BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Application of Michael Taylor for 6919 6th Street, NW, (Square 3191, Lots 19 and 81)	))))	BZA No. 17349

OPPOSITION TO INTERVENER'S MOTION TO DISMISS

Applicant Michael Taylor hereby files the opposition of the intervener's motion to dismiss for reasons and evidence discussed below and attached hereto.

Background

At the previous hearing on this matter on 12 July 2005, Mr. Edgar Nunley, applicant's representative, requested a postponement of the matter based on the lack of a topographical site plan showing site elevations and the need for additional legal representation. Counsel was subsequently engaged and attempts were made to acquire a topographical survey on a timely basis; however the survey was not provided to Counsel until 9 September 2005. As discussed below, an analysis of the topographical information will reveal that the survey is not critical to the intervener's case because there are adequate graphic representations (plans and photographs) in the record to allow this case to proceed. In addition, applicant will provide additional photographic evidence and make sufficient proffers to address the intervener's concerns and allow this Board to proceed with this matter.

Discussion

As noted by the interveners, the Zoning Regulations provide that the applicant shall provide graphical representations such as plans, photographs, or elevations

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and sections sufficient to represent the relationship of the proposed addition to the adjacent buildings and views from the public ways. Such representations were provided by Mr. Nunley prior to the last hearing and are part of the record in this case. In effect, the additional representations are other evidence requested by the other parties in this case. Topographical surveys are not typically part of an applicant's representations in a case such as this. If the Board should determine to review the additional evidence and the applicant's proffers in this matter, it will be apparent that the topographical survey is not critical to the intervener's main concerns, the alleged invasion of their privacy.

Applicant hereby requests a waiver of the rules to allow the applicant to add the topographical survey and additional photographs to the record. The intervener's concerns may be adequately addressed during the hearing or by allowing them to present further written opposition subsequent to the hearing on this matter. No further delay is requested or is necessary in this case.

Respectfully submitted,



Jonathan L. Farmer
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CERTIFICATE OF SERVICE

I hereby certify that on 12 September 2005, a copy of the foregoing Opposition and Attachments were hand delivered to:

Judy Jones, Chair
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Jonathan L. Farmer

EXHIBIT 34

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IS AN OVERSIZED EXHIBIT

PLEASE SEE AT OFFICE