



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 128 – WAIVER OF PUBLIC HEARING FOR EXPEDITED REVIEW

Pursuant to § 3118 of Title 11 DCMR Zoning Regulations, an applicant may choose to waive its right to a public hearing for an eligible application and select the BZA Expedited Review process. By signing this form, you acknowledge that you understand the consequences that may result from choosing an Expedited Review of your application.

APPLICATION TYPE:

1. I understand that the following sections of the Zoning Regulations reflect the only types of cases that may be placed on the Expedited Review Calendar:

- A park, playground, swimming pool, or athletic field pursuant to §209.1, or
- An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223.

NOTICE OF EXPEDITED REVIEW:

2. I understand that my application may be placed on the Expedited Review Calendar and decided without hearing at the Board's next regularly scheduled session:

- Upon Notice of Expedited Review pursuant to §§ 3113.12 through 3113.16; and
- Upon the completion of the Advisory Neighborhood Commission (ANC) review period of thirty (30) calendar days from the receipt of the application, plus an additional fourteen (14) calendar days.

3. I understand that the Notice of Expedited Review shall include the procedure for requesting the removal of the application from the Expedited Review Calendar.

REMOVAL FROM EXPEDITED REVIEW CALENDAR AND RESCHEDULING FOR HEARING:

4. I understand that my application will be removed from the Expedited Review Calendar and rescheduled for Public Hearing, for the following reasons:

- At the oral or written request of a Board member made at any time prior to the vote on the application;
- Upon the receipt of a timely filed request for party status in opposition to the application; or
- At the written request of the Office of Planning, if filed with the Office of Zoning no later than fourteen (14) days prior to the date that the expedited review is scheduled.

5. I understand that my application will also be removed from the Expedited Review Calendar and rescheduled for Public Hearing, upon receipt of a written request, pursuant to § 3118.8, from the below participants, unless the Presiding Officer deems the proffered testimony irrelevant:

- The affected ANC or affected Single-Member District (SMD),
- The Councilmember representing the area in which the subject property is located or representing an area located within two-hundred feet (200 ft.) of the subject property, or
- The owner or occupant of any property located within two-hundred feet (200 ft.) of the subject property.

I certify that I have read and understand the aforementioned. I acknowledge that by requesting a waiver of Public Hearing, I assume the risk that my case may not be reviewed by the Expedited Review process and that if it is rescheduled for Public Hearing, it will extend the period of time it would have taken had I opted for Public Hearing.

Name: Russell Clark Signature: Russell Clark Date: 11/12/13

FOR OFFICIAL USE ONLY

Exhibit No. 5

Case No. 18704

Board of Zoning Adjustment
District of Columbia
CASE NO. 18704
EXHIBIT NO. 5