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Real Estate | Zoning | Litigation | Business Law

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January 14, 2013

By E-mail
bzasubmissions@dc.gov

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

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D.C. OFFICE OF ZONING
2013 JAN 14 PM 1:17

Re: Post-Hearing Submission – Response to Incorrect Assertion in OP Report regarding the due date of the Post-Hearing Submission; BZA Application No. 18446; 1308 Euclid Street, NW; Square 2866; Lot 55

Dear Chairperson Jordan and Board Members,

The Applicant requests the Board's consideration of a waiver of the rules in order to accept this late filing. We understand that this is an extraordinary request, but we believe it is important to correct an obvious error made by the Office of Planning in its recent submission. The Applicant requested the Office of Planning to correct this error, but received no response.

The Office of Planning has asserted that the Applicant's post-hearing submission was late. But a review of the video recording of the hearing will show that the post-hearing submission was due January 7th, not January 4th. I confirmed this via a voicemail exchange with Cliff Moy on January 4th.

Also, I would point out that by the Office of Planning's reasoning, this Application would have been acceptable if the Applicant had illegally used his 3rd unit over the last 25 years, rather than complying with use regulations all that time. But the practical difficulty is in the physical re-connection of two floors previously separated, not in the elimination of an illegally operating unit. Office of Planning's rationale, if accepted, would work to reward violators and punish those that have complied with the Zoning Regulations – like this Applicant – and this is certainly not intended by the Zoning Regulations or any reasonable policy.

Thank you for considering this information in your deliberation.

Sincerely,


Martin P. Sullivan, Esq.