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May 28, 2014

By E-Mail Submission

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
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Washington, DC 20001
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**Re: Reply to 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.

Opposing parties submit this Reply to Applicant's Response to the Motion for Rehearing and Reconsideration.

1. The response does not address the availability of the advisory process identified in our motion (a *Preliminary Design Review Meeting* ("PDRM") with the Zoning Administrator for which the published fee is only \$65), a process perfectly suited for applicant's situation and intended to foster legitimate inquiries for official zoning advice and subsequent reliance thereon by persons such as applicant.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18725
EXHIBIT NO. 50

2. Insofar as the Response complains about legitimate FOIA requests as a form of harassment of public officials the complaint is simply irrelevant as well as misguided.
3. As pointed out in the Motion the Zoning Technician is *not* expected to be familiar with the Zoning Regulations (or to interpret them) the requirements of which must be conveyed to him by others to enable him to make the technical calculations and analyses to assure that proposed structures comply. Quite simply if the technician were required to know the Zoning code, (and provide binding opinions on its meaning) rather than be advised of its contents for the purpose of making calculations, the job description would have said so. It does not.
4. Applicant also seeks to supplement the record urging that the technician in question is well known “by many” to be authorized to give binding zoning advice to applicants or others. There is no record evidence to this effect and this Board is bound by its own regulation (§3127.2) and the DCAPA (D.C. Code §§2-509(b) and (c)) not to consider any such extra-record allegation. Nor is such a “fact” contradicting the job description proffered by the opposing parties a proper subject to official notice under the DCAPA without reopening the proceedings to examine the truth or falsity of the allegation. (*Id.*) It is simply a statement of counsel wholly without probative value.
5. Applicant also reports on alleged “trespasses” on the ROW over his property as well as his pestering police about such imagined injuries. The police, however, have wisely ignored this harassment. In any event such disputes are, as the Chair noted at the opening of the hearing, far beyond the jurisdiction of the Board to consider. Accordingly applicant’s erroneous recitation of these matters hardly aids the Board in resolving the instant motion.

It follows that there was no valid reliance on the opinion of the Zoning Technician as Applicant asserts and that on rehearing or reconsideration, the Board should so hold.

Respectfully Submitted.



Stephen M. Truitt

Attorney for Party Opponents
Hill, Afkhami, and Uth

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2014, a copy of the foregoing Reply to Response to the Motion for Reconsideration was delivered via electronic mail to the following:

Martin Sullivan, Esq.

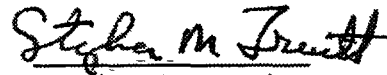
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