

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



June 26, 2020

Memo to file:

Re: BZA No. 20191 – Appeal of DC for Reasonable Development

At the public meeting of June 24, 2020, the Board of Zoning Adjustment (the “Board”) took action on several preliminary motions that were pending in this appeal. First, the Board voted to deny the Appellant’s motion for summary affirmance. Next, the Board denied the Appellant’s motion to strike DCRA’s response filing. Finally, the Board denied the Appellant’s motion for an in-person hearing.

Further, the Board discussed the pending motions to dismiss the appeal and requested the following additional submissions from the Appellant and parties. The Board held the motions to dismiss in abeyance for deliberations at the public hearing of **August 5, 2020**.

Virtual Hearing Procedures

If the Appellant, after reviewing the virtual hearing procedures, still has concerns about the virtual hearing, it should indicate what they are in writing, namely:

- The specific concerns in relationship to what would be possible at an in-person public hearing;
- What accommodations might resolve or address these concerns; and
- How any potential limit on participation should be balanced against the public health risks.

If the Appellant requires any accommodations, it should request them explicitly. Accordingly, the Board requests:

- **By July 8, 2020 at 11:59 p.m.**
This Appellant shall file the above-described written submission, detailing any specific concerns and accommodation requests.
- **By July 15, 2020 at 11:59 p.m.**
The other parties may file responses to the Appellant’s submission.

Additional Submissions Requested

The Board requests that the Appellant provide “all statements, information, briefs, reports, (including reports and statements of experts and other witnesses), plans, photographs, or other exhibits that the appellant may wish to offer in evidence at the public hearing,” as required by 11-Y DCMR § 302.12(h). The Board will dismiss the appeal unless the Appellant complies with this rule. This constitutes the notice and opportunity to cure required by 11-Y DCMR § 600.4. The Board requests:

- **By July 8, 2020 at 11:59 p.m.**
This Appellant shall submit the information required by 11-Y DCMR § 302.12(h).
- **By July 15, 2020 at 11:59 p.m.**
The other parties may file responses to the Appellant's submission.

In addition, the Board requests that the parties submit written evidence on how the plans approved by the foundation permit relate to those approved by the Zoning Commission in the case that underlies this appeal, along with a written explanation of how the plans comply or not with 11-Z DCMR § 702.8. The Board requests:

- **By July 8, 2020 at 11:59 p.m.**
The parties shall submit the written evidence described above.
- **By July 15, 2020 at 11:59 p.m.**
Parties may file responses to the other parties' submissions.

All parties are advised that the **deadlines** that the Board has set in this matter **are final**, and any untimely submissions will not be permitted into the record without a written explanation of good cause.

If you have questions, please contact our office at 202-727-6311.

Sincerely,



CLIFFORD W. MOY
Secretary, Board of Zoning Adjustment
Office of Zoning