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May 15, 2002

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

Re: BZA Appeal No. 16879

Dear Ms. Griffis:

ANC 3G opposes the motion to dismiss filed by Sunrise Assisted Living Facility (Sunrise) by letter dated March 15, 2002. As grounds for its motion, Sunrise claims that this appeal is barred because its raises the same facts and issued raised in a previous appeal, No. 16716A

Sunrise's assertion is clearly wrong. The current appeal challenges matters that were not and could not have been raised in the earlier appeal because they relate to matters arising out of revised plans, a revised building permit, and other new information, specifically that post-dates the prior appeal. Specifically this appeal focuses on (1) revised elevator and penthouse plans which do not comply with applicable requirements; (2) building safety violations adjacent to the revised elevator penthouse and not raised in the previous appeal; (3) FAR calculations that have been produced by DCRA; and therefore could not have been raised in the previous appeal.

In view of the material new matters raised in the appeal, Sunrise's motion should be denied with prejudice.

Sincerely

Allen E. Beach
Secretary
ANC 3G

(Signed by Secretary in absence of either Chair or Vice Chair, as authorized by ANC 3G.)

BZA
Case No. 16879
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.20

Cc: Councilmember Kathy Patterson
Councilmember Adrian Fenty
Ms. Jerrily Kress