



Chris Itteilag <chris.ittelag@gmail.com>

## Case 21157

Rose, Tracey (DCOZ) <tracey.rose@dc.gov>

Thu, Sep 26, 2024 at 9:51 AM

To: Melinda Roth <melindaroth24@gmail.com>

Cc: "Reid, Robert (DCOZ)" <robert.reid@dc.gov>, "Lohse, Gwendolyn (SMD 2E06)" <2E06@anc.dc.gov>, "Maysak, Paul (SMD 2E03)" <2E03@anc.dc.gov>, Martin Sullivan <msullivan@sullivanbarros.com>, "ANC 2E Office (ANC 2E)" <2E@anc.dc.gov>, Chris Itteilag <chris.ittelag@gmail.com>, "Lawson, Joel (OP)" <joel.lawson@dc.gov>, "Myers, Crystal (OP)" <crystal.myers@dc.gov>

Dear Ms. Roth,

The Office of Zoning has received your document today related to BZA Application No. 21157 of 3428 O Street, LLC. To help clarify the process, please review Subtitle Y §§ 602.6 and 602.7 regarding Requests to Reopen the Record. They state:

§ 602.6:

Any supplemental material received by the [Board](#) after the close of the record that bears upon the substance of the application or appeal shall be returned by the [Director](#) and not accepted into the files of the Board. However, if the materials are accompanied by a [separate](#) request to reopen the record, the request shall be accepted and presented to the Board for consideration. The request must demonstrate good cause and the lack of prejudice to any [party](#). Such requests may be granted by the [presiding officer](#) and, if granted, the supplemental materials shall be entered into the record.

§ 602.7

The [Director](#) shall notify the [parties](#) by e-mail of the acceptance of supplemental material. Any response by a party to such supplemental material must be filed no later than seven (7) days after the date of the e-mail notice.

- 1) As you will see, the Regulations separate out the “Request to Reopen” from the “Supplemental Material”.
- 2) If the document that you attached to your email is your supplemental material, we will hold that document out of the record until you submit your “Motion to Reopen the Record” on Form 150. (It would be a “Motion” instead of a “Request” for you because you are a Party.)
- 3) On Form 150, please address good cause and the lack of prejudice to any party.
- 4) The Chairman/Board will review the Motion and the Supplemental Material so he/they can make a decision on the Motion to Reopen the Record.
- 5) Then we will proceed based on that decision, as directed in §§ 602.6 and 602.7.
- 6) **No responses** from other Parties will be accepted unless the Motion is granted, and Parties are informed by staff.

I hope this is helpful. Please let us know if you have any questions on this matter.

Regards,

Board of Zoning Adjustment  
District of Columbia  
CASE NO.21157  
EXHIBIT NO.215A

Tracey Rose

Sr. Zoning Specialist

D.C. Office of Zoning

[tracey.rose@dc.gov](mailto:tracey.rose@dc.gov)

Office: 202.727.6311

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**From:** Melinda Roth <[melindaroth24@gmail.com](mailto:melindaroth24@gmail.com)>

**Sent:** Thursday, September 26, 2024 12:32 AM

**To:** DCOZ - BZA Submissions (DCOZ) <[DCOZ-BZASubmissions@dc.gov](mailto:DCOZ-BZASubmissions@dc.gov)>

**Cc:** Lohse, Gwendolyn (SMD 2E06) <[2E06@anc.dc.gov](mailto:2E06@anc.dc.gov)>; Maysak, Paul (SMD 2E03) <[2E03@anc.dc.gov](mailto:2E03@anc.dc.gov)>; Martin Sullivan <[msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)>; ANC 2E Office (ANC 2E) <[2E@anc.dc.gov](mailto:2E@anc.dc.gov)>; Chris Itteilag <[chris.ittelag@gmail.com](mailto:chris.ittelag@gmail.com)>; Lawson, Joel (OP) <[joel.lawson@dc.gov](mailto:joel.lawson@dc.gov)>; Myers, Crystal (OP) <[crystal.myers@dc.gov](mailto:crystal.myers@dc.gov)>

**Subject:** Case 21157

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