



**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.:** 20027, Application of Kara Bensen for variances and special exceptions to construct an addition at 520 Groff Court NE (Square 779, Lot 179)

**Motion of:**  Applicant  Petitioner  Appellant  Party  Intervenor  Other Potential parties in opposition

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

Postpone Case No. 20027, currently set for a hearing on June 5, 2019

**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: On May 20, 2019, one of the persons requesting party status advised the applicant by email of their intent to oppose the application as a party and asked that the Applicant consent to a postpone. To date, the Applicant has not responded to this request.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21 day of May, 2019

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:** Andrea Ferster

**Address:** 2121 Ward Court NW 5th Floor, Washington, DC 20037

**Phone No.:** 202-974-5142

**E-Mail:** aferster@railstotrails.org

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 20027  
EXHIBIT NO. 33

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

RE: Application of Kara Benson for Variances and )  
Special Exceptions to construct an addition at )  
520 Groff Ct NW, Washington, DC 20002 ) No. 20027  
(Square 779, Lot 179 )  
\_\_\_\_\_ )

Motion to Postpone Hearing

Addar and William Levi, Sara Wilson, Larke Williams, Frances M. Raskin, Brenda Barger, Forest Park, Anne Brodsky, and Margaret Chriss, who have collectively filed a timely request to participate as parties in opposition to the above-captioned application before this Board (hereinafter referred to as “Requesters”), hereby request a postponement of the hearing currently set for June 5, 2019.

Background

The above-captioned application was filed on March 21, 2019, seeking an area variance pursuant to Subtitle E § 5108.1, from the height requirements of Subtitle E 5102.1 and the setback requirements of Subtitle E § 5106.1, and a special exception under Subtitle E 5404.1 for a reduction in the minimum side yard requirement and Subtitle E, 5201.1 for a non-conforming structure (Subtitle C § 202.2), to construct a two-story side addition to an existing one-family alley dwelling. Prior to the filing of the Application, the Applicant undertook no efforts to contact neighboring residents to share these plans or discuss this application.

Despite the extraordinary and disfavored nature of the variance relief sought by the Applicant, the application fails to clearly explain how the Applicant intends to satisfy the

standards for a variance.. In particular, the Application lacks any information on why, due to extraordinary or exceptional situation relating to the shape or topography of the property, there will be “peculiar and exceptional practical difficulties’ to the owner unless she can obtain a variance from the height requirements. D.C. Code § 6-641.07(g)(3) and 11-X DCMR § 1000.1.

Moreover, the Application does not identify any expert witnesses that will be testifying on behalf of the Applicant nor a written summary of the testimony of its witnesses, as provided for in 11 DCMR Subtitle Y, § 300.8(j) and (k). The zoning self-certification form lacks information about the zoning relief and set-back requirements for alley lots specified in Subtitle E, § 5106.1. *See* BZA Exhibit 4. Despite representing that the application will have no traffic impacts, no traffic report has been submitted per Subtitle Y, § 300.14. Nor has the Applicant filed a prehearing statement within 21 days of the hearing, identifying any witnesses or other supplemental material, as required by Subtitle Y, § 300.15.

The Application also failed to include a statement of its efforts to contact the ANC, individuals and community groups about the application, as required but Subtitle Y, § 300.8(1). Instead, the Applicant represented that “The applicant pledges to submit a statement of the efforts made to contact these groups and the results of these efforts no less than fourteen (14) days before the scheduled public hearing/meeting. The contact with these entities will occur at the earliest time practical prior to the scheduled public hearing/meeting. BZA Exhibit 10. Contact was not even initiated until barely three weeks ago. No statement of efforts has been filed to date nor has the Applicant had a meaningful dialogue with Requesters to date.

## Discussion

The bare-bones application, coupled with the absence of much of the information required to support an application for zoning relief, including the names of the Applicant's witnesses and a summary of their testimony, places the Requesters at a significant disadvantage in preparing for the hearing. The Requesters are therefore seeking a postponement of the hearing until the record is adequately supplemented. Moreover, the Applicant's failure to contact the requesters, who are adjoining property owners, regarding their application, has prevented the Requesters from having a dialogue with the Applicant to discuss ways that the project might be modified to resolve the Requesters' concerns. A postponement will allow the Applicant to have a dialogue with the neighbors concerning the application. One of the requesters contacted the Applicant about this request for a postponement, but to date has received no response. *See* attached email.

Respectfully submitted,



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Counsel for Requesters

Certificate of Service

I hereby certify that, on May 21, 2019, a copy of the foregoing motion to postpone was served by email on the following:

Kara Benson  
[Kara.benson@gmail.com](mailto:Kara.benson@gmail.com)

Jennifer Fowler  
[Jennifer@fowler-architects.com](mailto:Jennifer@fowler-architects.com)

Jennifer Steingasser  
[jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov)

ANC602  
[6C02@anc.dc.gov](mailto:6C02@anc.dc.gov)



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Andrea C. Ferster

## Andrea Ferster

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**From:** Addar Levi <addar.levi@gmail.com>  
**Sent:** Monday, May 20, 2019 9:46 PM  
**To:** kara.benson@gmail.com  
**Cc:** William Ranney Levi; Andrea Ferster  
**Subject:** 520 Groff

Hi Kara,

In the spirit of keeping an open dialogue about your plans for 520 Groff, I wanted to make you aware that we have engaged an attorney (Andrea Ferster, CCed here) to represent our interests and those of other concerned neighbors.

We are preparing to file for party status in the BZA matter as well as a motion for postponement of the June 8 meeting. Before we engage too much further, I was hoping you might consider voluntarily requesting a delay from the BZA for the hearing or consenting to such a delay so that you and your architect might have more of an opportunity to take neighbors' concerns into account and engage in a more collaborative process.

Thank you in advance for considering this request. Please also include Andrea on all future communications regarding this matter.

Respectfully,  
Addar and Will