BDC BUNDY DEVELOPMENT CORPORATION

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RECEIVED
D.C. OFFICE OF ZONING
2003 JUN -2 AM 10:05

Jerrily Kress, FAIA
Executive Director, Office of Zoning
One Judiciary Square, Suite 210
441 Fourth Street, NW
Washington, DC 20001

Re: BZA 16973

Dear Ms. Kress:

In November, your office accepted an application for variances and special exception regarding property at 809-813 Sixth Street, NW, Square 485, Lot 46. As contract purchaser of the subject property, I authorized Lindsley Williams to file the application. Subsequently, your office set a hearing for February 11, 2003, published a Notice in the DC Register, and notified affected property owners.

The seller, who received notice as an affected property owner, has asked me to withdraw the application on grounds that the purchase contract technically lacked standard authority for the contract purchaser to apply for for zoning relief regarding the contract property. In this case, the Board of Zoning Adjustment (Board) staff assumed as I did that I had implicit if not explicit authority to file the applications and accepted them as filed.

Since it is accurate that I did not have explicit contract authority to file, it seems, correspondingly, that the same technical impediment applies to my authority to withdraw. Either the case was filed and accepted or it was not. If it was not, there is nothing to withdraw. If it was, the question is what must be done to address the situation in which we find ourselves.

I am told that it is not unprecedented for the Board inadvertently to accept technically deficient filings and that, in such cases, requests for evidence to cure the deficiency are issued. If the deficiency/ies is/are cured prior to the hearing date, the case is adjudicated. If not, the case is dismissed or denied on procedural grounds without consideration of the substantive merits.

I understand and respect the seller's concern for his best interests. Under my analytical scenario, the seller's interests would not be affected at all. If I am not the owner as of the hearing date, the case will be dismissed for procedural reasons. If I am the owner as of that date, the only consequences of the decision will inure to me.

On the other hand, if the property goes to settlement as I believe will happen in advance of the hearing date, not only will the seller's interests be unaffected, but my original interests will be served by having my matters timely considered and avoiding construction delays, assuming approval on the merits, that could seriously harm my business plan. Finally, the Board will have proceeded as usual without additional administrative burden.

I hope that this analysis satisfactorily addresses any concerns that the Office of Zoning or Board may have. You may reach me at (202) 628-1830 or cell (202) 669-1192.

Thank you.

Pamela Bundy

12/31/02

BZA
Case No. 16973
Exhibit No. 22

1221 Massachusetts Avenue, NW, Suite 4A, Washington, DC 20005

Phone: 202-628-1930; pbundy@bundydevelopment.com; Fax: 202-628-0065

Board of Zoning Adjustment
District of Columbia
CASE NO.16973
EXHIBIT NO.22

BDC BUNDY DEVELOPMENT CORPORATION

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December 31, 2002

RECEIVED
D.C. OFFICE OF ZONING
2003 JAN -2 AM 10: 05

Jerrily Kress, FAIA
Executive Director. Office of Zoning
One Judiciary Square, Suite 210
Washington, DC 20001

Re: BZA 16973

Dear Ms. Kress:

Please withdraw the application for 809-813 Sixth Street, NW Square 485, Lot 46.

Sincerely,

Pamela D. Bundy

Bundy Development Corporation
President

file

1221 Massachusetts Avenue, NW, Suite 4A, Washington, DC 20005

Phone: 202-628-1930; rfrazier@bundydevelopment.com; Fax: 202-628-0065