

BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 153 – MOTION FOR RECONSIDERATION OR REHEARING

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.:	# 18272					
Motion of	☐ Applicant	☐ Petitioner	☐ Appellant	☐ Party	☐ Intervenor	☒ Other <u>individual</u>
Motion for	☒ Reconsideration			☐ Rehearing		

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map.

Previously, this case had party status in opposition to a proposed building as an addition to The First Baptist Church. The Richmond Group was represented by George Keys. In this case, as a member of the former Party, I am filing as an individual.

CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of June, 2012

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning

the above referenced ZC or BZA case via: ☐ Mailed letter ☐ Hand delivery ☒ E-Mail ☐ Other _____

Signature: Kay Marlin

Print Name: KAY MARLIN

Firm/Organization: self

Address: 1401 17th St, NW #401 Washington DC 20036

Phone No.: (202) 812-8958 E-Mail: kmarlin@mindspring.com

To be notified of hearing and decision: (Maker of Motion/Request or Authorized Agent)

Not to be used as a notice of hearing and decision. The notice of hearing and decision is a separate document. The notice of hearing and decision is a separate document. The notice of hearing and decision is a separate document.

Print Name: BOARD OF ZONING ADJUSTMENT

District of Columbia

Address: CASE NO. 18272

Phone No.: EXHIBIT NO. 50 E-Mail: _____

The Motion for Reconsideration is requested for two reasons:

We believe the BZA made a mistake in its decision to grant the variance for height, and the developer asked for the wrong variance. IN addition, we contend that there will be harm to the garden across the street from the proposed building.

1) The final order states that will not be hard to the public garden across O Street, for all 12 months of the year.

In fact, there probably will be damaging shadow cast. The pictures provided in our party application showed more shadow than the developer's.

In addition, the final order incorrectly refers to the garden as The Richmond Garden. It is for the use of the Public, and it is a part of a PUD.

The current zoning in the city is based on width of adjoining thoroughfares. Please re-examine the sun studies and how the shadow is cast across 17th St, which is wider than O St, and which demonstrates even with that width, the area buildings are covered in shadow. The lower height of the current zoning is more appropriate for the width of O St, and fulfills the intended purpose of HAVING a zoning code.

2) At the end of the first public hearing, on Nov 15, 2011, the developer stated in answer to the question why they couldn't just build a 70 foot building all across the roof line. He answered that given the parking space requirements of giving back the surface spaces to the church and those required by zoning, he needed the huge building size to generate the revenue to repay the high construction costs of the deep garage. Yet in every public meeting, the developer had stated that they would not need all the spaces required in the deep garage. They predicted that occupants of the building will not own or use cars. Proximity to the Metro is one reason for posting such huge developments in already dense neighborhoods.

Therefore, we contend that he and the church have asked for the wrong variance. Rather than build a development that requires a variance for height, they should have asked for a variance to build fewer parking spaces in the garage.

Nero, Richard (DCOZ)

From: kmarlin@mindspring.com
Sent: Thursday, June 14, 2012 4:38 PM
To: DCOZ - BZA Submissions (DCOZ); Moy, Clifford (DCOZ)
Cc: Will; Carolyn.Brown@hklaw.com; Lawson, Joel (OP)
Subject: Motion for reconsideration on BZA Application No. 18272 of KS FBC, LLC
Attachments: MotionForReconsideration_Case18272.pdf

June 14, 2012 4:40 pm

To the Board of Zoning Adjustment,

Please find attached Form 153 requesting a Motion for Reconsideration on the above mentioned case.

The final order was delivered by US mail to the lawyer who represented us in a party application, Mr. George Keys of Jordan & Keys, within a few days of the June 1, 2012 announcement.

Because I cannot afford to hire legal representation for the next steps, I am now making this request as an individual. I was the primary member of the The Richmond Group, which engaged Mr. Keys and which was represented at the November 15, 2011 BZA hearing.

I am attaching the form as an electronic document, and I have copied all the parties in the original proceedings.

You may reach me at the contact information below.

Thank you in advance for your consideration.

Kay Marlin
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Washington, DC, 20036
kmarlin@mindspring.com
202/812-8958, mobile number