

May 2, 2023

VIA IZIS

D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, N.W., Suite 200S
Washington, DC 20001

Re: BZA Application No. 20643 –The Maret School (“Applicant”) – Motion to Reopen the Record to Allow a Reply to the Friends of the Field’s Opposition to Motion for Clarification/Reconsideration of the Conditions of BZA Order No. 20643

Dear Members of the Board:

The Applicant hereby files a motion requesting the record of BZA Application No. 20643 be reopened to allow the Applicant to file a reply to the Friends of the Field’s (“FoF”) Opposition to the Motion for Clarification/Reconsideration of the conditions of BZA Order No. 20643. The submission of a reply to the FoF Opposition filing requires a waiver from Subtitle Y, Section 700.9, which does not allow replies to answers to Motions for Reconsideration.

The BZA is authorized to grant a waiver from the Zoning Regulations pursuant to the requirements of Subtitle Y, Section 101.9, which states:

Except for Subtitle Y §§ 100 through 105, 604.6, 700.3, and 1602.5 the Board may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

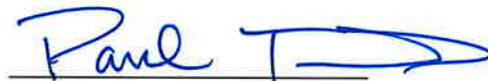
The granting of the motion to reopen the record to allow a reply to the FoF Opposition filing will provide the Board with relevant and necessary information regarding the actual timing of the appeal filed by FoF with the DC Court of Appeals. Specifically, the reply will address FoF’s delay in effectuating service of the appeal on the parties in BZA Application No. 20643. Further, granting this waiver will not prejudice the rights of the FoF or ANC 3/4 G, it will simply provide the Board with all of the information required to undertake a thoughtful and well-reasoned analysis of the Applicant’s Motion for Clarification/Reconsideration. The Board’s granting of this waiver request is not otherwise prohibited by law.

If the Board grants the Motion to Reopen the Record, the Applicant is prepared to immediately file its reply to the FoF Opposition filing and, if necessary, provide oral testimony at an upcoming Public Meeting of the Board.

Counsel for the FoF did not consent to the Applicant's filing of a reply to the FoF Opposition filing. The Applicant's Counsel made ANC 3/4 G aware of this Motion on April 28, 2023.

Please feel free to contact the undersigned if you have any questions or comments.

Sincerely,


Paul Tummonds

Certificate of Service

The undersigned hereby certifies that copies of the Motion to Reopen the Record to Allow a Reply to the Friends of the Field's Opposition to Motion for Clarification/Reconsideration of the Conditions of BZA Order No. 20643 was delivered by electronic mail to the following addresses on May 2, 2023:

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