



# Bello, Bello & Associates, LLC

12/13/2017

Frederick L. Hill  
Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW  
Suite 210 South  
Washington DC 20001

## **Re: Motion to Object to ANC8A's Request for Continuance. BZA No, 19572**

Applicant by this motion objects to the motion of ANC8A to request further continuance of the limited hearing the Board scheduled in the November 15, 2017 hearing of the BZA application of reference on the following grounds:

- The subject application was originally filed on June 29, 2017, near six months to the time of the limited hearing scheduled for December 20, 2017
- ANC 8A was first provided notice of the public hearing in a letter dated August 24, 2017 (Exhibit # 15)
- The original hearing date for the application of reference was Wednesday October 11, 2017
- As an outcome of presentation of the project to ANC 8A Executive Committee on September 18, 2017 and subsequently at the general meeting on Tuesday October 3, 2017, including other stated reasons, the applicant requested a continuance of the hearing which the Board granted and rescheduled for an October 25, 2017 public hearing (Exhibit 30)
- By letter dated October 4, 2017, ANC8A requested further continuance of the public hearing, to which the applicant consented, for stated reasons which clearly attest in the first two paragraphs that ANC8A and opposing residents were fully aware that the subject application before the Board was for the two cited areas of relief (Exhibit # 31)
- On November 30, 2017, applicant attended a resident meeting scheduled and organized by SMD 8A06 Commissioner Greta Fuller at which the traffic engineering consultant presented and responded to questions pertaining to the traffic study, and applicant presented renderings, massing, scale and comparative height of the proposed structure relative to Ketcham School in accordance with Board directions



# Bello, Bello & Associates, LLC

- The Department of Transportation reviewed the traffic study and submitted a supplemental report which reiterates its support of or no objection to the project as proposed
- The application complies with the density limitation or the maximum floor area ratio permitted under the underlying MU-4 zone district within which the subject property is located and does not seek relief to construct density in excess of that permitted.
- The applicant is unable to commit to the opposing residents' wish or desires which range from a preference for a project which is limited to the adaptive use of the existing building without any addition, to a limit of two-story addition, including design considerations, in general.

The basis for seeking relief to enlarge an existing nonconforming building is related to the existing building footprint of the two floors of the existing improvement upon the subject lot which has been in existence prior to the adoption of the 1958 Zoning Regulations.

The proposed additions which are less than the maximum seventy-five percent (75%) allowed (See Subtitle G, Chapter 4 Table § 404.1) actually comply with the maximum percentage of lot occupancy permitted in the MU-4 zone district when calculated at the horizontal plans at which the additional floors are proposed as more specifically set forth in Subtitle B, Chapter 3, §§ 312.6 and 312.7

The applicant contends that further delay in the hearing in light of to the application timeline enumerated previously in this motion is financially prejudicial to the owner of the subject property.

The Department of Consumer and Regulatory Affairs (DCRA) and Office of Tax and Revenue (OTR) have classified the property as vacant and blighted property, hence there is inherent public good in the timely construction to remove the building from the scroll of blighted property to productive use.

For all the foregoing reasons, the applicant respectfully request that ANC8A's motion to continue the case for sixty or more days be denied



# Bello, Bello & Associates, LLC

Sincerely

Toye Bello