

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: \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on this 

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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: *Stephen Jackson*

Print Name:

Address:

Phone No.:  E-Mail:

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 21329  
EXHIBIT NO. 43

# **MOTION TO WITHDRAW PENDING MOTION AND MOTION TO REOPEN THE RECORD**

## **Points and Authorities**

BZA Application No. 21329

Applicant Stephen Jackson respectfully moves the Board of Zoning Adjustment to (1) withdraw his pending Motion to Reopen the Record filed December 3, 2025, and (2) reopen the record pursuant to Subtitle Y § 602.6 for the limited purpose of accepting the attached Supplemental Submissions and Exhibits. In support of this Motion, the Applicant states as follows:

### **I. WITHDRAWAL OF PENDING MOTION**

1. On December 3, 2025, immediately following the Board's decision meeting at which the Board was unable to reach the three votes required, the Applicant filed a Motion to Reopen the Record.
2. The Applicant now seeks to withdraw that pending motion and substitute this motion, which includes different and additional supporting materials.
3. The Board's rules permit withdrawal of filings, and the pending motion has not yet been ruled upon.

### **II. STANDARD FOR REOPENING THE RECORD**

4. Subtitle Y § 602.6 provides that supplemental material submitted after the close of the record may be accepted if accompanied by "a separate request to reopen the record." Such request "must demonstrate good cause and the lack of prejudice to any party."
5. The presiding officer may grant such requests. Subtitle Y § 407.5 further provides that the presiding officer may decide procedural motions without holding a hearing.

### **III. GOOD CAUSE EXISTS TO REOPEN THE RECORD**

6. At the November 5, 2025 hearing, Chair Hill posed a question that went unanswered: "Do you know what you're allowed to do by matter of right? Like, are you allowed to do that Juliet balcony thing that was originally on the plan?"
7. The Applicant, appearing pro se, could not answer this question at the hearing. The attached submissions now provide a comprehensive response – not merely with respect to the Juliet railing, but with respect to the full range of by-right development options available at this property.
8. During the December 3, 2025 deliberations, the Board discussed concerns that the Applicant had no opportunity to address – including concerns about deck "use" and the visual impact of the construction. These concerns were first articulated during deliberations, outside the Applicant's presence.

9. The Applicant, appearing pro se without legal training, could not reasonably have anticipated the specific concerns that would arise during Board deliberations or that this evidence would be necessary.
10. The record closed on November 5, 2025, except for two specific items enumerated by the Board. Submitting unrequested materials at that time would have been improper.
11. The December 3, 2025 meeting was a decision meeting at which no additional submissions were permitted. This motion is filed at the earliest procedurally appropriate opportunity.
12. The Applicant believes this evidence is material to a proper decision under E § 204.4. If the record is not reopened and the application is denied, the Applicant intends to refile after the one-year waiting period required by Subtitle Y § 600.2(e), with this evidence included from the outset. Reopening the record now would allow the Board to consider this evidence in the current proceeding, avoiding the need for a new application and duplicative proceedings for all parties.

#### **IV. REOPENING WILL NOT PREJUDICE ANY PARTY**

13. The Applicant has contacted ANC 6C Commissioner Eckenwiler to request consent or non-opposition to this motion. The Applicant is awaiting a response.
14. ANC 6C will have an opportunity to respond to this motion and the attached materials pursuant to Subtitle Y § 602.7, which provides that any response must be filed no later than seven days after notice of the supplemental material.
15. No party has relied to its detriment on the absence of this information. No final decision has been issued.

#### **V. DESCRIPTION OF ATTACHED SUBMISSIONS**

16. The Applicant submits the following materials for the Board's consideration:
  1. **Attachment A: Supplemental Submission Regarding the Special Exception Standard** – Legal analysis addressing the applicable standard under E § 204.4, including the distinction between "construction" and "use," and the nature of the Applicant's addition to the porch roof.
  2. **Attachment B: AI Renderings of By-Right Alterations** – Visual depictions of development that could occur at this property without BZA approval, prepared to partially answer Chair Hill's question regarding what is permissible by right.
  3. **Attachment C: By-Right Hanging Balcony Analysis** – Zoning analysis demonstrating that a second-floor hanging balcony mounted to the facade above the porch, with air gap, appears permissible by right under the DC Zoning Regulations.
  4. **Attachment D: "Actually Obtrusive" Alternatives** – Additional visual comparisons showing alternative approaches to second-floor outdoor space.

5. **Attachment E: Juliet Railing Product Specifications** – Documentation from the DOB-approved plans showing the Juliet railing that was approved as part of the original permit.

## VI. CONCLUSION

17. The Applicant respectfully requests that the Board: (a) Grant withdrawal of the pending Motion to Reopen filed December 3, 2025; (b) Grant this Motion to Reopen the Record for the limited purpose of accepting the attached Supplemental Submissions (Attachments A through E); and (c) Consider this submission prior to taking a vote on December 10, 2025, or alternatively, continue the decision to allow adequate time for review and any response from ANC 6C.

Respectfully submitted,

Stephen Jackson  
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December 9, 2025