

**BOARD OF ZONING ADJUSTMENT
441 4th STREET N.W., SUITE 200S
WASHINGTON, DC 20001**

IN RE APPEAL OF:

Advisory Neighborhood Commission 4C,

Appellant,

DEPARTMENT OF CONSUMER & REGULATORY
AFFAIRS

Respondent.

BZA No. 19067

MOTION TO EXCLUDE

Appellant files this motion to exclude from the record revised buildings plans dated as approved on October 23, 2015 and submitted as Attachments A & B to the Department of Consumer and Regulatory Affairs' ("DCRA") Pre-Hearing Statement.

On May 27, 2015, DCRA issued Building Permit B1505734 (hereafter referred to as "May Permit") to convert a one-family row dwelling located at 1117 Allison St. NW into a three-unit apartment house. Appellant, ANC 4C, filed a timely appeal. On September 15, 2015 ANC 4C filed its Pre-Hearing Statement in support of the appeal. Among other arguments in its Pre-Hearing Statement, ANC 4C asserted that DCRA erroneously issued the May Permit, and that the Zoning Administrator acted arbitrarily and capriciously when he granted minor flexibility from the maximum percentage of lot occupancy.

On September 23, 2015, DCRA filed a motion requesting a three-week continuance to give the Permit Holder, at the Zoning Administrator's request, an opportunity to submit "more detailed plans" on the planned construction. Appellant opposed the motion asserting that the

Zoning Administrator's decision to approve the May Permit should have been based on the information submitted and reviewed before the permit was issued, and that DCRA intended to allow the Permit Holder to amend the building plans retroactively to, among other things, reduce the lot occupancy to comply with the now-repealed R-4 Zoning Regulations.

On or about October 8, 2015, DCRA received revised building plans (hereafter referred to as "October Revised Plans") from the Permit Holder. Based on DCRA's Pre-Hearing Statement filed on October 23, 2015 and information submitted through IZIS, the Zoning Administrator approved the October Revised Plans on October 23, 2015 and used such plans to replace the building plans that DCRA reviewed and approved for the May Permit (hereafter referred to as "Original Building Plans"). DCRA is now suggesting that the October Revised Plans are the Original Building Plans. However, it is impossible for the October Revised Plans, which DCRA received in October, to have been the Original Building Plans because DCRA approved the permit in May 2015. As Appellant predicted, the Permit Holder reduced lot occupancy in the October Revised Plans. In addition, the October Revised Plans materially are different from the Original Building Plans.

Therefore, ANC 4C respectfully requests that the Board exclude the October Revised Plans, labeled Attachment A and B to DCRA's Pre-Hearing Statement, from the record because they are not the building plans the Zoning Administrator reviewed and approved for the May Permit and are irrelevant to this proceeding.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lyn Abrams".

Lyn Abrams
Representative for ANC 4C

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, a copy of this Motion to Exclude was delivered to the following, via e-mail or first class mail:

Musa Aslanturk, Registered Agent
1117 Allison, LLC
1242 Pennsylvania Ave., SE
Washington, DC 20003
utku@dilaconstruction.com

Maximilian Tondro
Assistant General Counsel
Office of the General Counsel
Department of Consumer & Regulatory Affairs
1100 4th Street, SW, 5th Floor
Washington, DC 20024
maximilian.tondro@dc.gov



Lyn Abrams
Representative for ANC 4C
lynster3@gmail.com