

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

September 25, 2006

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 220-S
Washington, DC 20001

RECEIVED
D.C. OFFICE
2006 SEP 26 PM 12:42

Re: BZA Application No. 17309

Dear Chairman Griffis:

Over the past year, ANC 3D has appeared before the Board at least 15 times and there are more hearings scheduled in the coming months. I write today regarding the Dorchester Associates hearing last Tuesday, September 19, and to suggest that it was not conducted in a fair or balanced manner. The Board apparently granted the Applicant an extraordinary amount of time to present rebuttal testimony and accepted into the record a new and last minute submission of material not authorized by the Board and without opportunity for the parties to respond.

You will recall when, at the end of the hearing, Bob Sussman forcefully pointed out to the Board that the community had spent substantial time and money on their case and were not given "equal time." It would be unfortunate if this statement were true, however there is no other way to interpret what occurred at Tuesday's hearing. Mr. Bender has been granted extreme latitude with continuances, the presentation of his case and now a third "bite of the apple." The new submission and testimony that were presented as *rebuttal testimony* on Tuesday must be judged by you and members of the Board in a way that does not prejudice the neighbors' case or the fundamental fairness of future proceedings.

All parties must approach the Board of Zoning Adjustment with the sense that all are equal and that a case will be judged on its merits and interpretation of the Zoning Code. All parties must also believe that the Chair of the Board acts in compliance with precedent and rules governing the presentation of a case. When the perception of the

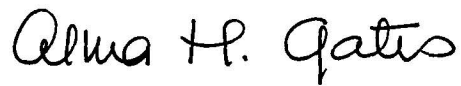
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17309
EXHIBIT NO. 164

Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
EXHIBIT NO. 164

parties is otherwise and these standards appear to be in question, the authority and integrity of the Board is compromised.

Sincerely,

A handwritten signature in black ink that reads "Alma H. Gates". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Alma H. Gates
Chair

cc: George R. Keys, Jr., Esq.
Maxine Brown Roberts
J. Patrick Brown, Esq.
Mark Brodsky, Esq.
Morton A. Bender