Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, D.C. 20008

D.C. OFFICE OF ZONING
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July 11, 2003 By Hand Delivery

Jerrily Kress, FAIA
Director
Office of Zoning
441 4th Street., N.W., Suite 210-S
Washington, D.C. 20001

Re: SUBMISSION OF THE RECORD TO THE COURT OF APPEALS, Case No. 02-AA-1368 (Motion for Review, BZA Case No. 16879)

Dear Ms. Kress:

The Nebraska Avenue Neighborhood Association and Anne Page Chiapella, President, appellants in the Case No. 02-1368 before the D.C. Court of Appeals ("DCCA"), request that the Office of Zoning supply the full records of (1) Appeal No. 16879, including submissions referenced in the Board of Zoning Adjustment ("BZA") submissions to the DCCA relating to that case, (2) Appeal No. 16716 and (3) Zoning Commission ("ZC") Case No. 01-26/16716

Basis of the request:

In order to most effectively present their case to the Court, the appellants will refer to the records of these related cases. The case involved in the Motion for Review (16879) is interrelated to the other two cases. Allegations in the Motion for Review are substantiated by comparisons and discrepancies between case records of the series of cases.

BZA
Case No. 16879
Exhibit No. 75

Board of Zoning Adjustment
District of Columbia
CASE NO.16879
EXHIBIT NO.75

We plan to show that there were inconsistencies between materials in the records and decisions of these three cases[1] which are substantive and relevant to the Petition for Review before the DCCA.

For these reasons, we request that records pertaining to the series of related cases, BZA. No. 16716 and ZC No 01-26/16716, as well as the full record for BZA. No. 16879, be provided to the Court.

If you have any questions or issues relating to this request, please contact me at the above address or 301.443-4715.

Thank you for your attention to this matter.

Respectfully,

Anne Page Chiapella

Anne Page Chiapella, Ph.D.
President
301-443-4715

cc: Maureen Dwyer, Esq.
Donna Murasky, Esq.
D.C. Court of Appeals, Docket No. 02-AA-1368

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[1] Discrepancies in decisions and/or orders between Appeals Nos. 16716 and 16879 that are relevant to the Motion for Reconsideration, Docket No. 02-1368, before the DCCA include (but are not limited to): (a) whether the sloped roof on top of the building was an embellishment (Case No. 16716) or the main roof (Case No. 16879); (b) whether the setback of roof structures must complywith the setback requirements of 11 DCMR 400.7(b) -- not required by the BZA in Cases Nos. 16716 and 16879 but required by the Zoning Commission (Case No. 01-26/16716, Order No. 952); and (c) comparison of proposed elevator-related plans in cases Nos. 16716 and 01-26/16716 with approved materials in revision Permit B442149 (Case No. 16879).