DUPONT PARK CIVIC ASSOCIATION

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3245 "0' Street, SE
Washington, DC 20020
November 12, 2001

Mr. Geoffrey Griffis
Acting Chairperson
Board of Zoning Adjustment
441 - 4th Street, NW, Suite 210
Washington, D.C. 20001

RE: BZA Case No. 16753, Request for Postponement of Public Hearing

Dear Mr. Griffis:

In response to the letter from Holland and Knight LLP, dated November 6, 2001, to the Board of Zoning Adjustment, seeking support of parties for a second postponement of the hearing on BZA Case No. 16753, please be advised that the Dupont Park Civic Association, party herein, ***opposes*** the request of SBA, Inc. for a second postponement for the following reasons:

1) The granting of a second request for postponement would be inconsistent with the Board's rules, unreasonable, and unjust in view of the record herein.

a. On September 20, 2001. The various persons, organizations, and the DC Office of Planning were prepared, at great expense, to present opposition witness and testimony only to be informed at the hearing that SBA, Inc. had requested a postponement. The record will reflect that inadequate and late notice of the request for postponement on September 20, 2001 was given to the various interested parties.

b. In a split vote, the Board granted a 60-day postponement over the objection of the several opposing parties because SBA, Inc., through counsel, indicated that he had not had adequate time to review the report of the Office of Planning in preparation

BZA
Case No. 16753
Exhibit No. 135

Board of Zoning Adjustment
District of Columbia
CASE NO.16753
EXHIBIT NO.135

for the hearing. Even a 30-day postponement should have provided ample time to review a six-page report in preparation for a hearing.

2) In the 53 days since the Board granted the first postponement to SBA, Inc. no response, no new proposal, modified application, nor request for mediation among and between the parties has been either submitted to the DC Office of Planning or initiated by SBA, Inc. If there has been an attempt to ***"refine"*** the plan as set forth in the application, no notice to or input of this interested party has been requested.

3). The letter of November 6, 2001 does not correctly reflect the action taken by the Board on September 20, 2001 to grant party status to Dupont Park Civic Association, Penn-Branch Citizens Civic Association, and ANC Commissioner S. Thetus Boyd, as representative of Single Member District (SMD) 7B07 (the SMD in which the monopole proposed would be located.) The record of September 20, 2001 will reflect voice votes granting party status to those persons and organizations.

4) If indeed, SBA Inc. is pursuing alternative locations for the proposed monopole it would be appropriate for the current application to be either withdrawn or held pending further action without the scheduling of another hearing date which would require preparation by the various parties and encumber valuable time of this Board. As you may recall from the record of September 20, 2001, the Board set aside an entire session to hear this case because of the number of parties, witnesses and documents for review at the hearing. If another location for the monopole is selected by SBA, Inc. a new application would need to be submitted with possibly new parties and different issues to be reviewed and considered by the Board. It is unreasonable for the Board to reserve a second postponed date while SBA, Inc. decides which plan is to be reviewed and voted upon by this Board.

The foregoing considered, Dupont Park Civic Association ***OPPOSES*** the request of SBA, Inc. for a second postponement on BZA Case No. 16753.

Respectfully Submitted,

Barbara D. Morgan

Barbara D. Morgan
President

. cc: Matthew F. Shannon, Esq.