May 17, 2005

2005 MAY 18 PM 12:35

Mr. Geoffrey Griffis, Chairman
Board Of Zoning Adjustment
District of Columbia Office of Zoning
441 4th St. NW, Suite 210 South
Washington, DC 20001

RE: BZA Application #17304
Benning Road Metrorail Site

Dear Mr. Chairman and Members of the Board:

At the Board's April 19, 2005 hearing on this matter, you stated that ANC7D must conduct a vote to determine who would represent it before the Board when the hearing reconvened on May 24, 2005. ANC7D subsequently held it's regularly scheduled general meeting on May 10, 2005, but again failed to conduct this crucial vote. Accordingly, no one should be recognized, by the Board, at the May 24th hearing, as the spokesperson for ANC7D, on this matter.

The only documented expression of the views of ANC7D's Commissioners on this matter, is the April 12, 2005 letter, to you, that was included in the Applicant's submission. It accurately reflects that at our ANC7D general meeting, held on that date, a vote was taken on the pending application, with a quorum present.

Present at the May 10th meeting was the Executive Director of the ANC, who confirmed the effectiveness of the vote to all Commissioners present – to include the Chair of ANC7D. Unreservedly, the Chair of ANC7D had previously claimed at the Board's April 19th meeting that she had not voted. At the May 10th general meeting of the ANC7D, the Vice Chair reiterated the vote which the ANC Executive Director further explained – that of the 7 ANC positions for ANC7D the five members present at the April 12th meeting constituted a quorum and that more yeses than other votes made a majority. This seemed hard for the Chair to accept, which may explain her signature absence on the vote, even though she was verbal in her support due to previous commitment to the project. In other words, of the five Commissioners present (a quorum), four

BZA
Case No. 17304
Exhibit No. 49

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EXHIBIT NO. 49

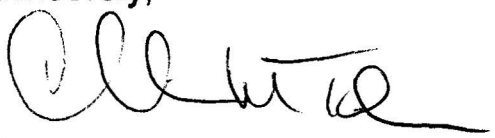
voted to support the application and one member abstained. Three of the four members voting in support, a majority of those present and voting, signed the letter.

I urge you to give the views expressed in the April 12, 2005 letter, the "great weight" routinely afforded to the affected ANC.

As the elected representative for the single member district involved with this project, I would represent the majority of those citizens who feel that a project of this nature would benefit our incoming ex-offenders and that we will welcome them back home with a reputable staff and much needed supervision center. Instead of just another retail establishment, the WMATA is providing office space with support of the JENCO group and MHCDO. It has been my fortitude to speak with other Ward 7 Commissioners and constituents, who have expressed concern and support for the project. We are proud for the Ward and our city to better assist our returning citizens.

Thank you for your considerations in bringing this project to fruition. We only have the ANC7D Commissioner's vote on April 12, 2005, as representation for the majority of Commissioners.

Sincerely,



Christine M. Tolson
Advisory Neighborhood Commissioner
SMD 7D05