

July 11, 2024

VIA IZIS

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

Re: Appeal No. 21082 – Intervenor’s Response to Appellants’ Motion to Reopen Record

Dear Chairperson Hill and Members of the Board:

Intervenor has received Appellants’ July 8, 2024, Motion to Reopen the Record (“Motion”). Intervenor does not oppose the Motion.

Appellants have offered no evidence or precedent to support their allegations of error in this Appeal; all they have done is advance a tortured reading of the applicable provisions of the Zoning Regulations, ignore the clear legislative history established by the Zoning Commission regarding those provisions, and relitigate the Board’s prior decisions on the very issues in this Appeal.

The record in this case conveys in exhaustive detail that DOB’s application of the Zoning Regulations and issuance of the permits at issue in this Appeal was reasonable. The appeal should be **denied** based on the plain text of the Regulations at issue, read in concert with the actions of the Zoning Commission that led to their adoption and the Board’s established interpretations of those provisions.

We look forward to the Board’s decision at the July 17, 2024, public meeting.

Respectfully Submitted,

/s/ David Avitabile

/s/ Olivia K. Torres*

* Admitted in N.Y. only

