GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

March 4, 2003

Robert L. Hall, Jr., Chairman
Advisory Neighborhood Commission 6C
P.O. Box 77876
Washington, D.C. 20013-7787

Re: BZA Application No. 16930 – 500 New Jersey Avenue, N.W.

Dear Chairman Hall:

The Office of Zoning received your letter dated February 24, 2003, requesting that the Board of Zoning Adjustment (Board) rescind it decision in the above-cited application. Please be advised that the record in this application has closed. Pursuant to subsection 3126.2, of the Zoning Regulations the time period for requesting reconsideration or rehearing of a decision of the Board is 10 days from the date of the issuance of the final order. The final date of the subject order was November 4, 2002.

Please call Richard S. Nero, Jr., Chief, Support Services and Quality Control at (202) 727-6311, if you have any questions.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attachment
rsn

BZA
Case No. 16930
Exhibit No. 107

Board of Zoning Adjustment
District of Columbia
CASE NO.16930
EXHIBIT NO.107

JK/BOA/12SV

Government of the District of Columbia

ADVISORY NEIGHBORHOOD COMMISSION 6(C)
P.O. Box 77876
Washington, DC 20013-7787

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 27 PM 2:19

Mr. Geoffrey H. Griffis, AIA, Chairperson
Board of Zoning Adjustment
Washington, DC

February 24, 2003

Dear Mr. Griffis:

RE: FORMAL PROTEST AGAINST, AND REQUEST FOR RESCINDMENT OF, RULING ON BZA CASE NO. 16930

On February 4, 2002 ANC 6C convened with a quorum, and reviewed the abovementioned case and the ruling adopted by the BZA thereon on October 22, 2002. The ANC voted thereon and by such vote directed me to communicate to the BZA the ANC's position on this case, and related information.

(A.) It is the ANC's position that in this case the BZA failed to grant the ANC 6A practicable and reasonable opportunity to act formally on the case, thus depriving the ANC of it's "great weight" and party status afforded by District law.

(B.) ANC 6C strongly rejects the BZA's October 22, 2002, ruling in BZA Case No. 16930. In this ruling the BZA has improperly favored an application made on behalf of the National Association of Realtors (NAR), in the face of sworn testimony from an elected official that there was unanimous opposition from the relevant ANC Sub-Committee. The BZA's action in this matter violates the rights of the ANC, the ANC's constituency, and the general public of Washington, DC.

(C.) It is improper and uncommon for the BZA to take such unilateral action. It opposes the spirit and intent of the entire ANC democratic process, which affords grassroots communities a realistic and practicable voice in matters of this kind. Past precedent has been to keep the record open so that the voice of the community can be heard and factored into a final decision in cases where the position of the ANC is not yet available at the time of the hearing. Unilateral action by the BZA with knowledge of community concern about a proposed development constitutes a failure to serve the public interest and endangers the rights of all ANCs.

(D.) The BZA's decision on Case No. 16930 is based on false, erroneous and incomplete information purposely presented by the applicant. The applicant in this case purposely misled the BZA. This circumstance can only be corrected if the ANC is afforded its due right to prepare and present opposing evidence, and to cross-examine the applicant in public.

(E.) The BZA's ruling in this matter having now placed the applicant on "high moral ground", the only way to resolve this case fairly, we believe, is to rescind the approval that was improperly given, and to convene a new and unbiased hearing at which the ANC will enjoy full and formal right of party status, great weight and ability to prepare and present evidence and cross-examine the applicant in public.

(F.) ANC 6C hereby requests that the BZA take note of and respond appropriately to the information presented herein, to ensure that the applicant's plans for the site at 500 New Jersey Avenue are not permitted to progress any further, to rescind the BZA ruling adopted on October 22, 2002, and to convene, with good, sufficient and reasonable advance notice, a new hearing on the case at which the ANC will have the opportunity to prepare and present public opinion and evidence on this matter and to cross-examine the applicant in public.

(G.) By copy of this letter and by such other documents as may have already been found necessary or will be found necessary hereafter, the ANC has notified, is notifying or will notify various relevant parties of the ANC's position on this matter, such parties including but not being limited to the City Council of the District of Columbia and agencies thereof, DC Councilmember Sharon Ambrose, DC Councilmember Harold Brazil, His Honor the Mayor of Washington DC, United States Congresswoman Eleanor Holmes Norton, other ANCs, and the Press.

Sincerely,

Robert L. Hall
Chairman,
Advisory Neighborhood Commission 6C