

DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

Appeal of John Stokes

BZA Appeal 18991

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**DCRA'S OPPOSITION TO APPELLANT'S MOTION TO EXTEND CASE**

DCRA opposes Appellant's Motion to Extend the Case, and instead moves that the Board extend Appellant's submission deadline by a week, from September 1 to September 8, 2015.

DCRA asserts that the revisions to the approved plans provided to Appellant 17 days before Appellant's revised pre-hearing statement were (i) minor and (ii) clearly labeled to ensure that Appellant and Board can easily identify the revisions. The purpose of the revisions is to ensure sufficient clearance between Appellant's chimney and Permit Holder's proposed building.

Appellant admits to having received the revised plans on August 14, almost three weeks before Appellant's revised pre-hearing statement submission deadline. Yet Appellant decided not to file a motion to extend the case upon receiving the revised plans, but instead chose to wait for almost two weeks to request the extension.

Appellant has already requested two extensions (this case was originally scheduled to be heard over four months ago, on May 5, 2015) with the repeated assertions that Appellant requires additional time to review or to obtain consultants to review the approved plans. As a result, DCRA asserts that Appellant has had far more time to review the plans and revisions than most appellants before the Board.

All of the revisions were minor and did not change the fundamental aspects of the proposed building – for example, (i) correction of the impervious surface calculation from 22% to 21% due to an inadvertent substitution of the square footage of the building for the square footage of the lot; (ii) additional labels to confirm the pervious nature of landscape areas; and (iii) correction of the inadvertent extension of the existing party wall by approximately ten feet

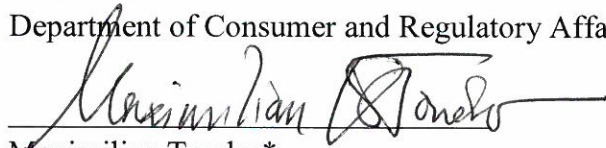
that resulted in an encroachment on Appellant's property of approximately five square feet. All of these minor revisions were clearly called out on the plans with bubbles indicating all changes.

In light of Appellant's last minute extension motion, DCRA is amenable to an extension of Appellant's filing deadline for the revised pre-hearing statement by an additional week to September 8. This would provide Appellant with ten additional days -- for a total of three and a half weeks -- between receiving the revised plans and the submission deadline. Should the Board determine to do this, DCRA would be willing to submit its response to Appellant's revised pre-hearing statement within 48 hours -- by September 10 -- to provide the Board with adequate time for review.

Therefore, DCRA respectfully requests that the Board deny Appellant's extension motion and instead grant Appellant an additional week to submit Appellant's revised pre-hearing statement.

Respectfully submitted,  
CHARLES THOMAS  
General Counsel  
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Date: 8/28/15

  
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## CERTIFICATE OF SERVICE

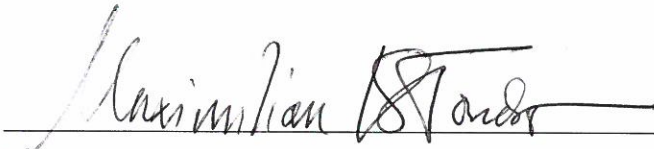
I hereby certify that on this 28<sup>th</sup> day of August 2015, a copy of the foregoing Pre-Hearing Statement was served via electronic mail to:

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A handwritten signature in black ink, appearing to read "Maximilian Tondro", is written over a horizontal line.

Maximilian Tondro