

May 23, 2016

Via IZIS

Marnique Y. Heath, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001
bzasubmissions@dc.gov

Re: Request to Postpone Hearing; BZA Application No. 18511B; 1018 Irving Street NW

Dear Chairperson Heath and Members of the Board:

I am writing on behalf of the Applicant in the above-referenced case to request a postponement of the scheduled hearing date from May 24, 2016, to June 21, 2016, or the earliest possible date thereafter. The Applicant would like additional time to respond to the Office of Planning Report and its request for a significant amount of additional information, including a shadow study, pedestrian plan, traffic plan, and waste management plan. The Applicant notes that despite one party request for opposition, the Application has a significant amount of support from neighboring property owners, and the Applicant would appreciate the time to supplement the Application to provide the Board with all necessary information.

Regarding BZA Case No. 18511A, the request for a time extension for BZA Order No. 18511, the Applicant would prefer that the Board keeps its scheduled decision on this matter for May 24. The Applicant believes that it has safely met the requirement to show that it was prevented from filing a building permit application prior to the end of the two-year time period, due to circumstances beyond its control. Specifically, the Applicant cannot file a building permit application until the subject alley is officially named by legislation which must be passed by the D.C. Council. The Council has not yet passed that legislation.

In response to Mr. Proschan's second filing in this case, Mr. Proschan claims that we have "abandoned" our original justification for the extension request. We have not. After further investigation by counsel, it was decided that the alley-naming legislation issue was so definitive that no further information should be needed regarding any now-secondary rationale for justification of the extension request. Further, Mr. Proschan claims that the legislation cited which prevents the Applicant from filing his building permit application is not new. It is irrelevant whether the legislation is new or old (although it has changed in form and substance in the past few years). In any event, it was responsible for the Applicant not being able to file a building permit application. The fact is that the requirement prevented the Applicant from moving forward.

Finally, Mr. Proschan argues that the Applicant has no intention to implement Order No. 18511. It is clear, from the requested alterations to the approval in BZA Application No. 18511B, that the Applicant would prefer a modified plan. But in the event that that modification is not approved by the Board, the Applicant has every intention of implementing that Order as approved. At any rate, Mr. Proschan's estimation of the Applicant's intention is not part of the guidelines provided for approval of the extension.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18511B

May 23, 2016

Thank you for considering this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin P. Sullivan". The signature is written in a cursive, slightly stylized font.

Martin P. Sullivan

cc: ANC 1A
Office of Planning