

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S Washington, DC 20001

Re: BZA Case No. 21119 – 2232 40th Street, NW

Motion for Reconsideration

Dear Chairperson Hill and Members of the Board:

I filed a Request for waiver of the 10 day deadline on 8/8/25 because I never received the Order issued on 7/29/25 until 8/8/25. An email was sent by BZA but no Order was attached. On 8/8/25 Robert Reid at BZA office sent an email to Opposing Party (OP) with the actual Order attached. There were no exhibits attached on 8/8/25. OP is requesting a full copy of the BZA Order including all exhibits.

Please let this serve as a Request for Reconsideration and also a re-opening of this Case for the following reasons which were not addressed by the BZA at any time including in their Order of 7/29/25.

1. The BZA Director (BZA) did not correct the deficiency requiring NAMES be provided by Applicant on their 11 DCMR Subtitle Y 300.8 List of all Owners and their lessees within 200 feet.

11 DCMR Subtitle Y

The Director shall review for completeness every application filed with the Board within five (5) days of its receipt.

400.2 Upon completing the review of an application, the Director shall notify the applicant in writing of any deficiency. The notice shall list the information necessary to make the application complete and the date the information must be received, which shall not be less than five (5) days after the date of notice. If the applicant fails or refuses to correct the deficiencies in the application by the date stated, the Director shall not accept the application for filing.

2. The BZA did not provide a 40 day Notice to OP Owner at 2228 40th st NW DC , property within 200 feet of Applicant.

11 DCMR Subtitle Y 402.1

Not less than forty (40) days before the public hearing on an application, the Director shall give notice of public hearing by:

(d) providing a copy of the notice of public hearing to owners of all property within two hundred feet (200 ft.) of the property included in the application; provided, however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, notice may be provided to the board of directors or to the association of the condominium or cooperative that represents all of the owners of all such dwelling units;

3. The BZA never provided a 40 day Notice to lease holders at OP property
(e) Providing a copy of the notice of public hearing to each person having a lease with the Owner for all or part of any building located on the subject property;
4. The Applicant did not provide the name of the OP Owner on their required List labels and never provided any Notice at all to the Owners Lease holders

11 DCMR Subtitle Y 300.8

the applicant shall submit the following information electronically and deliver to the Office of Zoning two (2) sets of mailing labels containing the information in Subtitle Y § 300.8

(g) The **NAME** and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property; and names and addresses of **EACH LESSEE** having a lease with the owner for all or part of any building located on the property involved in the application; however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, notice may be provided to the board of directors of the association of the condominium or cooperative that represents all of the owners of the dwelling unit;

(h) The name and address of each person having a lease with the owner for all or part of any structure located on the property involved in the application;

The OP has been deprived of due process and proper Notices required by DC Regulations.

ANCs play a crucial role in DC zoning decisions, and their involvement requires proper notice. They must file a written report at least 7 days before the hearing and ensure proper notice of their meeting where they considered the case. The ANC report is given "great weight" by the Board of Zoning Adjustment and Zoning Commission. As a result of BZA and the applicants failure to follow the zoning rules listed above, the OP was deprived of the opportunity to present the opposition of the south entry to gain their support. The ANC did support the neighboring property opposition to a south entry entrance one year prior on a property directly next door to this applicant's property.

Relief Sought:
Readvertisement and Rehearing



M Leftwich

CERTIFICATE OF SERVICE
BZA Application No. 21119

Pursuant to the requirements of Subtitle Y § 404.7, I certify that a copy of this request for a Waiver has been served on 8/18/25 via email upon:

- (a) 3b@anc.dc.gov
- (b) 3b05@anc.dc.gov
- (c) msullivan@sullivanborros.com
- (d) bzasubmissions@dc.gov