West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

March 3, 2003

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2003 MAR -5 PM 3:15

The Honorable Geoffrey H. Griffis
Chairman
D.C. Board of Zoning Adjustment
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: BZA Appeal No. 16950 – WECA's Opposition to ANC-2A's Request to Re-Open the Record

Dear Chairman Griffis and Members of the Board:

This letter responds to last Friday's request by the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) to re-open the record in BZA Appeal No. 16950, which was filed by the West End Citizens Association (WECA) on September 23, 2002. Last Friday, ANC-2A failed to timely serve the WECA, as required by the zoning rules. Instead, this morning, ANC-2A faxed the WECA a copy of its untimely request. The WECA objects to any re-opening of the record at this late date, especially since the Board of Zoning Adjustment's (BZA) decision meeting is tomorrow.

Untimely Request

At the January 14, 2003 continuation hearing of the BZA on Appeal No. 16950, the Board established a February 7th deadline for additional documents (including any from ANC-2A), a February 14th deadline for responses by other Parties to additional documents, and a February 28th deadline for proposed Findings of Fact and Conclusions of Law. ANC-2A's February 28th additional documents and request to re-open the record is not timely and it does not permit sufficient time for other Parties to fully respond.

Improper ANC Resolution

A so-called ANC resolution presented by Dorothy Miller, as she states, "was constructed from notes and from an audio-taped recording" of a November 13, 2002 Meeting. There was no resolution about Appeal No. 16950 presented or discussed in any public ANC-2A meeting, as required by law, nor was one forwarded thereafter to DC, as further required by law. And, there was not "unanimous opposition," as alleged by Ms. Miller. In addition, her letter includes numerous factual errors and points which are not germane to the WECA's Appeal of the administrative decisions by DC in issuing a Certificate of Occupancy, failing to issue the required daily fines, and trying to add a condition to a Zoning Order.

As a consequence, the WECA strongly opposes re-opening the record for ANC-2A's late-filed additional documents. If any additional information is needed, please call Barbara Kahlow on 226-3058.

Sincerely,

John C. Batham
President

cc ANC-2A (c/o St. Mary's Court)
Phil Feola, Esq., Counsel for GWU

BZA
Case No. 16950
Exhibit No. 53
Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.53