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May 17, 2002

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Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: BZA Appeal No. 16879

Dear Chairman Griffis and Members of the Board:

The Applicant strongly objects to including in the record the late filing of the Nebraska Avenue Neighborhood Association in response to applicant's motion for dismissal. The letter from the Board of Zoning Adjustment to NANA dated May 2, 2002, clearly stated that NANA had ten days within which to respond to applicant's motion for dismissal, plus an additional three days for mailing. Thus, the due date for any response was Wednesday, May 15. NANA's response was not filed until 4:45 p.m. on Thursday, May 16. Accordingly, it should not be included in the record.

Nowhere in NANA's response does it request a waiver of the Board's rules, nor does it provide any basis for a finding of good cause for the late filing. Indeed, as this Board is aware, applicant's request for dismissal was served by hand delivery on NANA on April 3, 2002. NANA has had more than ample time to review and respond in a timely fashion to the applicant's filing. For all of these reasons, we respectfully request that the response not be included in the record and we reiterate our request that the Board dismiss the appeal.

Respectfully submitted,

Maureen E. Dwyer

Allison C. Prince

Paul Tummonds

cc: All Parties (See attached Certificate of Service)

Document #: 1243335 v.1

BZA
Case No. 16879
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.19

ShawPittman LLP

Certificate of Service

I hereby certify that a copy of the foregoing letter was mailed, postage prepaid, on May 17, 2002, to the following:

Anne Paige Chiapella
President, Nebraska Avenue Neighborhood Association
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