

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

APPEAL NO. 18991 – 1521 VARNUM STREET, NW

PROPERTY OWNER’S RESPONSE TO MOTION FOR EXTENSION

The Property Owner joins with DCRA in opposing the Appellant’s second Motion for Extension. As noted in Respondent’s Response, DCRA provided the full set of plans to the Appellant on May 21, 2015, and those plans are identical to the final plans issued with the revise permit this week; but for the 5 inch encroachment for continuing the party wall. Furthermore, in addition to the plans delivered to the Appellant on May 21, the Property Owner has delivered a full set of plans directly to the Appellant on multiple occasions prior to that date. In addition, the Appellant attended a 2-3 hour meeting at the Property Owner’s counsel’s office, with the project architect and the property owner, to review the entire set of plans.

There are no material changes to that set of plans, other than a slight relocation of the rooftop stairway penthouse, which was moved a few feet in order to meet the 1:1 setback from exterior walls requirement. The architect originally located the penthouse closer to the open side yard on the west side of the subject building. Because of the open yard to the west, however, that west wall is considered an exterior wall requiring the setback, as opposed to the interior wall on the east side of the subject building. Therefore, the penthouse was moved a few feet to the east to provide the necessary setback. This change, however, was already included in the May 21 set of plans delivered to the Appellant by DCRA, and all other zoning aspects of the project have remained the same since the original permit issuance.

The Property Owner also erred on the date of the June 22 filing, believing that there was not going to be an opportunity for the Appellant to file a rebuttal response in a pre-hearing submission. But the Property Owner’s filing made on June 22 does not differ substantially from their April 29 filing, as the plans and alleged issues have not changed materially from the initial permit issuance and initial appeal filing, respectively.

The Property Owner believes that the Appellant is attempting to prolong the appeal process and muddy the waters by claiming confusion about what is a straight-forward matter-of-right project, by simply blaming DCRA for not providing him enough information; when in fact, the Appellant has been uniquely attended to, both by DCRA and the Property Owner, with

multiple deliveries of permit plans, a lengthy face-to-face meeting, and a final set of plans delivered by DCRA on May 21, 2015. The substance of the appeal itself, which relies on illogical claims that the subject building is two separate buildings, and that the building will be razed 90% (when in fact only the rear wall is being razed), borders on an abuse of the BZA appeal process. Another delay of the appeal hearing date would only strengthen that assertion. The Property Owner is also likely to experience significant financial damage if the appeal hearing does not go forward on June 30, and a further delay would therefore prejudice the Property Owner.

For these reasons, the Property Owner opposes Appellant's Motion to Extend, and respectfully requests that the Board deny this Motion.

Respectfully Submitted, for the Property Owner

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is written in a cursive, flowing style.

Martin P. Sullivan

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2015, a copy of this Response was delivered to the following, via e-mail or first class mail:

John A. Stokes
1519 Varnum Street, NW
Washington, DC 20011
stokesdc@hotmail.com

ANC 4C
PO Box 60847
Washington, DC 20039
4C@anc.dc.gov

Maximilian Tondro
Assistant General Counsel
Office of General Counsel - DCRA
1100 4th Street, SW
Washington, DC 20024
Maximilian.tondro@dc.gov