

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001

Appeals of Advisory Neighborhood Commission 6C

BZA Appeal 19550

DCRA’S MOTION TO CONTINUE TO JANUARY 24, 2018

DCRA respectfully submits this Motion to Continue the currently scheduled November 15, 2017 hearing in this appeal to January 24, 2018 (or later at the Board of Zoning Adjustment (“**Board**”)’s convenience) in order to allow a related appeal currently before the Office of Administrative Hearings (“**OAH**”) – 2017-DCRA-00222 (the “**OAH Appeal**”) - to be heard first. The OAH Appeal, filed by the owner of 1125 7th Street, N.E. (the “**Property**”), challenges DCRA’s revocation of the same permit that is the subject of this appeal - B1706219, issued on March 31, 2017 to renovate an existing single family dwelling to a two unit flat at the Property (the “**Permit**”) - for alleged violations of the Construction Codes. DCRA requests this new continuance because (i) DCRA’s current position is that the Permit was issued in error and should be revoked for violations of the Construction Codes (Title 12 of the DCMR); and (ii) the OAH Appeal centers on whether the Permit violated requirements of the Construction Codes to protect an adjacent chimney or vent.

The issue in the OAH Appeal is almost identical to one of the claims raised by Appellant in this appeal – the alleged violation of Section E-206.1(b)’s prohibition on an addition negatively impacting an adjacent chimney or vent that is compliant with District laws and regulations. DCRA asserts that it is in the interest of judicial economy to have the OAH Appeal first determine the compliance of the adjacent vent with the Construction Codes, over which the Board lacks jurisdiction, before the Board considers this appeal, which will rely on the OAH determination to resolve at least this one claim.

Appellant and Permit Holder have consented to DCRA’s Motion to Continue to January 24, 2018. Intervenor objects to the preceding paragraph, although he has appeared to not oppose the timing of the continuance itself.

DCRA therefore respectfully requests the Board grant DCRA’s Consent Motion to Continue to January 24 or later.

Respectfully submitted,
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General Counsel
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Date: 11/13/17

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2017, a copy of the foregoing DCRA’s Motion to Continue to January 24, 2018 was served via electronic mail to:

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