

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Washington, D.C. 20001

Appeals of Advisory Neighborhood Commission 6C

BZA Appeal 19550

DCRA'S CONSENT MOTION TO CONTINUE TO NOVEMBER 15

DCRA respectfully submits this Consent Motion to Continue the currently scheduled October 4 hearing in this appeal to November 15 (or later at the Board of Zoning Adjustment (“**Board**”)’s convenience) in order to allow a related appeal currently before the Office of Administrative Hearings (“**OAH**”) to be heard first. The OAH appeal challenges DCRA’s revocation of the same permit that is the subject of this appeal - B1706219 (the “**Permit**”) - for alleged violations of the Construction Codes. The OAH appeal centers on whether the Permit violated requirements to protect an adjacent chimney or vent. This is almost identical to one of the claims raised by Appellant in this appeal – the alleged violation of Section E-206.1(b)’s bar on an addition negatively impacting an adjacent chimney or vent that is compliant with District laws and regulations. DCRA asserts that it is in the interest of judicial economy to have OAH determine the compliance of the adjacent vent with the Construction Codes, over which the Board lacks jurisdiction, before the Board considers this appeal which will rely on the OAH determination to resolve at least this one claim.

In the event that OAH does not make a decision by November 15, DCRA proposes to provide a status update to the Board with a new proposed hearing date based on the circumstances of the OAH appeal at that time.

DCRA therefore respectfully requests the Board grant DCRA’s Consent Motion to Continue to November 15 or later.

Respectfully submitted,
CHARLES THOMAS
General Counsel
Department of Consumer and Regulatory Affairs

Date: 9/28/17

/s/ Maximilian L.S. Tondro

Board of Zoning Adjustment
District of Columbia
CASE NO.19550
EXHIBIT NO.23

Maximilian L. S. Tondro (D.C. Bar # 1031033)
Assistant General Counsel, Office of General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024
(202) 442-8403 (office) / (202) 442-9477 (fax)
maximilian.tondro@dc.gov
Attorney for Department of Consumer and Regulatory Affairs

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September 2017, a copy of the foregoing DCRA’s Consent Motion to Continue to November 15 was served via electronic mail to:

Mark Eckenwiler, Single Member Advisory
Neighborhood Commissioner, ANC 6C04
312 E Street, N.E.
Washington, D.C. 20002
6C04@anc.dc.gov
Appellant

Karen Wirt, Chair
Advisory Neighborhood Commission 6C
234 E Street, N.E.
Washington, D.C. 20002
6C02@anc.dc.gov

John Patrick Brown, Jr., Esq.
Greenstein DeLorme & Luchs, P.C.
1200 19th Street, N.W., 3rd Floor
Washington, D.C. 20036
jpb@gdllaw.com
Counsel for Permit Holder

Heather Edelman, Single Member Advisory
Neighborhood Commissioner, ANC 6C06
1152 5th Street, N.E.
Washington, D.C. 20002
6C06@anc.dc.gov

Kevin Cummins
1123 7th Street N.E.
Washington, D.C. 20002
kevin.cummins11@gmail.com
Intervenor (requested)

/s/ Maximilian L.S. Tondro
Maximilian L.S. Tondro