

July 20, 2026

Via Email

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

Re: Applicant's Opposition to the Motion for Reconsideration - BZA Case No. 21326

Dear Members of the Board:

The party in opposition, Peter Courtois, filed and served a Motion for Reconsideration on July 10, 2026. Pursuant to Subtitle Y § 700.9 of the Zoning Regulations, any response to a motion for reconsideration must be filed within ten (10) days of service. Accordingly, this response on behalf of the Applicant is timely filed on July 20, 2026.

The party in opposition, Peter Courtois, has requested that the Board reconsider its decision in BZA Application no. 21326 and has also requested, "in the alternative," that the Board re-open the record and schedule further proceedings (effectively a Motion for Rehearing).

Regarding the Motion for Rehearing, Mr. Courtois has presented no claim of newly discovered evidence, as required. Therefore, this portion of the Motion fails on its face.¹

Regarding the Motion for Reconsideration, the Motion offers three alleged grounds for reconsideration:

1. The first claim is that the Board failed to give "meaningful" great weight to the ANC's recommendation.

The specific requirement for the Board is that it shall give great weight "*to the issues and concerns included in the written report of the ANC.*" The ANC report included no issues or concerns in its report. It merely stated that it "does not support this application as written." In the Order, on page 9, the Board clearly noted this, stating: "*In this case, ANC 2E submitted a report indicating its opposition to the application; however, the report did not state any issues or concerns.*" The Board further noted: "*Accordingly, the Board was unable to give great weight to*

¹ Y-700.5 *Any party in a zoning appeal or a variance or special exception proceeding may make a motion to request that the Board re-open the record and rehear the application or appeal, in whole or in part, to permit the party to present newly discovered evidence which, by due diligence, could not have been reasonably presented to the Board prior to the issuance of the Board's final order.*

any issues or concerns raised by an affected ANC with respect to this application.”

Mr. Courtois incorrectly claims, without citation, that the Board was also required to “seek clarification from the ANC” and to provide the ANC an opportunity to explain the basis for its opposition. The Board is not required to seek clarification from an ANC, and the ANC was, of course, provided the opportunity to participate in the BZA hearing.

2. The second claim from the Motion is that the Board failed to reconcile the differing conclusions of the Office of Planning and ANC 2E.

Even if ANC 2E had submitted any detailed information explaining its position, there is no requirement for the BZA to reconcile differing conclusions between OP and the ANC.

3. The third claim is that “the special exception findings are not supported on this record.”

A general claim that the special exception findings are not supported is not a *specific* claim of error, as required.² Mr. Courtois provides no specific claim of error by the Board. He has simply reiterated arguments made throughout the proceeding. It is also helpful to note that the requested relief from the 10-foot rule was only required for the east side of the subject property and not on the side adjoining Mr. Courtois' property.

For the reasons provided herein, we respectfully request that the Board deny the Motion.

Respectfully Submitted,

Martin P Sullivan

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² Y-700.7 *A motion for reconsideration shall state specifically: (a) All respects in which the final order is claimed to be erroneous; and (b) The relief sought.*

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2026, an electronic copy of this submission was served to the following:

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Respectfully Submitted,

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