BEFORE THE
BOARD OF ZONING ADJUSTMENT
Case No. 17355

Motion to Dismiss or, in the Alternative,
To Postpone Public Hearing

On behalf of the adjacent property owner and potential party in BZA No. 17355, the 1645 31st Street Personal Residence Trust ("the Adjacent Owner"), we hereby request that the Board dismiss outright or, in the alternative, postpone the September 13 public hearing on the referenced case until the Applicant has secured building permits for several recently completed structures on the subject property as required by law.

The Applicant failed to obtain building permits for the recent, previous construction of several structures, including a pool house, rear porch (previously a deck), a trellis and entrance gates. Good public policy dictates that the Board dismiss, or at least postpone a hearing on, the subject application until the Applicant complies with D.C. building and construction laws which specifically require a building permit for such structures. The Board should not concede to or overlook such a violation by considering a zoning exception for the property until the violation is remedied.

Further, since the pool house and rear porch structures may have an impact on the zoning computations for the property, the Adjacent Owner is entitled to know that they have been properly computed prior to assessing the additional impacts of the proposed development on the subject property.

Thank you for your consideration of this request.

Respectfully submitted,

ARNOLD & PORTER LLP

Cynthia A. Giordano

Cynthia A. Giordano

BZA
Case No. 17355
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17355
EXHIBIT NO. 26

ARNOLD & PORTER LLP

RUSH

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Fax Transmittal

September 8, 2005

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