



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 19092

Motion of:

☐ Applicant

☐ Petitioner

☐ Appellant

☒ Party

☐ Intervenor

☐ Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Reopen the record, within 14 days of the hearing, so that Property Owners Andrew Daly and Patricia Jordan may bring their Motion to Dismiss the Appeal.

Points and Authorities:

Please state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form.

The Property Owner's should be permitted to file their Motion to Dismiss the Appeal later than 14 days prior to the Hearing. Timeliness under 11 DCMR 3112.2 is a jurisdictional issue and can therefore be raised at any time. As Ms. Schaub's Appeal is not timely, and the Board therefore lacks jurisdiction over it, it would be proper to consider and grant the Motion to Dismiss at any time. As the Appellee, the Property Owners here are not under any express statutory and regulatory requirement to make their filings in this matter 14 days or more prior to the Hearing, and therefore should be heard on their Motion.

CERTIFICATE OF SERVICE

I hereby certify that on this

0D 3D

day of

November Month

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I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via:

☐ Mailed letter

☐ Hand delivery

☒ E-Mail

☐ Other _____

Signature:

Print Name:

S. Hayes Edwards Esq., McMillan Metro, P.C., counsel for Andrew Daly and Patricia Jordan

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Board of Zoning Adjustment
District of Columbia
CASE NO. 19092
EXHIBIT NO. 35