredith Moldenhauer, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18289
EXHIBIT NO. 31

**Re: EQR-EYE Street, LLC – BZA Application No. 18289 for 443 – 459 I
Street, NW – Square 516, Lots 812 – 815 and 876 (the “Property”) –
Motion to Waive the Fourteen Day Filing Deadline**

Dear Chairperson Moldenhauer and Members of the Board

On behalf of EQR-EYE Street, LLC (the “**Applicant**”), the applicant under BZA Case No. 18289, we hereby submit a motion to the BZA to waive the fourteen day filing deadline in order to allow a supplemental statement into the record for the Board’s consideration in the above-captioned case. Pursuant to 11 DCMR § 3100.5, the BZA may waive the requirements of 11 DCMR § 3113.8.

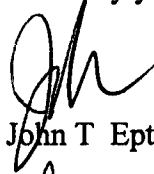
In this case, the waiver of § 3113.8 will allow the Applicant to file additional information requested in – and to address matters raised in – the Office of Planning’s Report on December 6, 2011 (“**OP Report**”). The granting of this waiver will not prejudice the rights of any party and is not otherwise prohibited by law. Rather, this waiver will ensure that there are not open issues for the Board’s consideration of this application.

Board of Zoning Adjustment Case No 18289 – 455 I Street, NW
December 12, 2011

We look forward to presenting this case to the Board tomorrow. If you have any questions, please do not hesitate to contact John at (202) 721-1108 or Jeff at (202) 721-1132.

Thank you for your attention to this application.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John T. Epting".

John T Epting

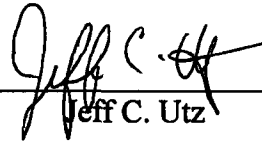
A handwritten signature in black ink, appearing to read "Jeff C. Utz".

Jeff C Utz

Enclosures

Certificate of Service

I certify that on December 12, 2011, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeff C. Utz

Stephen Cochran (2 copies)
Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

ANC 6C (6 copies)
234 E St , NE
Washington, DC 20002

Keith Silver – ANC 6C01
901 New Jersey Ave., NW
Washington, DC 20001

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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.:

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)
14-day filing deadline _____

☐ 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

1D

2D

day of

December Month

,

2Y

0Y

1Y

1Y

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:

Print Name:

John T. Epting

Firm/Organization

Goulston & Storrs, P.C.

Address:

1999 K Street, NW, 5th Floor, Washington D.C. 20007

Phone No.:

202.721.1108

E-Mail:

jepting@goulstonstorrs.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:

John T. Epting

Address

Goulston & Storrs, P.C.

Phone No.

202.721.1132

E-Mail:

jepting@goulstonstorrs.com