

TIMELINESS AND JURISDICTION STATEMENT

Michael Cueter and Madeline Baum — 3731 Benton Street NW

Decision appealed	DOB zoning approval and issuance of Building Permit B2506021
Subject property	3733 Benton Street NW; Square 1301, Lot 1028; R-3/GT
Permit issuance	May 19, 2026
First actual notice	May 30, 2026
Filing deadline	July 29, 2026 (60 days after actual notice)

I. Administrative Decision and BZA Jurisdiction

Appellants Michael Cueter and Madeline Baum own and occupy 3731 Benton Street NW, Washington, D.C. 20007. Their property immediately adjoins 3733 Benton Street NW, Square 1301, Lot 1028, in the R-3/GT zone.

The administrative decision appealed is the zoning approval of the District of Columbia Department of Buildings (DOB), Office of the Zoning Administrator, reflected in the issuance of Building Permit B2506021 on May 19, 2026. The permit and the stamped zoning documents constitute the written decision that the proposed work could proceed as a matter of right under the Zoning Regulations. A copy of the issued permit is submitted as Exhibit A.

The Board has jurisdiction over this appeal because Appellants are persons aggrieved by a zoning determination made in the administration and enforcement of the Zoning Regulations. The approved work immediately adjoins their home and directly affects the permitted lot occupancy, building bulk, balcony configuration, height-related dimensions, and relationship of the proposed construction to Appellants' property.

II. Absence of Valid Neighbor Notification

Appellants did not receive Neighbor Notification of the permit application or notice of the zoning decision approving Permit B2506021. The Neighbor Notification materials contained in the permit record were directed to a former owner of 3731 Benton Street NW. Appellants had already acquired 3731 Benton Street NW, and their ownership had been recorded, before DOB approved Neighbor Notification on January 12, 2026.

Appellants did not receive the issued permit, the complete approved plans, a notice of permit issuance, or any other communication reasonably sufficient to place them on notice of the administrative zoning determination before May 30, 2026. The Neighbor Notification letter, proof of mailing, and ownership/recordation evidence are submitted as Exhibits C through E.

III. First Actual Notice or Knowledge

On May 30, 2026, Michael Cueter contacted the owners of the adjoining property at 3735 Benton Street NW and first learned that DOB had approved and issued Permit B2506021 for 3733 Benton Street NW. The adjoining owners provided the permit information. That communication was the first occasion on which Appellants had actual notice or knowledge of the administrative decision being appealed.

Appellants subsequently obtained the permit number and began seeking the approved plans and supporting record. The evidence confirming the May 30 communication, or Appellants' signed declaration confirming its contents, is submitted as Exhibit B.

IV. Compliance with the Sixty-Day Filing Requirement

Subtitle Y § 302.2 requires a zoning appeal to be filed within sixty days after the appellant had notice or knowledge of the administrative decision, or reasonably should have had such notice or knowledge, whichever occurred first. Appellants' first actual or constructive notice was May 30, 2026.

The sixtieth day following May 30, 2026 is July 29, 2026. This appeal is being filed on or before July 29, 2026 and is therefore timely under Subtitle Y § 302.2.

V. Construction Is Not Under Roof

The additional limitation in Subtitle Y § 302.3 does not bar this appeal. As of July 28, 2026, the addition and reconstructed portions implicated by the appeal were not under roof. Current dated photographs show the structure open and without the completed main roof and rooftop-structure roofs contemplated by Subtitle Y § 302.3(a). Those photographs are submitted as Exhibit F.

VI. Conclusion

Appellants lacked legally sufficient Neighbor Notification and first learned of the issued permit on May 30, 2026. They filed this appeal within sixty days of that notice, and the appealed construction was not under roof at the time of filing. The appeal therefore satisfies the jurisdictional timeliness requirements of Subtitle Y §§ 302.2 through 302.4.

Verification

We have reviewed this statement and affirm that the factual statements concerning our ownership, lack of notice, first knowledge of Permit B2506021, and the construction conditions at the time of filing are true and accurate to the best of our personal knowledge.



7/28/26

Michael Cueter

Date



7/28/26

Madeline Baum

Date

Filing note: Before execution, attach either the contemporaneous May 30 communication or a signed supplemental declaration confirming the precise circumstances of first notice.