Before the Board of Zoning Adjustment
For The District of Columbia

ALL SOULS MEMORIAL EPISCOPAL CHURCH 2300 Cathedral Ave., N.W. Washington, D.C. 20008 *Application for Special Exception*	Docket No. 16875 Decision Date: 7/2/02

RECEIVED
D.C. OFFICE OF ZONING
2002 JUN 28 PM 4:21

REQUEST TO DISREGARD ANY FURTHER FILINGS

The All Souls Memorial Episcopal Church (the "Church"), by and through counsel, in accordance with 11 DCMR §3024.1 and the record in this matter, hereby requests that the Board of Zoning Adjustment ("Board") disregard any filings made by Party Opponent Peter Choharis ("Mr. Choharis") other than his Response to the Church's Management Plan, and his Statement of Facts and Conclusions of Law, filed June 24 and 26, 2002, respectively. The Church makes this request in anticipation of further materials Mr. Choharis advised he would file today, June 28, 2002.

In support of this request, the Church states as follows:

BACKGROUND

1. On May 29, 2002, this Board conducted a hearing on the above referenced Application, after proper notification of the community and the Advisory Neighborhood Commission.

2. At the hearing, the Board granted Mr. Choharis party status, although he had not filed prior notice. He was the only opponent to appear.

BZA
Case No. 16875
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16875
EXHIBIT NO.41

3. At the conclusion of the hearing, Mr. Choharis advised the Board that he would be circulating a petition among his neighbors to file in this matter. In response, Board Chairman Geoffery Griffis stated that he was "not inclined to keep the record open" for Mr. Choharis to circulate a petition. Transcript, pg. 126, line 18 (Attachment A). Member David Zaidain agreed that the record should be closed. Transcript, pg. 127, line 7 (Attachment A).

4. Vice Chairwoman Anne Renshaw requested that the Church submit a management plan. In response to her request, the Board established specific dates by which the Church's management plan and Mr. Choharis' response would be filed. *See*, Transcript, pg. 137 (Attachment A). The parties were also required to file Statements of Fact and Conclusions of Law by June 26. Chairman Griffis left the record open specifically for the limited purpose of receiving these submissions. Transcript, pg. 127, line 21 and pg. 137, line 16 (Attachment A).

5. These reports were completed and filed. However, in his response, Mr. Choharis requested three extra days to file additional materials, on the ground that he had been served the management plan by mail. The Church objected to this request. Nevertheless, by the third day, Mr. Choharis had filed nothing further.

6. The Church learned subsequently that Mr. Choharis plans to file his additional materials today, June 28, 2002. The Church opposes any further submissions.

ARGUMENT

The Board's rules of practice and procedure specifically prohibit the filing of extemporaneous reports and materials after the hearing date, which in this case was on May 29, 2002. As stated in 11 DCMR §3024.1,

> "The record shall be closed at the end of the public hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs, as directed by the presiding officer."

After the hearing, the record was officially closed except for receipt of (1) a management plan, (2) a response thereto, and (3) Statements of Fact and Conclusions of Law. Chairman Griffis established specific dates by which these reports were due.[1] The reports were filed accordingly.

Therefore, pursuant to 11 DCMR §3024.1, as well as statements from the Board, the record in this matter is closed as to any other materials.

WHEREFORE, this Board should disregard any further filings made by Mr. Choharis, including any filings made on June 28, 2002, and should proceed to a decision on July 2, 2002, as scheduled.

June 28, 2002

Respectfully submitted,

Brigitte L. Adams

Brigitte L. Adams
2800 Wisconsin Ave., N.W. #208
Washington, D.C. 20007
(202) 363-8190

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Request To disregard Any Further Filings was mailed, first-class, postage prepaid, to party opponent Mr. Peter Choharis at his residence at 3108 New Mexico Ave., Apt. #531, Washington, D.C. 20016, and to his property located at 2771 Woodley Place., N.W., Washington, D.C. 20008 on this 28th day of June, 2002.

Brigitte L. Adams

Brigitte L. Adams

[1] Because the response filed by Mr. Choharis on June 24 was replete with untruths, the Church filed a reply to correct the record.

ATTACHMENT A

before them, and there were two citizens, residents in the neighborhood who came and voiced their absolute support for our proposal here, as well as Cheryl Oppason, who sits on the Commission.

Just to address the concern about community support, I don't believe, in talking with the community, that there is -- that if the Board extends the time, that there will be an outpouring of opposition. I believe that we will be good neighbors, the church will be a good neighbor in this matter with regard to their parking lot. I feel that we have met our burden in showing that it will be assisting the neighborhood in their parking requirements and concerns.

Thank you very much.

CHAIRPERSON GRIFFIS: Good, thank you, Ms. Adams. First of all, Mr. Choharis, just to address the brief close that you had one issue. I am not inclined to keep the record open for you to circulate a petition. In that the fact that this was posted and posted properly, there was time involved if the residents actually had been moved and motivated to do that, we would have had that submitted, and that's the time allotment that we have.

We'd like to hear from the other Board

members whether they're prepared to go forward today on this, and we can ascertain. If we do that, then obviously the record is closed. If we do not, we can address whether the record stays open for other specific material.

Just a quick survey of the Board?

MEMBER ZAIDAIN: I agree with you about the petition. I don't think that going out, allowing the opportunity to go out and stir people up who have already been notified about it properly is going to do any benefit. I'm not ready to make a decision on this today.

CHAIRPERSON GRIFFIS: Okay.

MEMBER ZAIDAIN: I think we should be a little bit more worked on in the proposal

CHAIRPERSON GRIFFIS: Good. In that we are at a small group and just a base quorum, I'm not going to spend time to argue with my Board members to see if they will go forward or not. I think it's appropriate that we set this for a decision making. I would suggest that we have submission and keep the record open to have included by the Applicant one, a parking maintenance and enforcement plan, and I leave ... that up to you in terms of your discretion, but I would obviously direct you to the testimony that was

can you accommodate that, let Ms. Adams know when it's ready, and either you can get it to her or she can come pick it up?

MR. CHOHARIS: Yes.

CHAIRPERSON GRIFFIS: Okay. Right, let's read the dates again because I'm lost.

MS. BAILEY: July 2 is the decision date.

CHAIRPERSON GRIFFIS: Good.

MS. BAILEY: Submissions are due June 17.

CHAIRPERSON GRIFFIS: Right.

MS. BAILEY: The responses are due June 24, and the findings of fact are due June 26.

CHAIRPERSON GRIFFIS: Is that clear for everybody? Mr. Choharis, you're okay with those dates? Okay, then I appreciate your time and wish you a good afternoon. We will look for those submissions.

MS. ADAMS: Thank you very much.

CHAIRPERSON GRIFFIS: Thank you very much.

MR. CHOHARIS: Thank you for letting me appear as a party.

CHAIRPERSON GRIFFIS: Of course. We're going to step away for three minutes and let the next applicant set up, get ready, and if I'm not mistaken, we're calling Adams Alley, which is a continuation of a case. We will be back promptly in five minutes.