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RECEIVED
D.C. OFFICE OF ZONING
2010 JAN 27 AM 11:31

GEORGE R. KEYS JR. *
*Also Admitted in Maryland

OF COUNSEL
HAROLD E. JORDAN

January 27, 2009

HAND-DELIVERED

Marc D. Loud, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

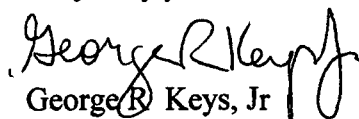
Re BZA Application No. 17964 - Application of Emory United Methodist Church

Dear Mr. Loud:

This firm represents Emory United Methodist Church (the "Applicant") in connection with its application for variance and special exception relief in order to construct a mixed use project at 6100-6120 Georgia Avenue, N.W. in the C-2-A Zone District. During the public meeting of the Board on January 26, 2010, a question arose as to whether the Applicant's submission, dated December 28, 2009 (the "post-hearing submission") was timely filed. At the conclusion of the public hearing on December 15, 2009, the Board requested that the Applicant provide the Board with a panoramic photograph taken from within Fort Stevens and with any rebuttal to the DDOT Report.

The Office of Zoning logged the post-hearing submission in on December 30, 2009. I attach a copy of the e-mail string between counsel for the Applicant and Clifford Moy during the period December 28-30, 2009. On December 28, 2009 at 4:41 pm, the Applicant sent the post-hearing submission via e-mail to Clifford Moy and to the Office of Zoning mailbox. Immediately after transmission, I called the Office of Zoning to verify receipt and was informed that Clifford Moy was not in the office that day and that no one was available who could confirm receipt of the e-mail. On December 30, 2009, Clifford Moy acknowledges receipt of the filing of the post-hearing submission. Later that day he asks me to fax the attachments because he was unable to open the photographs. I had the letter and attachments hand-delivered that same day. I contend that the filing was made timely on December 28, 2009, but Office of Zoning staff did nothing with the filing until two days later.

Very truly yours,


George R. Keys, Jr.

Enclosure

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17964
EXHIBIT NO. 61

Board of Zoning Adjustment
District of Columbia
CASE NO. 17964
EXHIBIT NO. 61

From: George Keys
To: Clifford Moy
Date: 12/30/2009 3 28 24 PM
Subject: Re FW BZA #17964 - Post-Hearing Submission

Cliff I am sending a messenger today with the letter and exhibits which I sent over on Monday by e-mail

George R Keys, Jr
Jordan & Keys PLLC
1400 16th Street, NW - Suite 710
Washington, DC 20036
(202) 483-8300 (tel)
(202) 328-6153 (fax)

>>> "Moy, Clifford (DCOZ)" <clifford moy@dc gov> 12/30/2009 3 06 32 PM >>>
Hello George,

As an afterthought, I checked the file today and there is no exhibit of your document submitted by fax. However, it may have arrived but not logged in yet. During this holiday week, we are operating on a skeleton staff. As a precaution, can you re-fax your document with the two photos, as well.

Finally, I tried to convert the pics you emailed to me but it did not open for me. Can you resend?

Thanks and have a Happy New Year,

Cliff

-----Original Message-----

From: Moy, Clifford (DCOZ)
Sent: Wednesday, December 30, 2009 11 28 AM
To: 'George Keys'
Cc: Moy, Clifford (DCOZ)
Subject: RE: BZA #17964 - Post-Hearing Submission

Hello George,

This is to confirm that we received your filing to 17964

Thanks,
Cliff

-----Original Message-----

From: George Keys [<mailto:gkeys@jordankeys.com>]
Sent: Monday, December 28, 2009 4 41 PM
To: Moy, Clifford (DCOZ), ATD DCOZ
Subject: BZA #17964 - Post-Hearing Submission

Cliff Please find attached this firm's letter complying with the BZA's request for a post-hearing submission AND TWO PHOTOGRAPHS WHICH ARE

ATTACHMENTS TO THE LETTER

PLEASE CONTACT ME IMMEDIATELY IF THE ATTACHMENTS ARE NOT LEGIBLE

George R Keys, Jr
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