



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



FORM 150 – MOTION FORM

**THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.**

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.: 20636

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Applicant's Motion to Request for Submission of Filing

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties Consent was obtained by some, but not all parties
 No attempt was made Despite diligent efforts consent could not be obtained

Further Explanation: This filing is late because it is in response to a filing made by John Fox for party status which was made the previous evening on or about 9:30 pm. The next morning when the attached Applicant's response was filed was the earliest opportunity for doing so.

CERTIFICATE OF SERVICE

I hereby certify that on this 20 5 day of May Month, 20202020

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via: Mailed letter Hand delivery E-Mail Other _____

Signature: *Cynthia A. Giordano*

Print Name: Cynthia A. Giordano

Address: 1919 Pennsylvania Ave., NW, Ste. 550, Washington, DC 20006

Phone No.: 202-295-6612

E-Mail: cynthia.giordano@saul.com

Board of Zoning Adjustment
District of Columbia
CASE NO. 20636
EXHIBIT NO. 51A

May 24, 2022

VIA IZIS

District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: Motion to Deny Party Status Request of John Fox– BZA Case No. 20636
("Application"); 4509 Foxhall Crescent N.W. (Square 1397, Lot 960)**

Dear Members of the Board of Zoning Adjustment:

On behalf of the Applicant, we oppose Mr. John Fox's new party status request. First, his request is extremely late. Second, as indicated previously, his home at 4504 Foxhall Crescents Drive, is located in excess of 200 feet of the subject property and as such, is unlikely to experience any distinct or unique impacts associated with the construction of a home on the subject property.

His new claim of impact as a homeowner in Foxhall Crescents development and as a member of the Foxhall Crescents Homeowners Association ("FCHOA") does not constitute a distinct or unique interest. Those interests are no different than any of the other 25 homeowners at Foxhall Crescents who are also members of FCHOA. Further, the President of the FCHOA has requested party status to represent those interests.

Finally, if the individuals he seeks to serve as a spokesperson for want to assert a qualifying interest to warrant party status, they need to request party status.

Thank you in advance for your consideration of this submission.

Sincerely,



Cynthia A. Giordano

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that, on May 24, 2022, a copy of the foregoing Motion to Deny Party Status Request was served upon the following:

1. **D.C. Office of Planning**
Matthew Jesick, AICP, Development Review Specialist
via email: matthew.jesick@dc.gov

2. **District Department of Transportation**
Mr. Jonathan Rogers, DDOT
Mr. Aaron Zimmerman, DDOT
via email: jonathan.rogers2@dc.gov
aaron.zimmerman@dc.gov

3. **Neighborhood Commission 3D**
via Email: 3D@anc.dc.gov

4. **Advisory Neighborhood Commissioner SMD Chuck Elkins**
via Email: 3D01@anc.dc.gov

5. **Advisory Neighborhood Commissioner SMD Jason Rao**
Via Email: 3D06@anc.dc.gov

6. **Andrew Wong**
via Email: Andy.wong2@yahoo.com

7. **John D. Fox**
via Email: foxyjd@gmail.com



Cynthia A. Giordano
Saul Ewing Arnstein & Lehr, LLP