BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

IN RE: 5111 Connecticut Ave. N.W. Square 1989, New Lot 162 Previous Lots 49-57 & 161	)	**BZA Appeal No. 16879**
Appeal of	)	
The Nebraska Avenue Neighborhood Association	)	
Advisory Neighborhood Commission 3G	)	

D.C. OFFICE OF ZONING
2002 MAY 16 AM 9:44

Response of the Nebraska Avenue Neighborhood Association to Intervener's Motion for Dismissal

Mr. Geoffrey Griffis and Members of the Board of Appeals:

We request that the Board of Zoning (the "Board") deny Shaw Pitman's motion for dismissal of Appeal No. 16879. The main premise of the Shaw Pitman motion is that Appeal No. 16879 is based on the same facts as appeal No. 16716. The substantial basis of the present appeal is new facts. Shaw Pitman's motion does not acknowledge that most of the materials presented in the application for Building Permit No. B442149 are new materials. Shaw Pitman's letter dated April 3, 2002 fails to even mention Building Permit No. B442149.

The main basis of the current appeal of building permit No. B442149 containing substantial new information which was not available during BZA Appeal No. 16716. The current appeal alleges that Permit No B442949 is noncompliant with zoning regulations.

Permit application No. TL244 (the application for Permit No. B442149) makes changes to floor plans, roof plans, elevation plans and elevator and elevator enclosure. The new plans are presented in at least six large plan sheets, 6 computer-printout elevator information sheets and a manufacturer's brochure containing specification requirements for its elevators. On April 10, 2002, the Department of Consumer and Regulatory Affairs ("DCRA") provided these materials to the Nebraska Avenue Neighborhood Association ("NANA") along with additional computer printout sheets and revised stairwell and balcony details modifications of B435464. None of these materials were available to NANA during the previous appeal in spite of considerable due diligence.

BZA
Case No. 16879
Exhibit No. 18

Board of Zoning Adjustment
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EXHIBIT NO.18

We have also requested from DCRA (through Freedom of Information Act) but not received additional potential new information, including a *complete* set of officially approved plans for the elevator system. We reserve the right to address zoning compliance on any additional revised permits and plans based on any additional substantially new information provided by DCRA in the future.

In summary, we respectfully request that the Board deny Shaw Pittman's request to dismiss Appeal No. 16879. Appeal No. 16879 is based on substantial and significant new material in DCRA official files available to us only after the conclusion of Appeal No. 16716.

Yours truly,

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President, Nebraska Avenue Neighborhood Association

I certify that on May 16, 2002, I sent a copy of this letter by first class mail to the following:

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