Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, DC 20008

By Hand Delivery

November 29, 2002

Geoffrey Griffis
Chair, Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2002 NOV 29 AM 9:14

Re: Appeal No. 16879

Dear Mr. Griffis and Members of the Board:

We hereby formally request that the Board grant a waiver and accept our November 22, 2002 submission into the record. We were under the understanding that this was the due date.

JUSTIFICATION: WE RELIED ON A LITERAL INTERPRETATION OF TIME REQUIREMENTS UNDER TITLE 11 ZONING REGULATIONS.

Title 11 Zoning Regulations state that in computing *any time specified* in Chapter 31 of the Zoning Regulations ("11 DCMR"), an additional day shall be allowed when a Saturday, Sunday or official holiday is the last day of a computed period (11 DCMR § 3110.2[1]). In a phone conversation with Office of Zoning staff Linda Pelzer, we understood that the Board has used this interpretation for service by mail when the 3rd day fell on a holiday (11 DCMR §3110.3[1]). If we were in error, it was an honest mistake. We respectfully request that the Board accept our November 22 filing into the record. If this requires a waiver of the 3 days for mailing (§3110.3) in order to allow for the holiday (under §3110.2), we respectfully request such waiver. We understand waivers extending the date of receipt for filings have been granted for other filings to the Board.[2]

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[1] DISTRICT OF COLUMBIA REGISTER. NOTICE OF FINAL RULEMAKING, Z.C. CASE No. 98-19.

[2] Personal communication with Dorothy Miller, Foggy Bottom ANC.

BZA
Case No. 16879
Exhibit No. 53

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.53

We further note that in August 21, 2002 we filed with the Board for rereview and hearing of the Appeal based on new evidence (~~copy attached~~ Exhibit No 45). The submission included all required copies and was served on all parties. We understand there is BZA precedence to accept filings into the record between oral and final decisions (BZA Appeal No. 16533).

We respectfully request and move that the Board accept these filings into the record. We believe that the timing of our submissions did not adversely affect any Party in this appeal.

Yours truly,

Page Chiapella

Page Chiapella
President, Nebraska Avenue Neighborhood Association

Attachments: Certificate of Service
~~Copy of August 21, 2002 filing~~
See Exhibit No 45, Case No 16879

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2002 a copy of this submission was mailed first class, postage prepaid, or hand delivered to the following:

Anne M. Renshaw, Chair
ANC 3G
Chevy Chase Community Center
P.O. Box 6252
Washington, DC 20015

Maureen E. Dwyer
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20009

Robert Kelly, Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capital street, NE, Suite 2000
Washington, DC 20009

Alan Bergstein
Office of the Corporation Counsel
441 4th Street, NW 7th Floor
Washington, DC 20001

Page Chiapella — Nov. 29, 2002
(Signed) (Date)

Attachment

Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, DC 20008

November 29, 2002

Geoffrey Griffis
Chair, Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, DC 20001

Delivery by FAX: (202) 727-6072

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2002 NOV 29 PM 12:04

Re: Appeal No. 16879
Clarification of language: "Requests" and "Motions"

Dear Mr. Griffis and Members of the Board:

We hereby move that the Board treat our formal "requests" submitted on August 21, 2002 and November 22, 2002 as "motions."

Treating "requests" as motions follows the Boards practice. The Board treated the request for dismissal of Appeal No. 16879, made by Sunrise Assisted Living, Inc. as a motion. The Board also allowed and acted on a "request" for rehearing submitted by Whayne S. Quin and Steven E. Sher, representatives for the Intervenor in Appeal No. 16533. The "request" was submitted on May 8, 2000, after the oral decision and before the written order. This is analogous to our August 21, 2002 "request" requesting re-review and hearing of Appeal No. 16879. The public record for Appeal No. 16533 is entered into the record by reference.

We therefore move that the Board consider "requests" in August 21 and November 22, 2002 submissions as "motions" for reconsideration and hearing of Appeal No. 16879.

I certify inclusion of this letter in November 22, 2002 service on all parties.

Respectfully,

Page Chiapella

Page Chiapella
President, Nebraska Avenue Neighborhood Association

Cc: Jerrily R. Kress, FAIA

BZA
Case No. 16879
Exhibit No. _____