BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA
October 5, 1998

BZA No. 16370

REQUEST FOR CONSIDERATION OF RESPONSE TO APPLICANT'S STATEMENT

Absent a rule allowing a response to applicant's statement of opposition to our motion for a stay of a final order, the Capitol Hill Restoration Society requests that the Board of Zoning Adjustment accept the Society's response, dated September 29, 1998, and include it in the record.

On September 14, 1998 we filed a motion to stay the final order for Application No. 16370, an application for a special exception to allow three nonresident employees of a home occupation at 434 New Jersey Avenue, SE. On the same day, the Society filed an appeal (Appeal No. 16404) of a February 5, 1998 decision by the Zoning Administrator to issue a home occupation permit that allows one nonresident employee at that address. The basis for the motion to stay the final order for Application No. 16370 was that Appeal No. 16404, if successful, will be dispositive of Application No. 16370, because the appeal will test whether Applicant is qualified for <u>any</u> home occupation permit.

Applicant thereafter filed a statement of opposition to the motion to stay the final order. That statement is primarily concerned with our Appeal No. 16404, which it attacks as untimely and not likely to succeed on the merits. The Society's September 29, 1998 response presents our position that Appeal No. 16404 is timely and that it is likely to be successful.

The Society will be seriously disadvantaged if it cannot submit a response to Applicant's statement of opposition because issues are raised in that statement that could not be anticipated when we filed our motion to stay.

OFFICE OF ZONING
DISTRICT OF COLUMBIA

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BZA
CASE No. 16370
EXHIBIT No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO.16370
EXHIBIT NO.37

CERTIFICATE OF SERVICE

BZA APPLICATION NO. 16370

I hereby certify that on October 5, 1998 a copy of Request for Consideration of Response to Applicant's Statement was served on the parties listed below by the means indicated.

By first class mail, postage prepaid:

Richard B. Nettler
Robins, Kaplan, Miller & Ciresi
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By Hand Delivery:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Lyle R. Schauer
Chair, Zoning Committee