BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal of Advisory Neighborhood Commission 5B, Pursuant to 11 DCMR §§ 3100 and 3101, from the Administrative decision of David Clark, Director, Department of Consumer and Regulatory Affairs (DCRA) for the issuance of Building Permit No. B425438, for the renovation of a warehouse for use by a community corrections center.	)	BZA Appeal No. 16998

MOTION TO AMEND CLAIM BEFORE BOARD AND FOR THE BOARD TO INCLUDE THE ILLEGALITY OF THE CERTIFICATE OF OCCUPANCY AND TO RENDER AN EXPEDITIOUS OPINION

Comes now Appellant, ANC 5B, and respectfully moves this Board to amend the immediate appeal to include a challenge to DCRA's issuance of a Certificate of Occupancy to Bannum, Inc. on March 2nd 2003 and to seek an Expeditious Board Opinion.

According to 12A DCMR § 118.5, "any person aggrieved by the action of the Director granting, withholding, or revoking a Certificate of Occupancy may appeal the action to the Board of Zoning Adjustment." ANC 5B's challenge to the permit is directly related to DCRA's issuance during the pendency of this proceeding, on May 2, 2003, of a Certificate of Occupancy.

The issues herein are essentially of a common factual and legal nexus with the issue of a certificate of occupancy. Further, Bannum's obtaining of a permit here was a necessary prerequisite to its obtaining a certificate of occupancy. Both actions pertain directly to its use of the facility and the legality of its zoning. These issues are both ripe for this Board's consideration.

Appellant also urges this Board to issue an expeditious opinion. This case was filed almost six (6) months ago. The July 8, 2003 hearing presents the fourth (4) time that this Board has scheduled a date to consider the immediate case. One hearing was burdened with preliminary motions that significantly sought to avoid this Board's exercise of jurisdiction. Another hearing

BZA
Case No. 16998
Exhibit No. 62

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 62

was postponed by Bannum, which indicated that it had a dispute with its then counsel and represented that it had not selected a new counsel even though its present Counsel attended and actively interacted with Bannum's previous counsel at the very first BZA hearing in April.

Finally, the affected community continues to suffer from Bannum's strategic delays and litigation maneuvers. Both the pending federal and state court cases can not progress absent a decision from the BZA and thus your expeditious decision is in the public interest.

For the reasons stated above, ANC 5B respectfully requests that this Board grants it's motion.

Respectfully submitted,

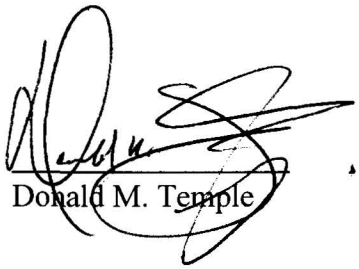
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2003, a copy of the foregoing Motion to Amend Claim Before Board and For the Board to Include the Illegality of the Certificate of Occupancy and To Render an Expeditious Opinion was sent by first-class mail postage prepaid to :

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