Philip G. Hampton, II

1439 Juniper Street N.W.
Washington, D.C. 20012

March 29, 2000

OFFICE OF ZONING
DISTRICT OF COLUMBIA
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BY HAND

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

Re: BZA Application No. 16556 – Request for Reconsideration

Dear Chairman Reid:

This letter is submitted on behalf of the parties in opposition to BZA Application No. 16556 in support of their request for reconsideration of the ruling concerning the submission of proposed findings of fact and conclusions of law.

At the close of the March 21, 2000, hearing on BZA Application No. 16556, the parties were directed to submit proposed findings of fact and conclusions of law by Friday, March 31, 2000. The Board of Zoning Adjustment Rules of Practice and Procedure (D.C. Register, October 1, 1999) contemplate that proposed findings and conclusions will be based on the transcript of the hearing. The regulation at 11 DCMR 3121.2 provides:

> The parties are encouraged to submit to the Office of Zoning proposed findings of fact and conclusions of law within such time as the presiding officer may direct, which in any event shall not be less than seven (7) days after the transcript of the hearing is delivered to the Office of Zoning.

As of today's date, the transcript of the March 21 hearing has not been delivered to the Office of Zoning. In fact, we have been told that the transcript of the March 21 hearing is not expected until after the Board's April 5th meeting. The hearing transcript, however, is essential to the full development of the facts upon which the Board will base its decision. Approximately 40 witnesses testified at the hearing, and evidence relevant to the determination of the factual issues raised by BZA Application No. 16556 was elicited through testimony on direct and cross-examination. Some witnesses provided written copies of their direct testimony for the record. However, the direct testimony of other witnesses, as well as all testimony elicited on cross-examination, will only be made part of the record through the hearing transcript. The hearing transcript certainly will provide a more reliable record of all of the testimony presented at the hearing than the memories and handwritten notes of the parties.

BZA
Case No. 16556
Exhibit No. 330

Board of Zoning Adjustment
District of Columbia
CASE NO.16556
EXHIBIT NO.330

The Board of Zoning Adjustment Rules of Practice and Procedure establish clear and precise standards for the submission of proposed findings of fact and conclusions of law. To protect the integrity of its own hearings, and in the interests of fundamental fairness, the Board must comply with its rules and regulations. Accordingly, the parties in opposition request that you vacate your previous ruling concerning post-hearing submissions. In accordance with the requirements of 11 DCMR 3121.2, we ask that you set the deadline for submitting proposed findings of fact and conclusions of law **no less than seven (7) days after the transcript of the March 21 hearing is delivered to the Office of Zoning.**

Respectfully submitted,



Philip G. Hampton, II
Representative of the Parties in Opposition

cc: Ms. Madeline H. Dobbins
Mr. Joseph H. Hairston