



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



FORM 150 – MOTION / REQUEST

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.: 18568

Motion/Request of: ☐ Applicant ☐ Petitioner ☒ Appellant ☐ Party ☐ Intervenor ☐ Other _____

Motion/Request to:

- | | |
|---|---|
| ☐ Amend the Relief Sought | ☐ Reopen a Hearing (before decision) |
| ☐ Waive Posting / Affidavit of Posting Requirement | ☐ Dismiss on the Merits |
| ☐ Waive Notice Requirement to Shorten Period of Time Case is
Advertised in the <i>DC Register</i> | ☐ Postpone |
| ☐ Accept a Proffered Expert Witness | ☐ Continue |
| ☐ Allow Non-Authorized Representative to Perform Cross-
Examination | ☐ Correct a Transcript |
| ☐ Reopen the Record | ☐ Waive the following Time Deadline (i.e. 14-day filing deadline):
_____ |
| | ☒ Other: <u>Deny Intervenor's Request for Additional Procedural Hearing</u> |

Points and Authorities:

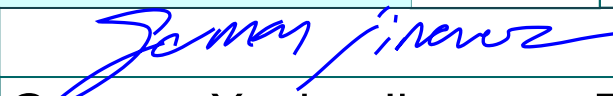
On a separate sheet of 8 ½" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion or request, including relevant references to the Zoning Regulations or Map.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st 9th day of May Month, 2013

I served a copy of the foregoing Motion or Request to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of

Planning in the above-referenced ZC or BZA case via: ☐ Mailed letter ☐ Hand delivery ☒ E-Mail ☐ Other _____

Signature: 

Print Name: German Xavier Jimenez, Esq.

Firm/Organization:

Address: 1800 Tysons Blvd, Mclean Va 22102

Phone No.: 202-412-1995

E-Mail: german.xavier.jimenez@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 or Request on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion or Request authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: Shaw Dupont Citizens Alliance, Inc.

Address: PO Box 73153, Washington, DC 20056

Phone No.: 202-683-7322

E-Mail: joan.sterling@comcast.net

Board of Zoning Adjustment
District of Columbia
CASE NO. 18568
EXHIBIT NO. 32

May 19, 2013

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustments
Office of Zoning
441 4th Street, N.W., Suite 210s
Washington, DC 20001

RE: Appeal No 18568

Dear Mr. Moy:

The purpose of this letter is to request that the Board of Zoning Adjustment (hereinafter "BZA") **deny** A1's Market, LLC's (hereinafter "Intervenor's") motion to request to set a hearing on the Intervenor's Motion to Dismiss prior to the appeal currently set for hearing on June 18, 2013. Shaw-Dupont Citizens Alliance, Inc. (hereinafter the "Appellant" or "SDCA") requests the motion for the additional hearing on the procedural matter dated May 18, 2013, be denied because of the hardships in preparing for another hearing prior to June 18, 2013.

The Intervenor asserts in their motion to request a hearing on the previously filed motion to dismiss dated May 9, 2013, that a hearing prior to June 18, 2013 makes financial and administrative sense for all parties involved. To the contrary, a hearing prior to June 18, 2013, does not make financial or administrative sense for the Appellant as the Appellant must spend scarce time, resources, and cost to analyze and adequately prepare a response to the Intervenor's Motion to Dismiss and, additionally, spend scarce time, resources, and cost to prepare for and holding a hearing prior to June 18, 2013.

The Appellant is currently in the process of analyzing and preparing a response to the Intervenor's Motion to Dismiss dated May 9, 2013, which the Appellant believes is without merit. The Appellant will be prepared to address both the procedural and substantive issues at the appeal currently set for hearing on June 18, 2013 at 1:00 pm and, accordingly, requests that the Intervenor's request for an earlier hearing be denied for the reasons set forth above.

Respectfully and on behalf of the SDCA,



German Xavier Jimenez, Esq.