



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 153 – MOTION FOR RECONSIDERATION OR REHEARING

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.:	18376					
Motion of:	☒ Applicant	☐ Petitioner	☐ Appellant	☐ Party	☐ Intervenor	☐ Other _____
Motion for:	☒ Reconsideration			☐ Rehearing		

Points and Authorities:

Below and/or 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.

1. The BZA failed to consider the clear intent of the topographic survey attached.
--The Findings of fact introduced did not consider an exhibit, a topographic survey. This item was relevant to the exceptional condition of the property as well as to the disputed "fourth story" or roof structure; Mr. Smith's construction was not classified as a "roof structure" at the hearing.
2. Great weight was not given to the ANC due to the ANC being unable to submit it's report to the Board although a decision to support Mr. Smith's application in its entirety was made publicly prior to the BZA hearing.
3. Applicant requests a stay of the effectiveness of order 18376
4. The hearing and decision date of July 17, 2012 yielded a final Order dated February 8th, 2013. The untimely order has caused Mr. Smith even more strife, mental burden, family stress, and he has also lost the interest of a financial investor in assisting him with the possible deconstruction of the addition.
5. The OP "suggestion" for the applicant to request additional relief was made only 7 days prior to the hearing. The applicant prepared a case based on an untimely and amended ZA memo. He was unable to prepare for further presentation under such time constraints.

CERTIFICATE OF SERVICE

I hereby certify that on this	2	1	day of	March	,	2	0	1	3
I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning on									
the above referenced ZC or BZA case via:	☒ Mailed letter		☒ Hand delivery		☐ E-Mail		☐ Other Fax _____		

Signature:				RECEIVED D.C. OFFICE OF ZONING 2013 MAR 22 PM 4:23
Print Name:	Dianna Reed-Frimpong			
Firm/Organization:	Land Use by Design			
Address:	428 Legato Terrace, Suite B			
Phone No.:	(202) 744-7875	E-Mail:	landusebydesign@gmail.com	

To be notified of hearing and decision: (Maker of Motion/Request or Authorized Agent)

In the event an authorized agent files a motion on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:	Cornelle Smith		
Address:	809 Varnum St. NW, Washington D.C.		
Phone No.:	(703) 928-1260	E-Mail:	cornellebsmith_cbs@yahoo.com

Board of Zoning Adjustment
District of Columbia
CASE NO. 18376
EXHIBIT NO. 39

"Creating Compliant Solutions"
"Building your world one permit at a time"

Reconsideration of BZA Application # 18376

March 21, 2013 (10 days after order drafted and 3 days after USPS mailing)

Title 11, Sections 3029 & 3126

Continued

6. Ms. Rashida MacMurray was not present for the vote and the applicant would like all Board members if possible to "weigh in" while determining his financial fate as well as while determining the ultimate outcome of the property's construction and/or deconstruction.

7. The property is a conversion to an apartment house, and relief sought should be considerate of this fact.

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"Building your world one permit at a time"

Motion for Reconsideration was also Mailed March 21st, 2013 to:

Dianna Reed
428 Legato Terrace
Silver Spring, MD 20901

Cornelle Smith
809 Varnum Street, N.W.
Washington, D.C. 20011

Chairperson
Advisory Neighborhood Commission 1A
1380 Monroe Street, N.W. #103
Washington, D.C. 20010

Single Member District Commissioner 1A-04
Advisory Neighborhood Commission 1A
1338 Meridian Place N.W.
Washington, DC 20010

Melinda Bolling, Esquire
General Counsel
Office of General Counsel
Dept. of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024

Jim Graham, Councilmember
Ward One
1350 Pennsylvania Avenue, N.W., Suite 105
Washington, D.C. 20004

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Reconsideration of BZA Application # 18376

March 22, 2013

Title 11, Sections 3029 & 3126

To whom it may concern,

I am writing to indicate that Mr. Jorge Granados of 3455 Holmead Place N.W. has agreed to retract his letter (previously exhibit 22) and testimony in opposition of the upper addition or the "4th story;" he is now in support. Mr. Smith will furnish documentation of this agreement in the near future.

Respectfully,



Dianna Reed-Frimpong
Principal- Zoning & Land Development Professional
Land Use by Design®

DC Metro Office: 202.744.7875
TN/SW Virginia/West Virginia: 540.552.4342
Fax: 202.478.1888
Email: landusebydesign@gmail.com
Website: <http://www.landusebydesign.com/>

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