



DONOHUE & STEARNS, PLC

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November 18, 2013

Mr Lloyd Jordan, Chairman
D C. Board of Zoning Adjustment
441 4th Street, NW, Room 200 South
Washington, D C 20001

Re: Case No 18659 – Request for Consideration of Preliminary Matter/Postponement

Chairman Jordan.

The Board of Zoning Adjustment is scheduled to consider Application No 18659 at its hearing tomorrow, November 19, 2013. The Applicant has filed for the wrong relief in seeking a special exception under Section 223. The structure has been razed, as determined by the Zoning Administrator by letter dated July 3, 2013. The Office of Planning and Advisory Neighborhood Commission 3D ("ANC 3D") concur that the application is seeking the wrong relief and should be requesting two (2) variances and not special exception relief. The Applicant admits this in his Pre-Hearing Statement on pages 5 and 6, and did so in its presentation to ANC 3D.

As such, the Applicant should be required to submit a revised application and the correct fees for two (2) variance requests. New notification letters to surrounding property owners should reflect the revised relief as should the posting on the subject parcel – 4540 Lowell Street, NW.

Therefore, at this time, we respectfully request that Application No 18659 be deferred until the Applicant has submitted requests for the appropriate relief.

Sincerely,

Edward L. Donohue

Counsel for Peter and Sally Baker – Movants for Party Status

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18659
EXHIBIT NO. 33

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