



BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA



**FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD**

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

**CASE NO.:** 18238A

I, Linda Elliott and John West hereby request the following relief:

- Accept an untimely filing of Form 140 - Party Status Request
- To reopen the record to accept \_\_\_\_\_

**Points and Authorities:**

**Accept an untimely filing:** Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

**Reopen the Record:** Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.**

We are residents of Square 902. As as the case with all of the neighbors, we didn't receive timely notice of the Applicant's October request for an extension of its fast food exception. It was only after an ANC official advised us that the case was before the ANC's December planning and zoning subcommittee that we realized an application had been filed. Once we learned of the pending application, we and other neighbors contacted the Applicant and Tenant to discuss on going issues involving rodents and mechanical noise. Over the next three months, we worked closely with the Applicant and Tenant to come up with functional solutions. The Applicant sought continuances of its BZA date to facilitate these negotiations. Unfortunately, we read the rules to allow us to seek party status up through 14 days prior to the actual BZA hearing date. We now understand that, according to the rules, we had to seek party status 14 days before the original BZA hearing date. Given the misunderstanding, we ask the BZA accept the untimely filing of our form 140.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

**Date:** March 15, 2021      **Signature:** 

**Name:** Linda Elliott and John West

**Address:** 414 &th, St. SE

**Phone No(s):** 202 669-1337      **E-Mail:** linda.a.elliott@gmail.com

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 18238A

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.