

**The Board of Zoning Adjustment  
For The District of Columbia**

Appeal of Zoning Administrator Decision  
to Issue Building Permit No. B2309496  
(August 23, 2024)

BZA Appeal No.: 21231  
(Temporary Case No.: BZATmp4576)

**Appellants Courtney Bolin and William Gabler's Statement In Support of Their Motion to Reopen the Record to Respond to Appellees' New Arguments Presented at the March 12, 2025 Hearing and Alternative Motion to Strike<sup>1</sup>**

Appellees Department of Buildings (“DOB”), and Claire King and Brent Kroll (“15th Street Homeowners”) filed their prehearing statements on March 5, 2025. BZA Exs. 14, 15. Appellants Ms. Bolin and Mr. Gabler replied to their briefing on March 7, 2025. BZA Ex. 17. During the March 12, 2025 hearing, both the DOB and the 15th Street Homeowners presented new arguments and evidence that were not disclosed in their prehearing briefing.

In view of the Appellees’ new positions, Ms. Bolin and Mr. Gabler move to reopen the record to provide a supplemental response. This motion to supplement is supported by good cause. First, Ms. Bolin and Mr. Gabler will suffer unreasonable prejudice from the Appellees’ gamesmanship if the Board accepts the new arguments without allowing a fair opportunity to respond. Subtitle Y §§ 103.13(g) & (i), 602.6. Second, Appellees impeded Ms. Bolin and Mr. Gabler’s ability to provide a substantive response to their arguments at the hearing by excluding these arguments from their briefing. Subtitle Y § 302.13. Third, because the Board’s decision must rest “upon the exclusive record of the proceedings before the Board,” the interests of justice favor allowing Ms. Bolin and Mr. Gabler to supplement the record to respond to the Appellees’ new positions and preserve their objections. Subtitle Y § 603.1. Finally, at the outset of the hearing, the Board indicated that, in the interest of efficiency, they would hear all arguments and

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<sup>1</sup> A completed copy of Form 150 is appended.

“determine at a later time” whether the evidence and arguments were permissible and timely presented. March 12, 2025 Hearing Video (“Hearing”) at 3:06–3:08 (also discouraging objections to make the hearing “more efficient”).<sup>2</sup> For at least these reasons, the Board should grant Ms. Bolin and Mr. Gabler’s motion. Appellees will not suffer prejudice because the Regulations permit responses. Subtitle Y §§ 602.6, 602.3. Alternatively, Ms. Bolin and Mr. Gabler move to strike all undisclosed arguments and evidence from the record as unreasonably prejudicial.

Respectfully Submitted,  
*Courtney Bolin and William Gabler*  
*Pro Se Appellants*<sup>3</sup>

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<sup>2</sup> Time stamps are approximate. Appellants will provide transcript citations at the request of the Board upon the transcript becoming available.

<sup>3</sup> Ms. Bolin is a licensed attorney in good standing with the D.C. Bar (Bar No. 1671517). She is appearing in this appeal on her own behalf.

### **Certificate of Service**

Courtney Bolin and William Gabler certify that, on March 24, 2025, they served notice of this filing on the required parties by emailing this motion and supporting brief to:

- The Department of Buildings, james.moeller1@dc.gov
- Meridith Moldenhauer, mmoldenhauer@cozen.com
- The Office of the Zoning Administrator, dob@dc.gov
- ANC 5B, 5B@anc.dc.gov

Respectfully Submitted,  
*Courtney Bolin and William Gabler*  
*Pro Se Appellants*

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.:

Motion of:  Applicant  Petitioner  Appellant  Party  Intervenor  Other \_\_\_\_\_

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

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on this **D** **D** day of **Month**, **,** **Y** **Y** **Y** **Y**

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: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_