

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**APPEAL OF  
COURTNEY BOLIN AND WILLIAM GABLER**

**BZA CASE NO. 21231  
HEARING DATE: MARCH 12, 2025**

**PROPERTY OWNERS' OPPOSITION TO  
APPELLANTS' MOTION TO REOPEN OR MOTION TO STRIKE**

On March 24, 2025, Appellants filed a Motion to Reopen the Record and Alternative Motion to Strike, along with a supporting brief, claiming that DOB and the Property Owners “presented new arguments and evidence that were not disclosed in their prehearing briefing.” Motion at 1.<sup>1</sup> That assertion is unfounded. The March 12, 2025 hearing record demonstrates that the Appellants were given every opportunity to respond in real time. The hearing lasted over four hours, included opportunities for rebuttal and closing, and at no point did the Appellants object or request to supplement the record. The process afforded to all parties was consistent with the Board’s procedures and provided a full and fair opportunity to be heard.

The arguments Appellants now label as “new” were presented in direct response to Appellants’ own claims or questions posed by the Board—making them entirely appropriate and foreseeable. For instance, Appellants challenge the Property Owners’ reference to BZA Case Nos. 21170, 21248, and 21141. *See* Motion at 5–6. But these cases were cited in direct response to a question from the Board. Hearing at 6:46–6:48. They were not offered as new evidence but as context, consistent with the flow of a public hearing. Appellants’ other objections—regarding statements about lot occupancy, ANC support, and the February 19, 2025 ANC meeting—are similarly unavailing. These remarks responded directly to issues Appellants placed into the record

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<sup>1</sup> Appellants identify eleven alleged “new” arguments, attributing numbers 1–5, 10, and to DOB and assigning numbers 6–9 to the property owners and 11 to both DOB and the Property Owners. Motion at 2–8. DOB has addressed each of the arguments attributed to it in its opposition. DOB Opposition to Appellants’ Motion to Reopen or Motion to Strike.

and did not introduce new legal theories or evidence—nor are they relevant to the Property Owners’ position, which has remained consistent throughout. The Board has full discretion to determine the weight and relevance of such statements, all of which were procedurally proper and well within the scope of the hearing. To reopen the record would be prejudicial to the Property Owners as the Property Owners seek a resolution to this matter with no further delay and striking the statements seems non-sensical as many of these alleged new issues were responses to Board questions.

None of the arguments Appellants identify alter or supplement the Property Owners’ position that the Building Permit complies fully with the applicable Zoning Regulations. The core zoning analysis remains unchanged. As set forth in the Property Owners’ Pre-Hearing Statement, the ADU Project is governed by Subtitle D, Chapter 50—not Chapter 2—as established by Subtitle D § 5001.1. See Property Owners’ PHS at 10. Because the Property is a corner lot with 15th Street NE designated as the frontage, the ADU is located in the rear yard. Accordingly, the side yard requirements in Chapter 2 do not apply. The ADU Project complies with Subtitle D § 5004.1: it is not located in a required rear yard and is not subject to alley setback requirements, as no alley abuts the property. The arguments raised at the hearing were fully aligned with this position and consistent with the record as a whole.

For the foregoing reasons, the Board should deny Appellants’ Motion. However, if the Board grants the Motion, the Property Owners respectfully request ten (10) days to respond to the Appellants Motion on the merits, in order to fully and fairly address the issues raised. The Property Owners also reserve their right under 11-Y DCMR § 602.7 to file a response to any supplemental material within seven (7) days of the email notification of its acceptance.

Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "MM".

Meridith Moldenhauer

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of March, 2025, a copy of the foregoing Property Owners' Opposition to Appellants Motion to Reopen or Motion to Strike was served, via electronic mail, on the following:

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