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BEFORE THE BOARD OF ZONING ADJUSTMENT

EDWARD V. HANLON

Appellant

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No.: 18429

Hearing Date: October 30, 2012

**APPELLANT'S MOTION TO WAIVE THE FOURTEEN DAY DEADLINE
FOR FILING EXHIBITS 19, 20, 21 AND 22
(HEARING OCTOBER 30, 2012)**

Comes Now the Appellant, Edward V. Hanlon, and files this Motion to Waive the Fourteen Day Deadline for Filing Exhibits 19, 20, 21 and 22 and states as follows:

1. The Hearing is scheduled for the afternoon of October 30, 2012. The existing deadline for filing exhibits was Monday, October 15, 2012, fourteen (14) days before the hearing.
2. However, *after* the October 15, 2012 deadline, the Applicant wired his deck for electricity. On Friday, October 19, 2012, four days after the deadline, the Applicant installed outdoor electric color lighting on his deck. The deck lighting changes color every few seconds from purple, to blue, to green, to orange and back again like a Christmas tree color wheel, over 40 feet in the air.
3. Exhibits 19, 20 and 21 are photos of this color display which were taken on October 19, 2012, the first night of the color lighting. All photos were taken while standing in the Public Alley across the Swann Street from 1530 Swann Street NW and next to Appellant's house at 1523 Swann Street NW.

4. The photos which comprise Exhibit 19 thru 21 show clearly how this deck visually intrudes upon the character and scale of this historic neighborhood. It towers over the neighborhood and overwhelms those below it.

5. Exhibits 19 thru 21 are important information for the Board to consider in this case.

11 DCMR Sec.1501.1 states:

“The Dupont Circle area is a unique resource to the District of Columbia that must be preserved and enhanced. Strong protections are needed to retain its low scale, ... human scale streetscapes...”

11 DCMR Sec. 1501.4 states:

“The purpose of the DC Overlay District is to:

(a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk ...

(b) Protect the integrity of ‘contributing buildings’ as that term is defined by the Historic Landmark and Historic District Protection Act of 1978... to require compatibility of development with the purposes of D.C. Law 2-144”

6. Exhibits 19 thru 21 could not have been filed by the fourteen day deadline, because the color outdoor lighting was not installed until after the deadline had run. The evidence did not exist until after the deadline had run.

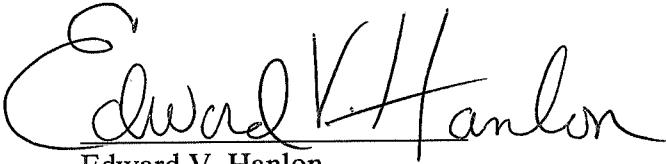
7. The photos of the lighted deck help illustrate how out of character this deck project is in terms of mass, bulk, scale and visual intrusiveness with the purposes of the DC Overlay District.

8. Exhibit 22 is a copy of one of the architectural diagrams which the Applicant himself submitted to DCRA as part of the Permit Application process. Page 4 of Exhibit 22

carries the stamp of DCRA's Permit Processing Division showing Exhibit 22 was filed by the Applicant with DCRA on June 4, 2012. It is a publicly available document.

9. Allowing submission of Exhibit 22 would not prejudice the Applicant, as the document came from the Applicant himself and was filed by the Applicant with DCRA as an integral part of the Permit Application process.

Respectfully submitted,



Edward V. Hanlon
1523 Swann Street NW
Washington, DC 20009

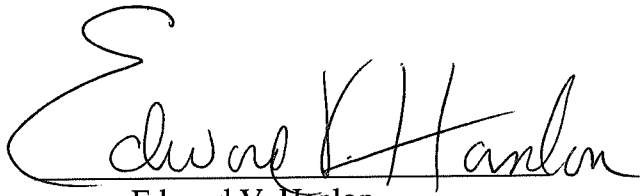
CERTIFICATE OF SERVICE

I certify that on this date one copy of the foregoing was mailed first class postage pre-paid to:

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10/23/12
Date