January 13, 2003

Delivery by FAX
(202) 727-6972

Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W., Room 201 South
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
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Re: MOTION FOR FULL HEARING OF APPEAL No. **16879**

Dear Mr. Griffis and Members of the Board:

SUNRISE BUILDING PERMIT APPLICATIONS INCLUDED AMBIGUOUS PLANS
DC Code and 12 DCMR §107.15 (Zoning Compliance Review Data) require permit plans to be unambiguous. In permit applications Nos. B435464 and B442149, Sunrise's plans are ambiguous. The following components are shown differently on different plan sheets: building footprint; front, south and rear building walls; first floor elevation; height of the garage; location of loading facilities and trash enclosure; use of the R-2 portion of the property; roof design; and elevator footprint and penthouse.

NOW, CURRENT CONSTRUCTION SHOWS THE ACTUAL BUILDING DESIGN.
There are changes that could not be determined by Appellants previously from the submitted ambiguous plans. The present construction provides new information on the final design of the building relating to each of the appeal points raised in Appeal No. 16879.

The District of Columbia Court of Appeals supported the BZA in their conclusion [in BZA Appeal No. 16533] that an appellant was not charged with notice of the entire scope of work until all of the permits were issued. In addition, the Zoning Administrator's decisions erred in issuing permits when decisions were not based on complete and accurate information about existing and planned improvements. (District of Columbia Court of Appeals No. 00-AA-97, *Charles Sisson, Petitoner, v. District of Columbia Board of Zoning Adjustment, Respondent, Mildred R. Crary, Intervenor*, decided 8/29/02)

Therefore the Appellants move that the BZA allow a full appeal process as provided under 11 DCMR §3117.

Yours truly,

Page Chiapella

Page Chiapella
President
Nebraska Avenue Neighborhood Association
(202) 966-9619; (301) 443-4715

BZA
Case No. 16879
Exhibit No. 61

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.61

CERTIFICATE OF SERVICE

I hereby certify that a copy the forgoing submission to the Board of Zoning Adjustment, dated January 13, 2003, was delivered by FAX to the following:

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Signed

Jan 13, 2003
Date

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FAX
(3 pages, including cover)

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To: Geoffry Griffis

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Date: January 13, 2003

From: Page Chiapella pc
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RE: BZA Appeal No. 16879
January 14, 2003 BZA Public Hearing agenda