Dec. 1, 2003

Richard Nero
Office of Zoning
441 4th St. NW
Washington, DC 20001

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Re BZA Order # 16852

Dear Mr. Nero:

In an e-mail to me today (Dec. 1) regarding BZA Order # 16852, you stated:

"Without stating a position on this issue at this time let me say that generally, all BZA applications resulting in the approval of construction are automatically given two years to apply for a building permit pursuant to Section 3130."

That may be true "generally," but it is not true in this specific case in which the BZA, in the order it approved, specified that St. Patrick's school should occupy the building within six months.

I would argue, therefore, that the rule of "generality" that you cite does not apply in this case since the two-year provision was not included in the order approved by the BZA, that the rule of "generality" can not be used by staff to change an order of the BZA and that only the BZA is entitled to change an order it approved, and then only with public notice and participation by the parties involved..

Please make this letter a part of the record in this case.

Sincerely yours,

John W. Finney
ANC3D04

BZA
Case No. 16852
Exhibit No. 367

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.367