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March 29, 2000

VIA FACSIMILE AND REGULAR MAIL

Ms. Sheila Cross Reid, Chairperson
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

'00 MAR 31 P2:52

Re: BZA Application No. 16556
Opposition to Delay of Decision

Dear Ms. Reid and Members of the Board:

This letter is submitted on behalf of the Applicant, The Jewish Primary Day School, in opposition to the request dated March 29, 2000 from the parties in opposition to the above-referenced application. Mr. Philip Hampton, II, one of the representatives of the parties in opposition, in his letter dated March 29, 2000 to the Chairperson of the Board of Zoning Adjustment, requested that the Board set the deadline for the submission of proposed findings of fact and conclusions of law to no less than seven days after the transcript of the March 21st hearing is delivered to the Office of Zoning. The Applicant strongly opposes any delay in the decision of this application and notes that proposed findings of fact and conclusions of law are not required to be submitted before the Board makes its decision.

Mr. Hampton cites 11 DCMR 3121.2 as the basis for his request and the fact that the transcript has not been delivered to the Office of Zoning. It should be noted that 11 DCMR 3121.2 encourages parties to submit proposed findings of fact and conclusions of law, it does not require parties to submit them. Both the Applicant and the parties in opposition have the option of requesting that the Court Reporting service expedite the preparation of the transcript. The cost of expediting the transcript is then borne by the requesting party.

In addition, the Board's Rules related to the submission of proposed findings of fact and conclusions of law establish procedure that can be waived by the Board for good

BZA
Case No. 16556
Exhibit No. 335

Board of Zoning Adjustment
District of Columbia
CASE NO.16556
EXHIBIT NO.335

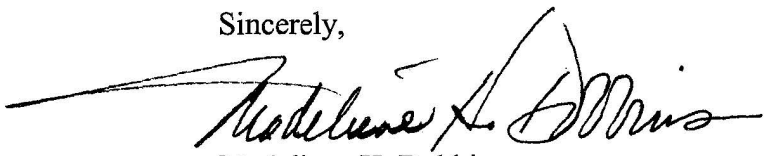
cause shown (11DCMR 3101.6). By determining that the proposed findings of fact and conclusions of law are due on March 31, 2000 for decision on April 5, 2000, the Board waived any provision that allows for submission of proposed findings of fact and conclusions of law seven days after the transcript is delivered to the Office of Zoning. This waiver is based on good cause shown by the Applicant during the hearing process regarding the need for an expeditious decision. This waiver will not prejudice the rights of any party and is not otherwise prohibited by law. The integrity of the Board's hearing is not at issue as the record is full and complete and proposed findings of fact and conclusions of law are not required for the Board to render its decision.

In any event, the Board is aware that its transcripts have been arriving late and that the late transcripts are related to contractual relations with the Court Reporter. The Board has continued to make its decisions in a timely matter and has continued to move the zoning process forward despite the lateness of the transcripts. The Applicant and the parties in opposition are aware of the case that was put on before the Board of Zoning Adjustment and are capable of writing their proposed findings of fact and conclusions of law based on the notes, the official file, and documents and testimony presented and submitted during the public hearing process.

Additionally, the Board is aware that the Jewish Primary Day School is facing extenuating circumstances that require it to provide information about its location for Fall 2000 to parents, teachers and staff by early April.

At the conclusion of the public hearing on March 21, 2000, the Board of Zoning Adjustment made a determination that proposed findings of fact and conclusions of law were due to the Office of Zoning not later than March 31, 2000, and that the application would be decided at the Board's Monthly Public Meeting on April 5, 2000. The Applicant requests that the Board sustain its initial determination and deny the request of the parties in opposition to change the deadline for the submission of proposed findings of fact and conclusions of law, and thus, the decision date on this application.

Sincerely,



Madeliene H. Dobbins
(Not admitted in D.C.)

cc: Richard Scaldini
Philip G. Hampton, II
Derrick Humphries
Harold Bardonille
Joseph H. Hairston