COZEN O'CONNOR

October 7, 2026

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VIA IZIS

Chairperson Michelle Pourciau
Board of Zoning Adjustment
441 4th Street NW, STE 200S
Washington, DC 20036

Re: **Motion to Postpone the Public Hearing in BZA Case No. 21510**

Chairperson Pourciau and Honorable Members of the Board:

Joseph Sellers and Laurie Davis (collectively, the "Neighbors"), through counsel, Cozen O'Connor, respectfully request that the Board postpone the November 4, 2026 public hearing pursuant to Subtitle Y §§ 400.5 and 407. The Neighbors are seeking a written determination from the Zoning Administrator concerning the proper classification of the proposed use and the zoning relief required to establish it. That determination bears directly on whether the Application may proceed as a request for a private-community-center special exception. The Neighbors have requested advance consideration of their party-status requests at the Board's October 21, 2026 public meeting. They ask that the Board consider this Motion following its determination of that request, should the Board grant that request.

I. BACKGROUND

Rock Creek Club (the "Applicant") seeks special-exception approval under Subtitle U § 203.1(d) to convert Greystone, a residential estate at 2325 Porter Street NW, into what it characterizes as a private community center. The Application is self-certified and proceeds on the premise that the proposed operation falls within that use classification.

The Neighbors own and reside at properties directly abutting Greystone, which is located in the R-1A Zone. They dispute the Applicant's classification of the proposed use as a private community center and contend that it is a private club. That distinction determines the relief required: a private community center may be permitted in the R-1A Zone by special exception, while the proposed private club would require a use variance. Resolving the classification question therefore bears directly on whether the Application seeks the appropriate relief and which standards govern its review.

On June 30th, 2026, the Neighbors requested a written determination from the Zoning Administrator concerning the proper classification of the proposed use and the zoning relief required to establish it. The Neighbors subsequently provided supplemental information on July

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EXHIBIT NO. 35

7th and July 30th 2026. As of the filing of this Motion, the Neighbors are respectfully waiting for the Zoning Administrator to evaluate all the material, conduct research and issue a determination.

Furthermore, the Neighbors have informed the Applicant of missing information and operational documentation that would be critical to evaluation of this proposed use. The Neighbors encourage the Applicant to respond to that missing information and a postponement in the hearing will permit the Applicant time to respond.

II. GOOD CAUSE EXISTS TO POSTPONE THE HEARING

Subtitle Y § 400.5 authorizes the Board to postpone a hearing for good cause shown. Good cause exists here because the pending classification question concerns the basis for the Application itself. If the proposed operation is a private club requiring a use variance, the Applicant must seek different relief and satisfy a different standard from the special exception presently requested. The Zoning Administrator's determination therefore could materially change the proceeding before the Board. Additionally, The Applicant also has yet to provide a complete and consistent description of the proposed use. Its descriptions have shifted over the course of the proceeding, and information concerning operations and staffing remains incomplete. These inconsistencies and omissions leave the Neighbors without a clear understanding of the operation they must address at the hearing. Additional time is needed for the Applicant to clarify the proposed use, provide the missing information, and allow the Neighbors a meaningful opportunity to respond.

The Applicant has engaged with the Zoning Administrator and was informed of the Neighbor's classification challenge prior to closing on the Property. Therefore, a postponement is not unexpected. Furthermore, this is the first request by the Neighbors and it would allow all agencies and parties sufficient time to submit arguments based on updated information requested by the Neighbors and clarification on the relief requested.

III. CONCLUSION

The Neighbors therefore request that the Board postpone the November 4th, 2026 public hearing pending the Zoning Administrator's written determination. Resolving the use classification first will establish the relief required and the standards governing the Application, allowing the parties and the Board to proceed with a meaningful hearing on the merits.

Sincerely,

COZEN O'CONNOR



Meridith Moldenhauer

Certificate of Service

I hereby certify that on this 7th day of October, 2026, a copy of this Motion and Cover Letter was served, via email, as follows:

D.C. Office of Planning
c/o Radhika Mohan
Maxine Brown-Roberts
Crystal Myers
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District Department of Transportation
c/o Erkin Ozberk
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c/o David Avitable, Counsel for RCC
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Meridith Moldenhauer

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.:	21510					
Motion of:	☐ Applicant	☐ Petitioner	☐ Appellant	☑ Party	☐ Intervenor	☐ Other _____

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

Postpone the November 4, 2026 public hearing pursuant to Subtitle Y §§ 400.5 and 407.

Party status requested.

Points and Authorities:

On a separate sheet of 8 ½" 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: _____

CERTIFICATE OF SERVICE

I hereby certify that on this	07	**day of**	October	,	2026

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:	Meridith Moldenhauer		
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