

**DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**  
One Judiciary Square  
441 4th Street, NW  
Washington, DC 20001

Appeal by Advisory Neighborhood Commission 6C

BZA Appeal No. 21057

**MOTION TO CONTINUE APPEAL HEARING PENDING ISSUANCE OF FINAL  
ORDER ON PERMIT HOLDER’S APPLICATION FOR RELIEF**

Respondent, District of Columbia Department of Buildings (“DOB”), through its undersigned counsel, files this Motion to Continue the hearing currently scheduled for March 12, 2025, to a date after the BZA issues a written order concerning the property owner’s application for relief. This Motion is filed with the consent of Appellant ANC Commissioner Mark Eckenwiler and Property Owner Nathaniel Lewis through his representative Toye Bello.

BZA Appeal 21057 includes a claim that the project at issue violates 11-C DCMR § 303.4. The Property Owner submitted Application 20280A seeking a modification of significance to BZA Order 20280, specifically requesting a variance from 11-C DCMR § 303.4. The BZA heard that Application over the course of several hearings and voted to deny relief on December 18, 2024. The written order denying relief has not yet been issued. The Office of the Zoning Administrator (OZA) intends to issue a notice to revoke the permit at issue in this case once the final order in Application 20280A becomes effective. This revocation would make Appeal 21057 moot and eliminate the need for a hearing. The Property Owner has also represented that he is out of town at the time of this filing, but that he intends to voluntarily surrender the permit in short order pursuant to 12A DCMR § 105.13 when he returns. The surrender of a permit has the effect of canceling the permit in the same way as a revocation by OZA, so this action would likewise make Appeal 21057 moot. All parties share this understanding that the permit will ultimately be canceled

and have given consent to the postponement of the March 12, 2025, hearing. Therefore, in the interest of judicial economy, DOB respectfully asks that the BZA reschedule the March 12, 2025, hearing for some date after the anticipated filing of the final written order in Application 20280A. DOB respectfully suggests a continuance of approximately 180 days, subject to the BZA’s availability. If the Property Owner completes his formal surrender of the permit before the next hearing in this matter, the parties will alert the BZA, and DOB’s understanding is that the Appellant will withdraw this Appeal.

Respectfully submitted,

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INTERIM DEPUTY GENERAL  
COUNSEL

*/s/ Colleen Smythe*  
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**CERTIFICATE OF SERVICE**

I certify that on March 5, 2025, a copy of the foregoing was sent via electronic mail to:

Kathleen Beeton, Zoning Administrator  
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*/s/Colleen Smythe*  
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