

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



September 16, 2004

Participants in BZA Appeal No. 16839
(See attached attestation sheet)

Re: BZA Appeal No. 16839 (D.C. Court of Appeals Remand) Chagnon

Dear Participants in BZA Appeal No. 16839:

On Tuesday, September 14, 2004, the Board of Zoning Adjustment (Board), at a publicly noticed hearing, discussed the above-referenced matter.

You will recall that BZA Order No. 16839, dated October 15, 2002 (attached), denied the appeal of Advisory Neighborhood Commission 4A and upheld the Zoning Administrator's issuance of a certificate of occupancy to Metro Day Treatment Center Inc., to operate an elderly Development Center for thirty (30) persons, ages 22-85 and seven (7) staff in a C-2-A District, at premises 5511 14th Street N.W. (Square 2800, Lot 9). The D.C. Court of Appeals (DCCA) vacated and remanded the Board's decision. (See attached Court of Appeals decision.)

In furtherance of the DCCA remand opinion, the Board requests an independent determination from you as to whether Metro Day Treatment Center Inc.'s program is eligible for a certificate of occupancy permit under a different use classification allowed in the underlying C-2-A zone district, other than an Elderly Development center? Please be advised that Metro Day must be found eligible for a certificate of occupancy under an appropriate use classification, or it cannot be granted a certificate of occupancy and may not be able to continue operating.

The Board has set a deadline of 3:00 P.M. on Friday, October 14, 2004, to receive your written response to the above question. Those wishing to comment on the October 14th responses may do so by submitting written comments to the Board no later than 3:00 P.M. on Friday, October 21, 2004. (All correspondence should be sent to the Office of Zoning located at 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001.) The Board will notify you in writing if or when a future public meeting or hearing will be held on this matter.

Please contact Richard S. Nero, Jr., Chief, Support Services and Quality Control at (202) 727-6311, if you have any questions relative to the foregoing.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 16839
EXHIBIT NO. 77
441 4th Street, N.W., Suite 210-S, Washington, DC 20001 (202) 727-6311

Board of Zoning Adjustment
District of Columbia
CASE NO. 16839
EXHIBIT NO. 44

SINCERELY,

A handwritten signature in black ink, appearing to read "Jerrily R. Kress". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attestation Sheet
rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 16839 (REMAND)

As Director of the Office of Zoning, I hereby certify and attest that on
SEP 16 2004 a copy of the letter entered on that date in this matter was
mailed first class, postage prepaid or delivered via inter-agency mail, to each party
and public agency who appeared and participated in the public hearing concerning
the matter, and who is listed below:

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Herman Broomfield
Metro Day Treatment Center, Inc.
5507 – 14th Street, N.W.
Washington, D.C. 20060

John J. Chagnon representing ANC 4A
5603 14th Street, N.W.
Washington, D.C. 20011

James H. Jones, Chairman
Advisory Neighborhood Commission 4A
7600 Georgia Avenue, N.W.
Washington, D.C. 20012

Commissioner 4A07
Advisory Neighborhood Commission 4A
7600 Georgia Avenue, N.W.
Washington, D.C. 20012

Pamela Coleman
4200 Wisconsin Avenue, N.W.
Washington, D.C. 20016

Ellen McCarthy, Deputy Director

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Office of Planning

801 North Capitol Street, N.E.

4th Floor

Washington, D.C. 20002

Alan Bergstein, Esq.

Sherry Glazer, Esq.

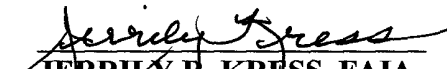
Office of the Attorney General

441 4th Street, N.W., 6th Floor

Washington, D.C. 20001

rsn

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning