

June 14, 2022

Via Email to dcoz@dc.gov
Frederick L. Hill, Chairman
Board of Zoning Adjustment
441 4th St NW, Suite 210S
Washington, D.C. 20001

**RE: BZA Application No. 20636 - 4509 Foxhall Crescent, NW
(Square 1397, Lot 960)**

Dear Chairman Hill and Members of the BZA:

This is a request BZA permission to substitute Kyle Oliver, of VIKA Capitol, LLC, for Gladys Sera who was previously identified as the Applicant's civil engineering expert. I just learned this morning that Ms. Sera will be unable to attend the hearing tomorrow. Mr. Oliver has been working with Ms. Sera over the past several weeks reviewing the civil plans and he is thoroughly versed in the proposed project plans. The substitution of Mr. Oliver should pose no prejudice to any parties in this case (existing or subsequently accepted) because the Zoning Commission and the BZA have accepted Mr. Oliver as an expert in civil engineering previously. As a result, there should be no question as to his qualifications.

Thank you for your consideration.

Sincerely,



Cynthia A. Giordano

Attachment

CERTIFICATE OF SERVICE

I certify that on June 14, 2022, an electronic copy of this submission was served to the following:

1. **D.C. Office of Planning**
Matthew Jesick, AICP, Development Review Specialist
via email: matthew.jesick@dc.gov
2. **District Department of Transportation**
Mr. Jonathan Rogers, DDOT
Mr. Aaron Zimmerman, DDOT
via email: jonathan.rogers2@dc.gov
aaron.zimmerman@dc.gov
3. **Neighborhood Commission 3D**
via Email: 3D@anc.dc.gov
4. **Advisory Neighborhood Commissioner SMD Chuck Elkins**
via Email: 3D01@anc.dc.gov
5. **Jody Westby, Party in Support**
via Email: westby@globalcyberrisk.com
6. **Andrea Ferster**
via Email: aferster@railstotrails.org



Cynthia A. Giordano
Saul Ewing Arnstein & Lehr, LLP



**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.:

Motion of:

- Applicant
 Petitioner
 Appellant
 Party
 Intervenor
 Other _____

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

Motion to request BZA permission to substitute Kyle Oliver of VIKA Capitol, LLC for Gladys Sera who was previously identified as the Applicant's expert civil engineer and to accept his resume into the record. Counsel just learned this morning that Ms. Sera will be unable to attend tomorrow's hearing. Mr. Oliver has been working with Ms. Sera over the last several weeks to review the civil plans and provide input. He is thoroughly familiar with the plans.

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: Time did not permit outreach and response.

CERTIFICATE OF SERVICE

I hereby certify that on this D D day of Month , Y Y Y Y

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: *Cynthia A. Giordano*

Print Name:

Address:

Phone No.:

E-Mail: