

June 15, 2021

Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**Re: BZA Case No. 20144  
Property Owner's Motion to Extinguish Order of Approval with Consent from  
Party-In-Opposition**

Chairperson Hill and Honorable Members of the Board:

We are the new property owners of 1832 15<sup>th</sup> Street NW (Lot 56, Square 191) (the "Property") and we are filing this Motion to extinguish the Board's order of approval for the above referenced case. A copy of the Motion form is attached at **Tab A**. As we will explain below, we have no interest in building an addition and we would like the pending appeal to be dismissed. Our neighbors, Taylor and Sarah Nickel, were a party-in-opposition to the case and consent to this Motion.

This case was originally filed by David Barth and Lisa Kays, who are the previous owners of our Property. David Barth and Lisa Kays proposed to build an addition to the Property, our new home, and a second level on the accessory building (the "Project"). Taylor and Sarah Nickel opposed the case and were granted party status in opposition along with our other neighbors, Peter and Brittany Bepler. On January 27, 2021, the BZA issued a written order (the "Order") approving the Project. The Order is attached at **Tab B**. The Nickels then appealed the Order to the D.C. Court of Appeals under case number 21-AA-0119 (the "Appeal"). The Appeal is pending and has not been briefed or decided by the Court of Appeals.

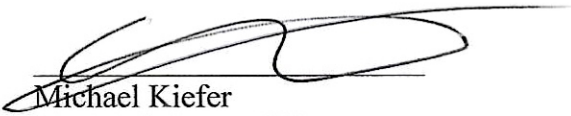
On April 29, 2021, we purchased the Property from David Barth and Lisa Kays. A copy of our deed is attached at **Tab C**. However, we have no interest in building the Project that was approved by the Order. We also do not want the Appeal hanging over our Property. So, we entered into an agreement with our neighbors, the Nickels, that we would request the Board to extinguish the Order and, in exchange, the Nickels would dismiss the Appeal.

As the new owners of the Property, we accrued all of the rights and obligations under the Order. Under Subtitle Y § 300.4, only the owner or an authorized representative of the owner can file a BZA application. Also, under Subtitle Y § 702.1, an order of approval remains valid for two years during which time the property owner must file an application for a building permit to vest the order. As the Property owner, the right to file a building permit to vest the Order lies with us, and thus we also have the right to take actions under the Order, including filing this Motion to extinguish.

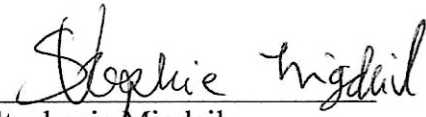
Since we do not have any interest in the addition and wish to develop good neighborly relations with the Nickels, there is good cause for the Board to grant this Motion to extinguish the Order. Extinguishing the Order would cause no prejudice to any interested parties in this case and would also make the Appeal moot. If the Board does not grant this Motion, then the Order would remain valid for two years, and the Appeal would be on-going.

To that end, the Nickels consent to this Motion as a party-in-opposition. The Beplers did not participate in the Appeal and the only other party is Advisory Neighborhood Commission 2B. We are excited to live in our new home and do not want this hanging over us. We thank the Board for its time and consideration of this Motion.

Sincerely,



Michael Kiefer  
1832 15<sup>th</sup> Street NW  
Washington, DC 20009



Stephanie Migdail  
1832 15<sup>th</sup> Street NW  
Washington, DC 20009


**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of June, 2021 a copy of the foregoing Motion with attachments served, via electronic mail, on the following:

Taylor and Sarah Nickel  
Peter and Brittany Bepler  
c/o Meridith Moldenhauer  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

District of Columbia Office of Planning  
c/o Stephen Mordfin  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[Stephen.Mordfin@dc.gov](mailto:Stephen.Mordfin@dc.gov)

Advisory Neighborhood Commission 2B  
c/o Daniel Warwick, Chairperson  
[2B@anc.dc.gov](mailto:2B@anc.dc.gov)

  
Michael Kiefer