JK/BO.
R52

Before the Board of Zoning Adjustment
For The District of Columbia

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN -8 AM 10: 46

ALL SOULS MEMORIAL EPISCOPAL CHURCH 2300 Cathedral Ave., N.W. Washington, D.C. 20008 *Application for Special Exception and Variance*	Docket No. 16875 Public Meeting Date: 1/21/03

OPPOSITION BY APPLICANT TO PARTY OPPONENT'S MOTION TO SUBMIT ADDITIONAL EVIDENCE OR TO SCHEDULE A NEW HEARING

All Souls Memorial Episcopal Church (the "Church"), by and through counsel, in accordance with 11 DCMR §3124.2 and the record in this matter, hereby opposes the request by Party Opponent Peter Choharis ("Mr. Choharis") filed December 24, 2002 to reopen the record for all purposes or to hold a new hearing.

The rules of procedure of the Board of Zoning Adjustment ("Board") prohibit the filing of reports and materials on undesignated issues after a public hearing has been held and the record closed for all general purposes. *See*, 11 DCMR §§3121.5 and 3124.2.

On May 29, 2002, this Board conducted a public hearing on the instant application, at which time the record was closed. The Board subsequently opened the record to receive filing of a management plan by the Church and a response by Mr. Choharis thereto. Later, by letter dated December 13, 2002, this Board advised the Church to file further information demonstrating its compliance with §§3104.1 and 213 by December 30, 2002. The letter also notified the Board's invitation for Mr. Choharis to

BZA
Case No. 16875
Exhibit No. 51

Board of Zoning Adjustment
District of Columbia
CASE NO.16875
EXHIBIT NO.51

respond to the Church's filing by January 13, 2003. A decision date of January 21, 2003 was also set. Accordingly, the Board has defined the remaining issues and established a specific agenda for resolving those issues. It is inappropriate and unnecessary to alter this course of action by the Board.

The Board's decision to reopen the record for the purpose described is reasonable and made with full cognizance of the extraneous issues raised by Mr. Choharis in his motion. Mr. Choharis first introduced these issues at the May 29, 2002 public hearing, and again subsequently in various filings of record. Accordingly, the record is otherwise complete. The Board should deny Mr. Choharis' request to resurrect these issues and proceed to finalize its decision in this application matter.

The opportunity remains available to Mr. Choharis to respond to the Church's filing by the January 13 deadline.

WHEREFORE, this Board should deny Mr. Choharis' request to reopen the record for all purposes or to reschedule a public hearing on the application, and should progress to a final decision on January 21, 2003, as scheduled.

January 8, 2003

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 OPPOSITION BY APPLICANT TO PARTY OPPONENT'S MOTION TO SUBMIT ADDITIONAL EVIDENCE OR TO SCHEDULE A NEW HEARING was mailed, first-class, postage prepaid, to party opponent Mr. Peter Choharis at 2771 Woodley Place., N.W., Washington, D.C. 20008 on this 8th day of January, 2003.

Brigitte L. Adams

Brigitte L. Adams