

Adams Morgan for Reasonable Development
c/o Chris Otten, Co-convenor
1830 Belmont Rd. NW
Washington, DC 20009

DC Board of Zoning Adjustment
c/o Chairman Lloyd Jordan
441 4th Street, NW, Suite 200 S
Washington, DC 20001

February 4, 2015

Re: BZA Case #18888; Petitioner's Post-Hearing Filings

Dear Chairman Jordan,

I wanted to send this note so to inform you about Petitioner's post-hearing filings in BZA Case #18888.

You had asked that all parties to this case submit Findings of Facts and Conclusions of Law (FF&CL) into the record by close of business on February 3, 2015.

Acting as the representative for Adams Morgan for Reasonable Development, the Petitioner in this case, I was responsible for filing Petitioner's FF&CL. Unfortunately, as I attested to in Exhibit #29, I was quite ill last week, unexpectedly slowing down my ability to file the FF&CL in time.

In an abundance of caution, I submitted an "incomplete" version of Petitioner's FF&CL by 5pm on February 3, 2015, as you had ordered. However, Petitioner's believe this filing, shown as Exhibit #27 on the record, is quite limited in scope and doesn't give Commissioners much to work with.

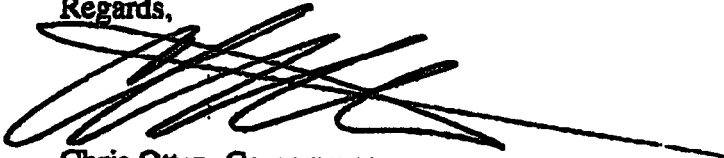
Despite still fighting off the lingering effects of the flu, I worked to remedy our "incomplete" FF&CL, pressing hard to file a "complete" version of Petitioner's FF&CL the very next morning, at 10:30am on February 4, 2015. Petitioner's "complete" FF&CL, as seen in Exhibit #29, is much more robust, and references the full scope of all relevant DC Zoning Regulations, as well as cites other BZA cases to meaningfully support our positions.

Petitioner's would implore you to accept our "complete" FF&CL for the sake of a full record, and to provide fundamental information to help you and your fellow Commissioners balance the equities in this matter.

We believe our request to accept Petitioner's "complete" FF&CL clearly does not prejudice any party and is not prohibited by law. As such, counsel for Respondent, DCRA gave consent for the BZA to accept our "complete" FF&CL filing. We hope you and the BZA would as well.

Please contact us with any questions or for any additional information.

Regards,



Chris Otten, Co-convenor
Adams Morgan for Reasonable Development
202-810-2768

ONE LAST ADDENDUM

PS: Chairman Jordan, we'd also like to point out that Petitioner's "complete" FF&CL, is well, almost complete. Somehow, in final editing, an important citation was omitted.

Looking at Exhibit #29, Page 14, Point #44, Petitioners meant to include the following reference to prior BZA cases to show that the BZA has previously allowed Petitioners to amend their appeal after the initial filing.

Quoting BZA APPEAL NO. 17519, PAGE NO. 6, Second and Third Paragraphs:

"The Board has previously ruled that additional legal grounds for an appeal raised after the initial filing of a timely appeal are permissible amendments not subject to the 60-day time requirement."

"In that appeal the Board denied a motion to dismiss a legal claim raised after the initial filing of the appeal where Intervenor had ample notice of the claim," and as such, "there was no surprise or prejudice to the Intervenor from allowing an additional legal theory to be espoused after the filing of the appeal."

See Appeal of Louise and Larry Smith and Mary Ann Snow and James Marsh, BZA Appeal No. 17085 (February 28, 2005).

BZA CASE
#18888

FAX COVER SHEET

TO:

NAME BZA SUBMISSIONS; Stephen Varga
ORGANIZATION DC Board of Zoning Adjustment
FAX 202.727.6072
PHONE 202.727.6311

FROM:

NAME Chris Otten, Co-Convenor
ORGANIZATION Adams Morgan for Reasonable Density
admo4rd@gmail
PHONE 202.810.2768

DATE 2/4/15
TIME 11:00pm

NUMBER OF PAGES (NOT INCLUDING COVER SHEET) 2

MESSAGE:

REQUEST OF OZ TO
DELIVER THIS LETTER
TO CHAIR JORDAN OF
THE BZA.
AND TO INCLUDE IN THE
RECORD = BZA CASE
18888

RECEIVED
U.C. OFFICE OF ZONING
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