BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of ANC 5B	)	**BZA Appeal No. 16998**
	)	
Re: 2210 Adams Pl., N.E.	)	
	)	

RECEIVED
D.C. OFFICE OF ZONING
2003 SEP 22 PM 4:

MOTION TO FILE ANC REPORT OUT OF TIME

COMES NOW ANC 5B, and respectfully files this ANC Report which verifies the ANC's authorization of the immediate appeal.[1] The ANC urges this Board to accept this report out of time given the sensitive nature of this case ANC 5B is submitting the attached report to the extent that this Board deems that a report is required. The report essentially attaches and incorporates ANC 5B's minutes from its meeting of February 6, 2003 by reference, along with Joan Black's affidavit about the Motion to Ratify The January 23, 2003 Appeal. As such, it satisfies this Board's reporting requirements.

This report, if required, should have been filed seven (7) days prior to the BZA hearing. But a number of factors have attributed to its delay. Firstly, Appellant does not believe that it is required since ANC 5B is the party Appellant. Additional delay is attributed to the fact that Appellant's Counsel was in a bad automobile accident on Thursday, June 5, 2003, was injured and required to seek emergency hospitalization. He is under Doctor's care and medication, and is nonetheless preparing for this Board's hearing and responding to the litany of motions filed by Bannum, rather than further delay the immediate case. Lastly, as a result of Regina James filing

[1]ANC 5B is of the view that no report is needed given that it is a party and its position is on record as the basis for the appeal. See ANC 5B Motion for Reconsideration of Chairman's Order.

BZA
Case No. 16998
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 51

the immediate appeal, she was sued in the United States District Court and also voted out of her chairpersonship. Since then, Joan Black, former Vice-Chair has become Acting Chairperson of ANC 5B. However, the ANC has not been able to secure a Quorum to discuss business matters, including this litigation. Notwithstanding its late submission, there is little or no prejudice because the information contained therein was referenced and sicussed in the April 22, 2003 BZA hearing.

The Board should note that this submission includes an affidavit from Joan Black regarding the February 6, 2003 hearing and the substance of the Board's motion to ratify the January 23, 2003 appeal to the BZA.

Respectfully submitted,

Donald M. Temple #408749
1200 G Street, N.W.
Suite 370
Washington, D.C. 20005

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that copies of ***Motion to File ANC Report Out of Time*** were mailed, by first-class delivery, postage prepaid, this 16 day of June 2003 to the following:

Bennett Rushkoff, Esq.
Civil Division
Office of the Corporation Counsel
1350 Pennsylvania Avenue, NW
Fourth Floor East
Washington, DC 20004

Joseph A. Camardo, Jr.
127 Genesee Street
Auburn, New York 13021

Donald M. Temple, Esq.

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of ANC 5B

Re: 2210 Adams Place, N.E.

ANC 5B REPORT

I, Joan Black, am presently Acting Chair of ANC 5B and am serving in this position after Regina James was voted out of the ANC5B chairperson position.

By this notice, ANC5B is submitting an official copy of its minutes, dated February 6, 2003 as the ANC report for this hearing. These minutes verify that there was a Quorum present and a vote taken to ratify the Appeal of Regina James filed on January 23, 2003.

At that meeting, there was a discussion and vote on the appeal of Ms. James and that Bannum's actions were illegal because Bannum could not put a CBRF in a CM-2 district.

Joan Black

JOAN BLACK
2401 Rand Pl. NE
Washington, D.C. 20002

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of ANC 5B

Re: 2210 Adams Place, N.E.

DECLARATION OF JOAN BLACK

I, Joan Black, do state and solemnly swear, under penalty of perjury, that the following is true to the best of my recollection:

1. That I presently reside at 2401 Rand Pl., NE in Washington, DC,.

2. That I am presently a member and Acting Chair of ANC 5B. On February 6, 2003 I served in the position of Vice-Chair of ANC5B.

3. On February 6, 2003 I attended an ANC meeting at which a Quorum was present. At that meeting, there was a vote to ratify an appeal filed by Regina James to the Board of Zoning Adjustment on or around January 23, 2003 regarding DCRA's issuance of a permit to Bannum Inc. to renovate a building located at 2210 Adams Pl., N.E. to be used as a halfway house or community residential facility. Ms. James was at that time the newly elected Chairperson for ANC5B.

4. At all times in that meeting, it was our understanding that the appeal would challenge the Department of Consumer and Regulatory Affairs issuance of a permit and that the zoning for a halfway house was improper, specifically that Bannum could not operate the halfway house as a matter of right.

5. This was the subject of a favorable majority vote of the ANC which ratified Regina James Appeal.

Sworn and affirmed under penalty of perjury, this 16th day of June 16, 2003.

Joan Black
JOAN BLACK

Advisory Neighborhood Commission 5B
Government of the District of Columbia
1355-57 New York Avenue, Northeast
Washington, District of Columbia 20002

Public Meeting Minutes
Fifth District Police Headquarters
1805 Bladensburg Road, Northeast
February 6th, 2003

I. CALL TO ORDER:

The meeting was called to order by Chairperson James, at approximately 7:40PM, with the invocation conducted by Commissioner Mc Michael.

II. APPROVAL OF AGENDA:

-Commissioner Mc Michael, moved to accept the agenda as outlined.
-Commissioner Taylor, seconded the motion. THE MOTION PASSED.

III. DETERMINATION OF QUORUM;

Commissioner Jean S. D. F. Taylor, called the roll with following results:

PRESENT: *Commissioners William Shelton, Rebecca Scates, Regina James, Keith Silver (late arrival), Rhonda Chappelle, Doris Johnson, Joan Black, Kathy Henderson (late arrival), Terrance Mc Michael, and Jean S. D. F. Taylor*

ABSENT: *Commissioner Wilhelmina P. Lawson*

A QUORUM WAS ESTABLISHED

IV. ADOPTION OF MINUTES:

Commissioner Johnson, moved to accept November 2002, and January 9th, 2003 minutes. Commissioner Taylor, seconded the motion. THE MOTION PASSED.

V. TREASURER'S REPORT:

Commissioner Mc Michael, read aloud the financial report for the Fourth Quarter 2002 period, and moved for approval. Commissioner Black, seconded the motion. THE MOTION PASSED.

VI. PUBLIC SAFETY REPORT:

Captain Talliferio, reported and discussed with meeting attendees an increase of burglaries and break-ins in our 5B communities.

VII. GUESTSPEAKER:

Edward Donohue, representing the District of Columbia CTO Office, informed meeting attendees and commissioners of the importance of the installation of the cell/antenna planned for Rhode Island Avenue and 17th Street, Northeast.

Chief James Short, Jr., representing the Fire and Police Departments, urged meeting attendees to support the cell/antenna installation, as a result of the existing system experiencing "dead spots", which have not been replaced in fifty plus years, poses a great DANGER for EMS personnel and the Police Department. Further, construction for ten towers was expected, however, only four were actually built to date. The present locations of towers includes: Georgia Avenue and Peabody Street Northwest, Sibley, George Washington and Saint Elizabeth Hospitals.

Mr. Pope, a 5B resident, informed attendees of his concerns regarding the activities taking place at the Public Hall located at 1730 Hamlin Street, Northeast.

VIII. COMMISSION ACTION:

Commissioner Mc Michael, moved to have a special ANC 5B public meeting with the community to discuss concerns and vote on the Public Hall application at 1730 Hamlin Street, and Rhode Island Avenue Northeast. Seconded by Commissioner Black. THE MOTION PASSED.

Commissioner Shelton, moved to have a special meeting for discussion of proper meeting behavior, and tempered emotions during meetings. (Commissioner Woodland, directed remarks to the Chair which provoked a spirited exchange), due to DCRA's failure to notify ANC 5B in a timely manner. Seconded by Commissioner Henderson. THE MOTION PASSED.

ANC – 5B Commissioners, discussed and agreed to allocate funds for the staff to copy at KINKO's, due to a period of transition for the ANC 5B office. Commissioner Black, moved to approve expenditures. Seconded by Commissioner Jean Taylor. THE MOTION PASSED.

ANC – 5B Commissioners, also, discussed and agreed to house the checkbook at the Treasurer's place of residence, until office space is acquired. Commissioner Henderson, moved to accept the arrangement. Seconded by Commissioner Taylor. THE MOTION PASSED.

Commissioner William Shelton, moved to ratify and submit a letter of appeal to the BZA on behalf of the ANC – 5B Commission to delay DCRA's consideration for issuance of a permit, for construction of a halfway house located at 2210 Adams Place Northeast. As well as, issuance of a letter to the Bannum Corporation clearly stating that ANC 5B is not currently, or a future supporter of the placement of a halfway house, located at 2210 Adams Place, Northeast. Seconded by Commissioner Henderson. THE MOTION PASSED(Commissioners Chappelle and Woodland, abstained).

Commissioner Terrance Mc Michael, moved to pay all necessary bills for the month of February 2003. Seconded by Commissioner Shelton. THE MOTION PASSED.

IX. ADJOURNMENT:

The meeting adjourned at 10:40PM.

Respectfully submitted:

Jean S. D. F. Taylor
Recording Secretary