

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

APPEAL NO. 18991 – 1521 VARNUM STREET, NW

**PROPERTY OWNER'S RESPONSE TO APPELLANT'S THIRD MOTION FOR
EXTENSION**

The Property Owner joins with DCRA in opposing the Appellant's third Motion for Extension. The Property Owner provided the full set of plans to the Appellant on August 14, 2015, over a month prior to the scheduled appeal hearing date, and such delivery was acknowledged by the Appellant. Those revised plans included only four (4) minor revisions which do not affect or alter any zoning element of the Property.

Furthermore, in addition to the plans delivered to the Appellant on August 14, the Property Owner has delivered full sets 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. The Appellant has already requested two extensions with the repeated assertion that Appellant requires additional time to review or to obtain counsel to review the approved plans. This has significantly delayed the hearing, as this case was originally scheduled to be heard nearly four months ago, on May 5, 2015. The Property Owner joins in DCRA's position that Appellant has had far more time to review the plans and revisions than most appellants before the board, even with the minor revisions.

For clarification, the four (4) revisions from the previous plan set are specifically identified in the attached letter from the project architect (Exhibit A). In addition, these four (4) changes were clouded on the revised plans sent to the Appellant, in order to highlight them for the Appellant. The Appellant claims that every minor revision requires him to apparently undertake a completely new process of searching for and hiring experts.

The substance of the appeal itself still fails to cite an actual instance of Zoning Administrator error. The Property Owner is also likely to experience significant financial damage if the appeal hearing does not go forward on September 15, and a further delay would therefore prejudice the Property Owner.

Owner's Response to Motion to Extend
August 31, 2015

Finally, the Property Owner concurs with the proposal suggested by DCRA to extend the Appellant's deadline for filing another submission to September 8, and the Property Owner would agree to a two-day turn-around for its response, due September 10.

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, reading "Martin P. Sullivan". The signature is written in a cursive style with a large, stylized "M" and "S".

Martin P. Sullivan

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2015, a copy of this Response, including Exhibit A, 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

Taalib-Din A. Uqdah, Secretary
Advisory Neighborhood Commission, ANC-4C
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Maximilian Tondro
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Office of General Counsel - DCRA
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Elisa M. Irwin, Single Member Advisory Neighborhood Commission, ANC-4C03
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RICH MARKUS ARCHITECTS

DATE: 28 August 2015
TO: Department of Consumer and Regulatory Affairs
Inspection Division
1100 4th Street, SW
Washington, DC 20024

FROM: Rich Markus

PROJECT: 1521 Varnum Street NW – Permit Revision
Westend Development
Washington D.C
Permit Revision #: B1506179
Original Permit #: B1411058

RE: Changes in Permit Revision Set

This letter describes the minimal changes that are in the Building Permit Revision Set for 1521 Varnum Street NW:

1. The Penthouse Roof Structure was altered per comments from the Zoning Administrator. The roof structure was moved away from the west exterior wall to comply with the Zoning requirements and as a result the stair configuration had to be changed to adapt to the moved structure.
2. The new east wall along the property line was shifted about 6" to be completely on the property of 1521 Varnum. It was shown in the original permit as an extension of the existing shared party wall. The existing masonry party wall is to remain but the new wall built along the east property line has been shifted to become a face-on-line wall and is now completely on the 1521 Varnum property.
3. A small portion of the new east wall at the rear of the property (approximately 2'-3") has been shifted about 6" to be built around the existing party wall in the garage. In the previous permit this portion of wall was aligned with the existing party wall. The adjustment in the wall will allow the existing garage party wall to remain and the shifted wall will be independent of the existing party wall.
4. The top floor was reduced in size in order to provide the required clearance for the chimney on the adjacent property.

All of these changes were clouded in the revised set delivered to Mr. Stokes.

Thank you and please contact me if you have any questions.

Sincerely,


Rich Markus, Architect