

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.: 20944

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

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

Continue the 12/18/2024 Hearing

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: DOB contacted the property owner and counsel for the Appellants on December 10, 2024, to seek consent to the relief requested. Neither party has responded.

CERTIFICATE OF SERVICE

I hereby certify that on this **1D** **1D** day of December **Month**, **, 2Y** **0Y** **2Y** **4Y**

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: *Chris Haresign*

Print Name: Chris Haresign, Assistant General Counsel, Department of Buildings (Bar No. 187360)

Address: 1100 4th Street SW, 5th Floor, Washington DC 20024

Phone No.: 202.671.3500

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Board of Zoning Adjustment
District of Columbia
CASE NO.20944
EXHIBIT NO.5



December 11, 2024

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

**RE: BZA Appeal No. 20944 – Advisory Neighborhood Commission 3D and Rohit Kumar, Appellants
D.C. Department of Building’s Motion to Postpone Hearing**

Dear Chairperson Hill and Members of the Board:

On behalf of the District of Columbia Department of Buildings and the Office of Zoning Administration (collectively, “DOB”), whose prior and now-rescinded decision is the subject of the instant appeal, DOB respectfully requests that the Board continue the scheduled December 18, 2024, hearing in this matter for a minimum of 60 days for good cause, and in support thereof states as follows:

This matter arises from Appellants’ Appeal of Building Permit No. B2303238. Exhibit 1. This permit, along with revision permit B2305686 were the subject of a notice to revoke issued by DOB on September 27, 2023, and were subsequently surrendered by the owner of the Property on October 3, 2024. Exhibit 21. On January 31, 2024, the owner of the Property obtained permit B2310998 after multiple meetings with DOB. However, DOB then became aware that the plans approved under the B2310998 did not reflect necessary changes that DOB had discussed with the developer of the Property to bring the project into compliance with the zoning regulations, and DOB issued a notice to revoke B2310998. In response to that notice, the Property owner surrendered B2310998. Exhibit 46A.

Though the Property owner has submitted an additional permit application B2408898, that application remains pending. DOB has completed the multidisciplinary reviews under its purview with respect to this application, including zoning. However, the Department of Energy and Environment (DOEE) has requested that the property owner submit a stormwater management plan for review and approval. Unless and until the applicant submits the stormwater management plan to DOEE, DOB will not issue the permit.



DOB has previously moved for dismissal of this matter. DOB maintains that this matter should be dismissed because the underlying decision appealed is no longer effective, and DOB's motion to this effect remains in abeyance.

However, in an effort to conserve the resources of the Parties and the Board, DOB respectfully requests that the Board grant this Motion to Postpone Hearing, and continue the December 18, 2024, hearing in this matter in the hope that the property owner will submit its stormwater management plan as required.

DOB sought consent for the relief requested herein from Appellant's counsel and the property owner on the morning of December 10, 2024. The request was made at that time in the hope that the property owner would complete the permitting process in advance of the filing of this motion. No response was received from the property owner or counsel for the Appellants.

Respectfully submitted,

ESTHER YONG MCGRAW
General Counsel

ERIK COX
Deputy General Counsel

/s/ Chris Haresign
CHRIS HARESIGN (Bar No. 187360)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December 2024, a copy of the foregoing Motion and attachments thereto were sent via e-mail to:

Advisory Neighborhood Commission (ANC)
3D 3D02@anc.dc.gov

Kathleen Beeton, Zoning Administrator
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/s/ Chris Haresign
CHRIS HARESIGN