GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

'99 DEC -8 P3:27
OFFICE OF ZONING
DISTRICT OF COLUMBIA

December 8, 1999

Ms. Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W.
Room 220
Washington, D.C. 20001

Re: BZA Application No. 16521

Dear Ms. Reid and Members of the Board:

On Friday, December 3, I learned of the direct relationship between this BZA Application and BZA Appeal No. 16405. More importantly, I realized that the Board has not issued its final written order in the underlying appeal case.

As a result of this information, this office believes it would be premature to proceed with this application at this time for the following reasons:

1. The Board has not issued its final decision and order, including findings of fact and conclusions of law, in Appeal No. 16405. Further, the Board's order in the Appeal case will be subject to motions for reconsideration and review by the Court of Appeals before the matter is final.

2. Any action by this office on the current application is likely to result in decisions and actions, which may ultimately be determined to be inconsistent with the Board's decision in the underlying appeal case.

3. At this time, this office is also unable to prepare a zoning memorandum for the Board because it lacks the necessary information to proceed without first receiving a final decision in the appeal case. Second, the Applicant or his counsel have not submitted the information, including as-built construction drawings and other materials, required to make the necessary zoning computations and prepare the resulting zoning memorandum.

BZA
Case No. 16521
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.23

The Zoning Administrator's Office looks forward to continuing to provide assistance to the Board in this case at such time as it is appropriate and all the information necessary for review is made available.

If you have any questions, please do not hesitate to contact me. At the December 8, 1999 hearing, I have asked Mr. Edgar T. Nunley, Chief of the Zoning Review Branch, to attend in my place as a result of my attendance at an all day mandatory training conference. Mr. Nunley represented this office in the appeal hearing and is fully capable and authorized to provide information to the Board.

Respectfully,

Michael D. Johnson
Zoning Administrator

cc: Jerrily Kress, Director, Office of Zoning
Sheri Pruitt-Williams
Armando Lourenco, Administrator, BLRA
Edgar T. Nunley, Chief, Zoning Review Branch
Maureen E. Dwyer, Esq.
John Patrick Brown, Jr., Esq.
Advisory Neighborhood Commission 3D