ADVISORY NEIGHBORHOOD COMMISSION 1B
GOVERNMENT OF THE DISTRICT OF COLUMBIA
COLUMBIA HEIGHTS / LEDROIT PARK / SHAW / UNIVERSITY HEIGHTS

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1B03 Catherine Hammonds
1B04 Deborah R. Thomas
1B05 Jarvis Houston
1B06 Theodore "Ted" Butler
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D.C. OFFICE OF ZONING
2003 AUG 25 PM 2:38

25 August 2003

Jerrily R. Kress, Director
Office of Zoning, Suite 210-S
441 4th Street NW
Washington, DC 20001

Re: BZA Application No. 16938

Dear Director Kress:

ANC1B will be placing your action allowing the withdrawal of BZA application 16938 on our September 4th agenda. A number of Commissioners believe that using subsection 3113.10 to allow the withdrawal is both an incorrect and inappropriate interpretation of the Zoning Regulations. The Zoning Department staff has been unable to clarify for us whether the action taken in your August 11th letter is an administrative decision or a decision of the Board of Zoning Adjustments. Your staff has also advised that in either case there is no method of appeal, contest or protest other than 'writing a letter.' In this letter we request further guidance in approaching this issue, and ask for your clarification of the authorship of the decision to allow withdrawal, and also your recommendation of the proper form that our challenge to the decision should take. ANC1B is prepared to participate in the resubmission of this case for special exception; however, we would like to address the issue of the withdrawal prior to commencement of rehearing this application. ANC1B meets on the first Thursdays of each month, and we do plan to discuss the withdrawal on the evening of September 4th. Your clarification and guidance in advance of our discussion would be sincerely appreciated.

Sincerely,

Philip C. Spalding, Secretary
Box 73710, Washington, DC 20056



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BZA
Case No. 16938
Exhibit No. 78

Board of Zoning Adjustment
District of Columbia
CASE NO.16938
EXHIBIT NO.78