BEFORE THE BOARD OF ZONING ADJUSTMENT

Application Number 16974
1670 31st.St. N.W., Lot 827

MOTION TO DISMISS FOR FAILURE TO POST NOTICE

STATEMENT OF FACTS

The Affidavit of Posting, Exhibit No 59 shows that 1670 31 st Street was not posted until April 2, 2003 at 3:00 P.M. This does not conform to the mandatory posting requirement in 3113.14 and 3113.15.

The Notice to the public is fatally defective. Applicant should have known about this posting problem, because previously a paper (Exhibit Number 43) was filed in this case prior to the original date set for hearing which merely requested postponement.

Submitted by

Ronald R. Snider
(Party Status)

Case No. 16974
Exhibit No. 72

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 72

the association of the condominium or cooperative that represents all of the owners of all the dwelling units;

(c) Mailing the notice to each person having a lease with the owner for all or part of any building located on the property involved in the application;

(d) Mailing the notice to the ANC for the area within which the subject property is located; and

(e) Posting the calendar of cases to be heard by the Board in the Office of Zoning.

3113.14 The applicant shall give additional notice of the public hearing by posting the property with notice of the hearing at least fifteen (15) days in advance of the hearing.

3113.15 The applicant shall post notice at each street frontage on the property involved and on the front of each building located on the subject property. Each notice shall be in plain view of the public.

3113.16 Notices for posting shall be supplied by the Director showing the number of the application, the nature of the application, the name of the applicant, the property involved, the ANC for the area within which the property is located, and the location, time, and date of the public hearing.

3113.17 In the case of an application for approval of a college or university campus plan, the notice shall be posted on all frontages of the property included within the plan that face any property not owned by the college or university.

3113.18 The applicant shall make a reasonable effort to maintain the posted notice by checking the signs at least once every five (5) days, and by posting new notice(s) as necessary.

3113.19 At least five (5) days prior to the public hearing, the applicant shall file with the Board a sworn affidavit demonstrating compliance with § 3113.15. A form of affidavit supplied by the Board may be used but shall not be required.

3113.20 The applicant shall attach to the affidavit described in § 3113.15 a photograph of each sign after posting and as viewed by the public, identifying the street frontage and location of each sign.

SOURCE: Final Rulemaking published at 46 DCR 7888, 7902-7905 (October 1, 1999).

3114 REPORTS OF PUBLIC AGENCIES FOR APPLICATIONS

3114.1 The rules of procedure in this section shall apply to all applications filed with the Board (including applications filed pursuant to §§ 3107 and 3108 in effect prior to October 1, 1999, and §§ 3103 and 3104); provided, however, the provisions of this section shall only apply to chancery applications to the extent specified in § 3134.

Form 145
(Revised 04/29/02)

Case No. 16974

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

AFFIDAVIT OF POSTING

Notice: See other side of affidavit form for instructions.

DISTRICT OF COLUMBIA, ss:

(Name of person posting the property) Tudor Place Foundation, Inc., being first duly sworn, do hereby depose and say that:

I, (Name of person posting the property) Leslie C. Buhler, posted (no. of posters) 3 zoning poster(s)

("Notice of Public Hearing") furnished by the Director of the Office of Zoning on private property known as (address of premises) 1670 31st Street NW (1644 31st St. NW) on (date of posting) April 2, 2003 at (time of posting) 3:00p.m..

The zoning posters were placed in plain view of the public on the street frontages as listed on this affidavit below. I have maintained the posting notice by checking the signs every five days, and by posting new notices as necessary.

I have taken, or authorized to be taken, (no. of photos) 3 photograph(s) of the zoning posters where they have been placed.

The photographs (not to exceed 8 ½? X 11?), attached hereto, clearly show each zoning poster as seen by the public.

The photographs, are numbered and correspond to the following street frontages:

Photograph No.	Street Frontage
1	31ST Street fence next to entrance
2	31ST Street frontage central window of house
3	Garage door behind 1670 31st St. house

RECEIVED
D.C. OFFICE OF ZONING
2003 APR -8 PM 12:00

(signature) Leslie C. Buhler

Subscribed and sworn to before me this (date) 8th day of (month) April (year) 2003.

(seal)

(signature) Barbara A. Wright

Notary Public, D.C.

My commission expires on: (date) 7-14-2007

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

BARBARA A. WRIGHT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2007

BZA
Case No. 16974
Exhibit No. 59



1670 31st Street



1670 31st Street