



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.: 21487

Motion of: ☒ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other _____

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

Amend the zoning relief requested in the Application from a use variance from Subtitle U § 301.1 to special exception relief
pursuant to Subtitle U § 320.2 and an area variance from Subtitle U § 320.2(c), and waive any applicable procedural
filing and notice requirements necessary to permit consideration of the amended relief at the 9/16/26 hearing.

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: _____
The Applicant is filing this motion to amend the requested zoning relief. The Applicant has not yet
sought consent from the other parties. A copy of the motion is being served on all parties and the
Office of Planning as required.

CERTIFICATE OF SERVICE

I hereby certify that on this 30 1 day of August Month, 2006

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:

Matthew Dougherty

Address:

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Board of Zoning Adjustment
District of Columbia
CASE NO. 21487
EXHIBIT NO. 24



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application No. 21487
3613 13th Street, N.W.
Square 2829, Lot 139

APPLICANT'S MOTION TO AMEND REQUESTED RELIEF AND FOR WAIVER OF APPLICABLE PROCEDURAL
TIME REQUIREMENTS

The Applicant respectfully moves the Board of Zoning Adjustment ("Board"), pursuant to Subtitle Y §§ 101.9 and 407, for leave to amend the zoning relief requested in this Application and for waiver of any applicable procedural filing or notice requirements necessary for the Board to consider the amended relief at the public hearing scheduled for September 16, 2026.

1. Requested Amendment

The Application was originally filed requesting a use variance from Subtitle U § 301.1 to permit three dwelling units at the Property.

Following further review of the Application and consultation with the D.C. Office of Planning ("OP"), the Applicant seeks to amend the requested relief to:

- (a) special exception relief pursuant to Subtitle U § 320.2 and Subtitle X, Chapter 9, to permit the conversion of the existing residential building to a three-unit apartment house; and
- (b) an area variance pursuant to Subtitle X § 1002 from Subtitle U § 320.2(c), which requires a minimum of nine hundred square feet (900 sq. ft.) of land area for each existing and new dwelling unit.

The Property contains 2,556 square feet of land area. Accordingly, 2,700 square feet would ordinarily be required for three dwelling units, resulting in a lot-area deficiency of 144 square feet.

The Applicant will submit a revised Form 135 – Zoning Self-Certification reflecting the amended relief.

2. The Amendment Does Not Change the Proposed Project

The requested amendment changes the zoning mechanism through which relief is sought, but does not change the development proposal that has been before the Board, OP, the affected ANC, neighboring property owners, or the public.

The Applicant continues to seek authorization for three dwelling units within the existing building at 3613 13th Street, N.W. The amendment does not increase the number of proposed dwelling units, alter the building envelope, add an addition, increase the height or lot occupancy of the building, or otherwise expand the scope or physical impacts of the proposal.

Thus, the fundamental relief for which public review has occurred—the use of the existing building for three dwelling units—remains unchanged.

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3. Good Cause Exists for the Requested Waiver

Subtitle Y § 101.9 authorizes the Board, for good cause shown, to waive procedural requirements where the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Good cause exists here because the requested amendment follows further zoning review and is intended to identify more precisely the relief applicable to the same three-unit proposal already before the Board.

Requiring the Applicant to withdraw and refile the Application solely to change the regulatory basis for the requested relief would result in unnecessary delay and duplication while providing no meaningful additional notice regarding the substance of the proposal.

4. The Amendment Will Not Prejudice Any Party

Granting the Motion will not prejudice any party or member of the public.

The originally noticed Application sought authorization for three dwelling units at the Property. The amended Application seeks authorization for the same three dwelling units at the same Property. No additional dwelling units, construction, building expansion, or other development is proposed as a consequence of the amendment.

Moreover, this Motion and the revised relief are being served upon the Office of Planning and all parties to the proceeding. Under Subtitle Y § 407.4, parties opposing a motion ordinarily have seven days following service in which to respond.

Accordingly, the amendment does not deprive any party of notice of the nature or impacts of the proposal and will not result in unfair prejudice.

5. Relief Requested

For the foregoing reasons, the Applicant respectfully requests that the Board:

- (a) grant the Applicant leave to amend the requested zoning relief from a use variance from Subtitle U § 301.1 to special exception relief pursuant to Subtitle U § 320.2 and an area variance from Subtitle U § 320.2(c);
- (b) pursuant to Subtitle Y § 101.9, waive the requirements of Subtitle Y § 300.15 and any other procedural timing or notice requirement the Board determines must be waived in order to consider the amended relief;
- (c) accept the Applicant's revised Form 135 and supporting materials into the record; and
- (d) consider the amended Application at the presently scheduled September 16, 2026 public hearing.

Respectfully submitted,

Matthew Dougherty
Authorized Representative for Applicant
818 18th St. NW Suite 600
6103060914
matt@kube-arch.com

CERTIFICATE OF SERVICE

I hereby certify that on [date], a copy of the foregoing Motion to Amend Requested Relief and for Waiver of Applicable Procedural Time Requirements was served electronically upon the D.C. Office of Planning and all parties to BZA Application No. 21487.

Matthew Dougherty