ON MAY 11, 2004, THE BOARD STRUCK THIS DOCUMENT FROM THE RECORD.

BZA
Case No. 17092
Exhibit No. 84

Board of Zoning Adjustment
District of Columbia
CASE NO. 17092
EXHIBIT NO. 84

20-14

COLE, RAYWID & BRAVERMAN, L.L.P.

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April 27, 2004

D.C. BOARD OF ZONING ADJUSTMENT
2004 APR 27 AM 9:55

VIA COURIER

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW
Washington, DC 20001

Re: BZA Appeal No. 17092
Opposition to Appeal (Wagtime)
Response to Clean Hands Act Submission

Dear Mr. Griffis:

By letter dated January 30, 2004, addressed Mr. Denzil Noble, Acting Zoning Administrator and entered into the record of this appeal as Exhibit No. 69, the appellants seek to have the Clean Hands Act applied against the owners of Wagtime. The letter is inflammatory and inaccurate and should not have been entered into the record in this appeal.

This Board does not have jurisdiction to consider the many requests found in the letter. Furthermore, as of March 3, 2004, the civil infractions have been dismissed as settled. There is no pending notice of infraction. The apparent purpose in filing this letter was to provoke the Board into thinking that the owners of Wagtime are in violation of applicable regulations. This is not the case. The only issue before the Board is whether the DCRA properly issued Certificates of Occupancy for the use; the rest is a rather blatant attempt to incite and provoke. The Board should recognize this, and remove this submission from the record.

Respectfully submitted,

Edward L. Donohue

Edward L. Donohue

cc: All parties
Bennett Rushkoff, Office of Corporation Counsel

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