GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

July 3, 2001

Phil T. Feola
2300 N Street, N.W.
Washington, D.C. 20037-1128

RE: Application No. 16701 – 1957 E Street, N.W.

Dear Mr. Feola :

This letter acknowledges your request dated July 2, 2001, for the Board of Zoning Adjustment to exercise sua sponte authority to reopen the above appeal record and to consider a motion for reconsideration of the Board's decision in this matter. The Board of Zoning Adjustment was advised of the receipt of your Request and Motion and authorized me to return both to you. Pursuant to 11 DCMR § 3124.2, a decision by the Board to reopen a case prior to the filing of a written decision must be "on its own motion". The quoted language clearly means that the BZA may not reopen a case in response to the suggestion of anyone other than a BZA member. In order to avoid the appearance that the Board may be considering such a request, all correspondence of this nature must be immediately returned to the sender, with copies to all parties. Similarly, your motion to reconsider must be returned because it is prematurely filed. Pursuant to 11 DCMR § 3126.2, a party may file a motion to reconsider "within ten (10) days from the date of issuance of a final written order by the Board".

As you are aware, a written order has yet to be issued for this appeal. We hope that the order will be ready to be issued by the end of this week or early next week, at which time we invite you to re-file your request.

BZA
Case No. 16701
Exhibit No. 53

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.53

If you have any questions please call the Office of Zoning on (202) 727-6311.

Sincerely



JERRILY R. KRESS, FAIA
Director

cc: Certificate of Service to Parties

BZA APPLICATION NO. 16701 – 1957 E Street, N.W.

As Director of the Office of Zoning, I hereby certify and attest that on July 3, 2001, a copy of the attached correspondence was mailed first class, postage prepaid or sent by inter-agency mail, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Advisory Neighborhood Commission 2A
c/o Elizabeth Elliott, Chairperson
St. Mary's Court
725 24th Street, N.W.
Washington, D.C. 20037

West End Citizens Association
c/o Barbara Kahlow
2555 Pennsylvania Avenue, N.W.
Apt. 404
Washington, D.C. 20037

Alan Bergstein, Esq.
Marie Sansone, Esq.
Office of the Corporation Counsel
441 4th Street, N.W.
Suite 450 North
Washington, D.C.

Arthur Parker, Esq.
Brenda Walls, Esq.
Office of the Corporation Counsel
441 4th Street, N.W.
Suite 450 North
Washington, D.C.

Michael Johnson
Zoning Administrator
DCRA
941 North Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director