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November 15, 2012

VIA HAND DELIVERY

Chairman Lloyd Jordan
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210S
Washington, DC 20001

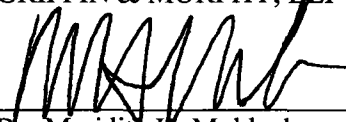
Re: Application No. 18448 – Motion To Waive Late Posting

Dear Chairman Jordan:

The following request is presented on behalf of 3579 Warder Street, LLC (the “Applicant”) in BZA Case No. 18448. Under 11 DCMR 3113.14, “the applicant shall give additional notice of the public hearing by posting the property with notice of the hearing at least fifteen (15) days in advance of the hearing.” Due to an oversight, the additional notice of the public hearing was posted three days late on November 15, 2012. Accordingly, the Applicant is respectfully requesting the Board to waive their requirements and accept the attached affidavit and notification of posting.

Under 11 DCMR 3100.5, the Board “may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.” The Applicant asks that the Board grant the requested waiver based on actual notice and lack of prejudice to the public. The Application has been well advertised on the agenda for ANC 1A’s November 14, 2012 ANC Meeting. That agenda was widely dispersed and was publicly available on ANC 1A’s website. The November 14 ANC Meeting was very well attended, and following an extensive discussion of the application both with individuals in support and in opposition of the Application, the Commission voted in support of the Application. The posting was completed in the manner prescribed by the Zoning Regulations on November 15, 2012, only three days after the required date. The Applicant has obtained over twenty five (25) letters of support. For these reasons, the Applicant respectfully requests that the Board grant the Applicant’s request to waive the late posting of the additional notice requirement.

Sincerely,
GRIFFIN & MURPHY, LLP


By: Meredith H. Moldenhauer

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18448

EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 18448
EXHIBIT NO. 26



**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**



FORM 145 – AFFIDAVIT OF POSTING

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

(Name of person posting the property)

, being first duly sworn, do hereby depose and say that:

On 11/15/2012 (date) at 11:30 am (time) I caused (number of notices) 1

Zoning Sign(s) furnished by the Office of Zoning to be posted on private property known as:

1221 Otis Place NW (address of premises)

In plain view of the public on the following street frontages:

I caused to be taken, 3 (no. of photos) photograph(s), attached hereto, of the Zoning Sign(s) in place which fairly depict each

Zoning Sign as seen by the public. The photographs are numbered and correspond to the following street frontages:

Photograph No.	Street Frontage
1	Otis Place
2	Otis Place
3	Otis Place

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I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

Date: 11/15/2012 Signature: [Signature]

Subscribed and sworn to before me this 15 (date) day of November (month) 2013 (year)

[Signature]
(signature)

Notary Public, D.C.

My commission expires on: 06-14-14 (date)

- Photograph 1 -



Photograph 2



Photograph 3

**PUBLIC NOTICE
OF
BOARD OF ZONING ADJUSTMENT
HEARING**

APPLICATION NO.

18448

OF

3579 Warder Street, LLC

THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA WILL HOLD A PUBLIC HEARING IN SUITE 220-S, ONE JUDICIARY SQUARE, 441 4TH STREET, N.W. ON 11/27/12 AT 9:30 a.m. TO CONSIDER A PROPOSAL FOR

Application of 3579 Warder Street LLC, pursuant to DC ZONING CODE § 1103.2, for a variance from the lot area requirement under subsection 301.5, to allow the construction of a four-story plus a four (4) inch apartment building in the R-4 District at premises 1227 Oaks Trace, N.W. (Square 2929, Line 57)

FOR MORE INFORMATION PLEASE CONTACT THE OFFICE OF ZONING AT
441 4TH STREET, N.W., SUITE 200-S
WASHINGTON, DC 20001
(202) 727-6311 • (202) 727-6072 - fax
website: www.dcoz.dc.gov • e-mail: dcoz@dc.gov

THIS SIGN SHALL NOT BE REMOVED, DEFACED, OR DESTROYED UNDER PENALTY OF THE LAW.