



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

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.: 20452 and 20453

I, Wendy Schumacher hereby request the following relief:

Accept an untimely filing of Request to Intervene in Appeals 20452 and 20453

To reopen the record to accept _____

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.

Please see the attachment to this Form

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 10/26/21 **Signature:** *Wendy Schumacher*

Name: Wendy Schumacher

Address: 1701 16th Street NW, # 423

Phone No(s): 202 280-0915 **E-Mail:** wendysindc@gmail.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Attachment to FORM 153 *Request to Accept an Untimely Filing*

Appeal Nos. 20452 (Michael D. Hays) and 20453 (Dupont East Civic Action Association)

Appeals 20452 and 20453 are consolidated together. The hearing is November 10, 2021. I am filing my Request to Intervene in both appeals more than 14 days before the November 10, 2021 hearing. Thus, in my opinion, my request to intervene is timely.

The hearing that had been set for July 28, 2021 was postponed to November 10, 2021. On July 28, the Board took no action on the substance of the appeals. No opening statements were made by anyone, no witnesses testified, no evidence was offered, no one argued the facts of either appeal. As I understand it, on July 28, 2021 the only thing the Board did was grant DCRA's request for postponement because the Zoning Administrator was sick.

By filing this Request to Accept an Untimely Filing I am not conceding my Request to Intervene is late. I cannot see how I can be deprived of my right to intervene, when the only action by the Board so far was to postpone the July 28 hearing. I don't think a postponement of a hearing can fairly be treated as "the opening of the first public hearing on the appeal". No action has been taken; no rulings have been made with respect to the substance of these two Appeals.

I live across the alley, only 20 feet away, from the property at issue. I am being seriously and adversely affected by the Zoning Administrator's approval of this subdivision and I would like to intervene for all the reasons I have given in my *Request to Intervene*.

I believe that my interest in these Appeals and in this subdivision is so direct and important (and I am far more directly affected than the average person) that the Board should permit me to intervene even if it deemed by *Request to Intervene* to be filed late.

Certificate of Service

I certify that on October 26, 2021 I emailed a copy of the attached **Form 153** to the following individuals at the email addresses shown below:

Matthew LeGrant, Zoning Administrator
Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
matthew.legrant@dc.gov

Hugh J. Green, Esq., Counsel for DCRA
Office of the General Counsel
Department of Consumer and Regulatory Affairs
hugh.green@dc.gov

Michael D. Hays
michael.hays@comcast.net

Edward V. Hanlon
Dupont East Civic Action Association
ed.hanlon.3@gmail.com

Moshe Pasternak, ANC 2B04
2B04@anc.dc.gov

Matthew Holden, Chairperson ANC 2B
2B@anc.dc.gov

Christine Roddy
Goulston & Storrs, PC
CRoddy@goulstonstorrs.com

Lawrence Ferris
Goulston & Storrs, PC
LFerris@GOULSTONSTORRS.com

John Fanning
Chairperson ANC 2F
2F@anc.dc.gov



WENDY SCHUMACHER