

November 20, 2015

D.C. Board of Zoning Adjustment

441 4th St NW, Suite 210S

Washington, DC 20001

Re: Application for Variance Relief for 134 11th St NE (Square 0965, Lot 0035) Letter of Request for Waiver of Application Requirement Form 145 (Affidavit of Posting)

Dear Members of the Board:

We are writing to request a waiver for the application requirement Form 145, Affidavit of Posting and the requirement of hanging the poster 15 days prior to the BZA Hearing. Upon submitting the application, we followed a set of instructions provided by the online system – this did not include the affidavit or the poster as a requirement. As additional documents pertaining to our case had been added to our case file in the online system, including a letter explaining this requirement, no notifications were received. We received an emailed letter from Zoning Staff on Thursday, November 19th requesting the affidavit be uploaded to the system. This was the first we knew of the requirement and we have since obtained a poster and placed it in the window of the property.

We propose that any neighbors who may have had concerns about the project were aware of the project and have voiced their support or concerns. This is supported by the following:

1. Letters were sent to all property owners within a 200' radius
2. We've received 4 letters in support of the project from surrounding neighbors. We have support from the ANC and HPRB for both the garage and the roof deck.
3. The project was presented and discussed at the ANC 6A Economic Development and Zoning Committee Meeting on Wednesday, October 21st, and a discussion was held in which one

neighbor voiced his concerns and shared 3 letters in opposition with the committee. The ANC EDZ Committee voted to support the project.

4. The project was presented and discussed at the full ANC 6A Meeting on Thursday, November 12th, and a discussion was held in which the same neighbor voiced his concerns, but no new concerns were raised. The ANC 6A voted to support the project.
5. Finally, the Historic Preservation Review Board provided us with a poster to hang in the window of the property, which has remained there since September 30th. This poster has alerted neighbors to the proposed changes to the property. The HPRB hearing was held on Thursday, November 19th. The board voted in support of the project.

The Board's Rules of Practice and Procedure (11 DCMR, 3106.2) state that, "Except for the appellant, applicant, or the ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Board, not less than fourteen (14) days prior to the date set for the hearing." Even had the poster been placed in the window 15 days in advance, anyone wishing to come before the board would have to have known of the case prior to posting the notice, and would have been made aware by one of the channels listed above.

In conclusion, our understanding of the purpose of the poster is to alert neighbors to the proposal and provide an opportunity to voice support or concerns about the project. It is our position that both concerns and support of the project have been voiced and that neighbors who might be affected, including the neighbors adjacent to and directly behind the property, have been duly informed. We hope you will support this request for a waiver and allow the case to be heard. Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'RM', is written above a horizontal line.

Ryan Moody, Agent