

# SULLIVAN & BARROS, LLP

Real Estate | Zoning | Business Law

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May 28, 2014

## **By E-Mail Submission**

Lloyd Jordan, Chairman  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001  
[bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18725

EXHIBIT NO. 49

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**Re: Response to Motion for Rehearing and Reconsideration; BZA Case No. 18725; 1536 T Street, NW; Square 191, Lot 98**

Dear Chairman Jordan and Members of the Board

On behalf of the Applicant in BZA Case No. 18725, I am writing to register the Applicant's opposition to the Party Opponents' Motion for Rehearing and Reconsideration

The Party Opponents pursued their opposition first by harassing their ANC Commissioners with multiple FOIA requests, and it continues with this strategy, now submitting FOIA requests to DCRA on topics as immaterial as the "Official Position Description" of a DCRA employee. The Party Opponents' scorched earth strategy with the ANC, DCRA, and personally with the Applicants (Mr. Hanlon and Mr. Uth continue to regularly trespass on the Applicant's property, and Mr. Hanlon and Mr. Hill continue to harass the Applicants such that they have had to call the police) misses the mark when it comes to the Zoning Regulations and to the decision of the Board in BZA Order No. 18725.

The Party Opponents' motion (the "Motion") provides no new information, other than to note that the zoning technician referred to in the BZA Order is officially identified as an "Engineering Technician." The Motion then goes on to inexplicably misrepresent the content of its own exhibit.

The Party Opponent asserts that there can be no reasonable reliance on this Engineering Technician because "the official duties and responsibilities of that employee do not require any knowledge or familiarity with the Zoning Regulations." In the first instance, the Applicant's reliance on the zoning technician was secondary to the reliance on the issuance of a building permit (a point the Party Opponents do not argue with). But more easily dispositive here, the Party Opponents' key assertion is flat-out wrong. The Position Description attached to the Motion in fact provides numerous references to the zoning code, as follows:

Under "Major Duties": the technician "[p]erforms a wide range of analysis involving the construction . of . structures." And "performs volumetric evaluation and quantification...to determine compliance with zoning codes and zoning code intent" and "develops zoning analyses for ...architects...to ensure compliance with District of Columbia construction standards, specifications, and zoning codes." In

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the "Knowledge Required" section, the description provides that the technician will have "[p]roficiency in reading a variety of plans to ascertain their conformance with relevant laws and regulations."

In addition to the fact that the Party Opponents' own "proof" provides multiple direct references to the zoning code, the subject technician is also known by many to report directly to, and only to, the Zoning Administrator (as also noted in the Party Opponent's exhibit). She is also known by many, regardless of her official title, to be a "zoning reviewer" at DCRA who provides competent direction to applicants regarding compliance of their plans with the Zoning Regulations

So not only is the information provided by the Party Opponents not "new", but it also flatly contradicts the Party Opponents' sole assertion in its Motion that the Applicant was not justified in relying on this technician's guidance. The Motion should therefore be dismissed.

Sincerely,

A handwritten signature in black ink that reads "Martin P. Sullivan". The signature is written in a cursive, slightly slanted style.

Martin P. Sullivan

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2014, a copy of the attached Response to the Motion for Reconsideration was delivered via electronic mail to the following:

Stephen M. Truitt, Esq  
[truittsm@gmail.com](mailto:truittsm@gmail.com)

Noah Smith, ANC 2B-09  
[2B09@anc.dc.gov](mailto:2B09@anc.dc.gov)

Paul Goldstein, Office of Planning  
[Paul.goldstein@dc.gov](mailto:Paul.goldstein@dc.gov)

A handwritten signature in black ink, reading "Martin P. Sullivan". The signature is written in a cursive, slightly slanted style.

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Martin P. Sullivan