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May 6, 2002

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BY HAND DELIVERY

Mr. Geoffrey H. Griffis
Chairman
Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Application No. 16854; Motion of Applicant for Continuance for One Hundred and Twenty (120) Days

Dear Mr. Griffis and Members of the Board:

The Applicant herewith submits a motion for a continuance for one hundred and twenty (120) days in this matter. If granted, this continuance would result in a deferral by the Board of its decision on the pending application, currently scheduled for May 7, 2002. In support of this motion, the Applicant offers the following:

1. Counsel for Mr. and Mrs. Jones and Mr. Warlick[1], parties in opposition, in a letter to the Board dated April 29, 2002, stated that with "additional time to discuss this matter, the parties may be able to resolve their differences" and that "the Jones are cautiously optimistic with regard to the proposed construction at 315 East Capitol Street, as revised." Such counsel requested a limited hearing on the revised plans or that the Board "defer its decision...for thirty days...."

BZA
Case No. 16854
Exhibit No. 64

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.64

2. The Applicant has agreed with Mr. and Mrs. Jones (and other interested neighbors) to provide to such parties detailed plans of the revisions submitted to the Board by letter dated April 22, 2002 (i.e., construction or "working" drawings) as soon as the architect has prepared them and to meet with all interested neighbors to discuss them as soon as they are available. Such plans are anticipated to be available within the next few weeks and a meeting will be scheduled as soon thereafter as convenient for the parties. The Applicant has agreed with the neighbors to use its reasonable efforts to resolve outstanding issues (including, but not limited to, reducing the height of the residence and redesigning the mansard roof, the latter of which was requested by ANC 6-B).

3. In the event such efforts to resolve outstanding issues are unsuccessful, notwithstanding the Applicant's efforts, the Applicant intends to proceed with its project on a matter-of-right basis pursuant to Section 401.1 of the Zoning Regulations. This section permits an owner to replace a building that existed on May 12, 1958 on a lot that does not comply with the lot width (or lot area) requirements of Section 401.3 provided the new building "complies with all other provisions of this title." The Applicant's plans, as the Board is aware, comply with F.A.R., building height, rear yard, lot occupancy and all other zoning requirements. A copy of a letter counter-signed by the Zoning Administrator dated April 17, 2002 approving this matter-of-right approach pursuant to Section 401.1 is enclosed herewith.

4. The Applicant requests a continuance for 120 days so that the Applicant and its architect will have sufficient time to (i) prepare construction drawings, (ii) meet with and discuss the revised plans with the neighbors, (iii) submit revised drawings to, and obtain the approval of, the Historic Preservation Review Board for such revised plans and (iv) apply for and obtain a building permit from the Department of Consumer and Regulatory Affairs.

5. Upon issuance of the building permit, and the passage of a reasonable period of time for review thereof, the Applicant intends to withdraw its pending application.

For the foregoing reasons, we respectfully request the requested continuance be granted.

Sincerely,

Jacques B. DePuy

Lyle M. Blanchard

Enclosure
JBD:mvl 182227

cc: Richard B. Nettler, Esquire (by facsimile)
Mr. Timothy Burr (for himself and Mrs. Margaret Crenshaw)
Mr. Kenan P. Jarboe, Chairperson, ANC 6B
Office of Planning (Attn: Mr. John Moore)(by facsimile)
Ms. Sherri Pruitt (by facsimile)
Mr. and Mrs. Holliday (w/o encl.)

All copies w/encl.

1. By letter dated April 29, 2002 the Applicant requested that the party status of Mr. Warlick be terminated.