



July 2, 2026

Meridith H. Moldenhauer

Direct Phone 202-747-0763
Direct Fax 202-683-9389
mmoldenhauer@cozen.com

Zachary Bradley

Direct Phone 202-280-6451
Direct Fax 202-742-2531
zbradley@cozen.com

VIA IZIS

Chairperson Michelle Porciau
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC, DC 20001

Re: Cover Letter - Motion to Reopen the Record

Chairperson Porciau and Honorable Members of the Board:

On behalf of the District of Columbia Department of General Services (“DGS”), the intervening party in the instant appeal, DGS respectfully requests that the Board reopen the record for further submissions pursuant to Subtitle Y § 602.6. Subtitle Y § 602.6 provides that, after the close of the record, a party may request that the record be reopened to accept supplemental materials where the request demonstrates good cause and the lack of prejudice to any party. Both requirements are satisfied here.

Good cause exists because during the March 11, 2026 deliberations, a Member of the Board at the time requested additional time and information. *See* Mar. 11, 2026 Tr. at 30–35. During those deliberations, Chair Blake and Commissioner Wright expressed support for granting the appeal, while Board Member Drakeford indicated that she was not persuaded by Appellant’s plain-language argument and was leaning towards denying the appeal. The appeal is now scheduled to return to the Board on July 22, 2026, following the new appointment of three Board members who did not participate in the hearing or prior deliberations. Acceptance of the proposed Supplemental Brief will provide the newly constituted Board with additional legal analysis addressing the issues raised during the prior deliberations, permit the appeal to be considered on the fullest possible record, and preserve the Board’s ability to request further information, ask additional questions of the parties, or conduct such further proceedings as it may deem appropriate.

Additionally, reopening the record will not prejudice any party. The Supplemental Brief presents legal argument with sufficient time to permit both sides to present information to the Board, and Subtitle Y § 602.7 expressly provides each party seven days after notice of acceptance to file a response. The other parties will therefore have a full opportunity to address DGS’s supplemental submission before the Board resumes consideration of the appeal.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21314
EXHIBIT NO. 43

Accordingly, DGS respectfully requests that the Board grant its Motion to Reopen the Record attached hereto as **Exhibit A** and accept for filing the proposed Supplemental Brief attached hereto as **Exhibit B**. And we encourage the Board to permit a limited scope hearing to allow the new Board members ample opportunity to engage with all parties.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', written over a horizontal line.

Meridith H. Moldenhauer

A handwritten signature in blue ink, appearing to read 'Z. Bradley', written over a horizontal line.

Zachary R. Bradley

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2026 a copy of the foregoing cover letter, motion, and attachments was served, via electronic mail, on the following:

District of Columbia Department of Buildings
Attention: Esther Yong McGraw, Esq., General Counsel
1100 4th Street SW, Ste. 5266
Washington, DC 20024
Esther.mcgraw2@dc.gov
Attorney for DOB

Michael McDuffie
3723 R Street NW
Washington, D.C. 20007
Micahel.mcduffie@gmail.com
Attorney for Appellant

Advisory Neighborhood Commission 2E
Gwendolyn Lohse, Chairperson
Kishan Putta, SMD 2E01
2E06@anc.dc.gov
2E01@anc.dc.gov
2E@anc.dc.gov

Burleith Citizens Association
2336 Wisconsin Avenue NW
PO Box 32262, Calvert Station
Washington, D.C. 20007
bca@burleith.org
Appellant



Zachary R. Bradley

Exhibit A



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

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.:

I, _____ hereby request the following relief:

☐ Accept an untimely filing of _____

☐ To reopen the record to accept _____

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.**

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:

Signature:

Name:

Address:

Phone No(s).:

E-Mail:

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.