



7/26/2012

Board of Zoning Adjustment
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

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Re: BZA Zoning Application # 18294
Answer to Motion for Reconsideration and Rehearing

Dear Board of Zoning Adjustment:

The applicants hereby request that the BZA deny Mr. and Ms. Finston's motion for reconsideration and rehearing of Application No. 18294.

The motion presents the same arguments made at the time of the hearing, which the BZA did not accept. It presents no new evidence that was not available and cites no specific material errors on the part of the BZA.

Zoning Regulations section 3126.4 stipulates that *"a motion for reconsideration shall state specifically all respects in which the final decision is claimed to be erroneous..."* The claims in the motion, however, are general and unsubstantiated.

Furthermore, they reiterate the same complaints, which the BZA rigorously considered at the hearing and decision meeting in January and February. The BZA took pains to examine the testimony and give great weight to OP and ANC 3c's reports – both of which were supportive of the project. Indeed the thoroughness of the deliberation allowed the applicants peace of mind in moving out of their house while it awaits construction.

Section 3126.6 requires that new evidence be submitted that could not have been presented at the time of the original hearing.

The BZA gave Ms. Finston ample opportunity to put forth her argument at the hearing, and allowed the record to stay open after the hearing for her to submit additional exhibits prior to the decision meeting. There have been no changes or revelations in the project since then and there is no evidence put forth in the motion that was not available at that time.

The BZA should deny the motion for rehearing and reconsideration. The argument laid out in the motion does not meet the standard required by section 3126 and the granting of reconsideration would compromise an established and effective system for adjudication of such matters.

Sincerely,

VW Fowlkes

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18294

EXHIBIT NO. 45

1711 CONNECTICUT AVE NW, WASHINGTON, DC 20009

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