

C&S Development, LLC.
PO Box 15844
Washington, DC 20003

4/30/18

Via E-mail

Board of Zoning Adjustment
441 4th St. NW
Suite 210S
Washington, DC 20001
bzsubmissions@dc.gov

Re: BZA Case No. 19684; Applicant's Response to Motion for Reconsideration.

Dear Members of the Board:

This letter is to serve as the Applicant's response to the Motion for Reconsideration filed by ANC Commissioner Nancy Jones of 5E10, in regards to BZA # 19684. Our attorney was served with this Motion via email on April 19, 2018, therefore today, Monday, April 30, is the filing deadline for our response.

1) We understand that Ms. Jones, either in her capacity as a Single Member District Commissioner, or as a citizen, is not a party to the Application, and therefore does not have standing to file a Motion for Reconsideration. We have spent the past four (4) months attempting to present our application to Advisory Neighborhood Commission 5E. As noted at the hearing, we were actually on the January ANC agenda, and Ms. Jones stopped us in the middle of the presentation to say that she had not approve us place on the agenda (this was after the Chair had informed us that we were on the agenda; and we were on the printed agenda).

From that point on, we attended several community meetings, obtained the written support of both immediate neighbors, and also completed Property Protection Agreements with both of these immediate neighbors. After all that, we were still denied, by Ms. Jones, the ability simply to present our application at ANC 5E.

2) We understand that the Motion for Reconsideration is required to be filed on certain forms, and we believe that it is also required to state why the final order is claimed to be erroneous, and what relief is to be sought. We believe that the Motion has not met any of these requirements.

3) And for the Boards edification, in response to the claims made by Commissioner Jones:

- The photographs referenced were presented to the community to show context of the height of the proposed in relation to the neighboring properties. At no point was it the applicant's intention to mislead the

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community on the dimensions of the front setback. This clarification was made abundantly clear at the 3/16/18 meeting.

- Further clarification on the safety concerns was requested on 3/31/18. No effort was made by Commissioner Jones to respond.
- Adjacent neighbor Mr. Lorenzo Crowe of 2608 4th St. NE was present at the meeting, which took place on 3/16/18 at which time Mr. Crowe voiced his support for the proposed project. Adjacent neighbors Mr. Willie and Hattie Green of 2616 4th St. NE were not present at that meeting. Both parties are immediate neighbors and have expressed official support for the relief sought, as shown in the case record. Their signatures are not on the community petition.
- No notification of a community meeting scheduled for 4/14/18 was forwarded to C&S Development by Ms. Jones.
- The signers of the petition include 7 signatures, 3 of which are property owners in addition to 3 tenants within the subject square. An additional signature is included from a property owner located in square 3550.
- The petition includes 6 signatures on a square that includes 36 residential premises. This petition represents 1/6th of the affected property owners. Following the several meetings we attended, we believe that the overall community supported the project, particularly with the creation of an inclusionary zoning unit. We know for certain that the two immediate neighbors supported the project.

Based on the above, we respectfully request that the Board deny the Motion for Reconsideration.

Sincerely,

C&S Development, LLC

By: 
Name: Ryan Ammons