

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

Appeal of Advisory Neighborhood Commission 4C

BZA Appeal 19067

DCRA’S MOTION IN OPPOSITION TO APPELLANT’S MOTION TO EXCLUDE

Appellant’s Motion to Exclude is predicated upon allegations that are unsubstantiated and contrary to readily ascertainable facts. Contrary to the Appellant’s assertions, there were no material changes made to the revised plans and the exclusion of these revised plans, submitted as Attachments A & B to the Department of Consumer and Regulatory Affairs’ (“DCRA”) Pre-Hearing Statement, would serve only to obfuscate the very points on which the revised plans were prepared to provide clarification for the Board.

Building Permit B1505734 was properly issued on May 27, 2015 based on the Zoning Administrator’s (the “ZA”) review of the plans submitted with the application for that permit. No element of the revisions has in any way altered the ZA’s review of the earlier plans, as the revisions contain no material changes to the plans and only provide clarification to facilitate the Board’s review in this appeal. On September 23, 2015, DCRA requested a continuance in this appeal to allow time for the Permit Holder to provide plans that have been revised solely to provide clarification for the Board in this appeal and made this purpose clear in its Motion For Continuance.

The correction of mundane scrivener’s errors to provide clarification will allow the Board to review the basis for the ZA’s approval of the plans without the need to engage in the exhaustive technical review undertaken in this process or for the specialized instruments, not readily available for the Board to employ in the course of a hearing, that the ZA employs in reviewing plans. The nature of the revisions is readily apparent from the revised plans, as they are clearly marked to indicate all revisions made, demonstrating the inaccuracy of the factual allegations made in the Appellant’s Motion to Exclude.

Upon receipt of the revised plans, DCRA ensured that, even though there were no material changes, the clarified plans prepared for the Board were subject to the full plan review process

and were enshrined in a building permit that would bind the Permit Holder in its construction of the project contemplated by both Building Permits.

CONCLUSION

For the reasons stated above, DCRA asserts that the allegations stated in the Motion to Exclude are without merit and that it fails to establish a valid reason exclude Attachments A and B. DCRA therefore respectfully requests that the Board deny Appellant's Motion to Exclude.

Respectfully submitted,
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Date: 10/26/15



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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October 2015, a copy of the foregoing Motion in Opposition to Appellant's Motion to Exclude was served via electronic mail to:

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