

Monday, April 09, 2012

Lloyd Jordan, Esq.
Chairperson
Board of Zoning Adjustments
441 4th Street NW Room 220 South
Washington, DC 20001

Re: Request for Waiver of Posting of Additional Notice. (Application of Rodrigo Lopez-Quiroga & Sandra Leiva-Lopez (BZA Case No. 18353 – 4220 45th Street NW)

The address of reference above and the subject of application before the Board is the primary residence of Sandra Lopez-Quiroga, my wife and I. The application for a special exception, on an expedited review basis, is self-filed.

Mr. Clifford Moy, the Secretary of the Board of Zoning Adjustment (BZA) has informed me by email of Friday, April 6 that our application has failed to file a sworn affidavit demonstrating compliance with the additional posting requirement set forth in § 3113.14, in accordance with the requirement set forth in § 3113.19.

We wish to express for the record that the lack of compliance with the additional posting requirement was not willful, but a result of a misunderstanding of the BZA process; specifically the assumption that since the expedited review process waived the right to a public hearing, posting for such hearing is also waived.

It is our understanding that the Board may, for good cause shown, waive any of the provisions of this chapter, if in its judgment, "the waiver will not prejudice the rights of any party and is not otherwise prohibited by law" as set forth in § 3100.5

We respectfully request that the Board waive the specified provision in the instant application because we believe the Board can reasonably conclude that the rights of any party are not prejudiced for the following reasons.

- (1) The notice of public hearing set forth in § 3113.13 (a) through (e) has been fulfilled without notice to the contrary, therefore all stakeholders, including all property owners within the prescribed radius, are duly noticed;
- (2) By memorandum dated April 3, 2012, the Office of Planning has recommended approval of the application;

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(3) All property owners most proximal to the property of application have filed letters of support of the application;

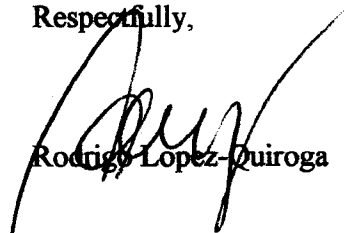
(4) There is no opposition to the application;

(5) Advisory Neighborhood Commission 3E (ANC3E) after a proper notice conducted a public hearing and unanimously supported the application by resolution.

For all the foregoing reasons, we respectfully request that the Board apply its authority to waive this provision for the good cause outlined above.

Thank you in advance of your consideration.

Respectfully,


Rodrigo Lopez-Quiroga