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BZA
Case No. 16696
Exhibit No. 66

July 16, 2001
Via Fax to (202) 442-4871

Chairperson, Sheila Cross Reid
Board Members Susan Morgan Hinton, Anne Renshaw and Geoffrey Griffis
C/O Mrs. Jerrily R. Kress, Director of the Office of Zoning
Board of Zoning Administrator
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Objection to Interventions and Expert Proffer
Case Number 16696

Dear Members of the Board,

On Friday, July 13, 2001 at approximately 3 PM, one and a half business days prior to the Hearing scheduled in this case, Applicant received notice of intervention, appearance of counsel and a request to present expert testimony on matters amply covered by the record in this matter. This case has been docketed for three months, notice has been posted for nearly a month, and the neighbors requesting late intervention have known about this matter for a significant time prior to that. The neighbors have filed letters of protest and their protests have been heard and recorded by the ANC, the Office of Planning and local political representatives.

Filings by both counsel and neighbors fail to set forth the information required by BZA Rules 3106.2(e) and Section 3106.3 which further prejudices Applicant and the ability to properly prepare for a hearing. All of the issues raised by neighbors have been raised and addressed by the ANC and the Office of Planning. No showing has been made by any neighbor that he or she has an *"interest that will be more significantly, distinctively or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public."*

The issue of use of an accessory building for rental purposes as precedent is an issue affecting the public at large. In this regard, Applicant is entitled to a full hearing on the specific facts of this request for a five foot variance. Additionally, the issues upon which the former director of Office of Planning requests to testify are amply covered by the analysis submitted by the current director of the Office of Planning. Lastly, this is not an Appeal of the Zoning Administrators interpretation and the proffered expert is not an expert in administrative law. Therefore, his "expert" opinion on Zoning Administrators interpretation is unhelpful, untimely and prejudicial.

Board of Zoning Adjustment
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To permit these neighbors to use time and late interventions without proper compliance with 3106.2 and 3106.3 to fill the record with matters already addressed, and which do not rise to the character of 3106.3, and to admit expert testimony without prior notice or ability for Applicant to review the testimony and prepare for hearing is highly prejudicial and does not advance the record on which the BZA will be called upon to rule.

Applicant requests that all the neighbors requesting party status be consolidated into one spokesman and their comments be treated as public comments. Alternatively, should the BZA admit any persons as parties, Applicant requests that all such persons be present in person at the hearing and available for cross-examination. Lastly, should the BZA admit expert testimony at this late date, Applicant requests that it be submitted in writing and that Applicant be given 10 days prior to August 1 to respond to it in writing for the record.

Respectfully,

Craig Goodman

Cc: Cynthia A. Giordano and Nathan Gross by facsimile to (202) 942-5999