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June 10, 2002

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By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Appeal No. 16879 (Sunrise)

Dear Chairman Griffis and Members of the Board:

We are in receipt of a letter dated June 5, 2002 from the Nebraska Avenue Neighborhood Association ("NANA") requesting to incorporate in the current appeal the prior permit No. B435464 issued on March 8 2001. That permit was the subject of the prior appeal, No. 16716, which was decided by the BZA in Final Orders Nos. 16716A and 16716B. Under the Board's Rules of Procedure, under the D.C. Administrative Procedures Act, and under the decisions of the District of Columbia Court of Appeals, those orders are final and cannot be reconsidered or reheard. Further, since the time period for filing an appeal of those decisions with the District of Columbia Court of Appeals has expired, those decisions are final for all purposes and NANA has no legal right to now challenge, again, the building permit that was the subject of that appeal.

The present appeal concerns only the revised building permit No. B442149 and the only two issues before the Board are the rear yard "structure" issue and the seventh floor window issue. The request by NANA to incorporate by reference all of the materials that were part of the required review processes for both permits goes well beyond this limited scope of the public hearing. Accordingly, we request that NANA be instructed to only include those materials relevant to the two limited issues and that no other materials or issues be introduced into the record.

Respectfully submitted,

Maureen E. Dwyer

Allison C. Prince

Paul A. Tummonds

BZA
Case No. 16879
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.36

ShawPittman LLP

Certificate of Service

I hereby certify that on June 10, 2002, a copy of the foregoing letter was mailed first class, postage prepaid, to the following:

Anne Paige Chiapella
President, Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, NW
Washington, DC 20015

Marilyn Holmes, ANC 3G
3700 Military Road, NW
Washington, DC 20015

Alan Bergstein, Esq.
Office of the Corporation Counsel
441 4th Street, NW
Washington, DC 20001

Maureen E. Dwyer

Document #: 1248556 v.1