

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

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

By Fax and Mail

December 29, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2005 DEC 29 AM 9:03

RE: Application No.17309, Chain Bridge Road, NW

Dear Chairman Griffis:

Advisory Neighborhood Commission 3D respectfully requests a release from the requirement that its report be filed seven (7) days in advance of the January 10, 2006, hearing scheduled for this case.

Advisory Neighborhood Commission 3D was served by Dorchester Associates on December 23 (BZA Filing) and December 27 (Tree Preservation Plan) with material for the January 10, 2006 hearing. The BZA hearing was delayed at the request of the Applicant on April 26, and again on July 19, 2005 to allow the Applicant time to make changes to his application and to hold additional meetings with members of the community.

The commission is keenly aware of the timeframe for filing material with the BZA and this submission clearly meets the requirement. However, there has been no attempt by Mr. Bender to meet with members of the community or the ANC to discuss his proposed changes over the past seven months. The commission has attempted to have Mr. Bender appear and present his revised plans beginning with a phone call to his attorney in late September advising him of our meeting dates in November and December. On October 16, Norman Glasgow replied that until there are revised plans, Mr. Bender "would not need to reserve space on the ANC agenda."

Finally, on December 16, after the December 4 ANC meeting, Steven Sher advised the commission by email that Mr. Bender would like to make a presentation at the January 4, 2006 meeting. This date falls inside the time when the commission's report is to be on file with the BZA.

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 17309
EXHIBIT NO. 77

Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
EXHIBIT NO. 77

It is indeed unfortunate that Mr. Bender has not used his seven month delay to make the community and the commission familiar with proposed changes to his development plans.

Given the reluctance of the Board of Zoning Adjustment to grant continuances due to a heavy hearing schedule, and that would be the preference of the Single Member Advisory Neighborhood Commissioner, we ask that our report be accepted after the required date for filing so we might hear from Mr. Bender at our January 4, 2006 meeting. Every attempt will be made to have our letter on file by the close of business January 7, 2006.

Sincerely,



Alma H. Gates
Chair, ANC 3D
and 3D05

Enclosures (2)

cc: Norman Glasgow by email
John Patrick Brown by email
Maxine Brown-Roberts by email

Subj: BZA Application No. 17309 - Chain Bridge Road
Date: 12/16/2005 3:05:21 PM Eastern Standard Time
From: steven.sher@hklaw.com
To: AHG71139@aol.com
CC: norman.glasgow@hklaw.com
Sent from the Internet (Details)

The applicant intends to file its prehearing statement with the BZA next week, including some revisions to the plans now pending before the Board. We will serve a copy of the submission on the ANC on the same day we file it with the BZA. Would it be better for me to have the material hand delivered to your home or sent by mail to the ANC's address of record (which I believe is a PO Box)? Please advise.

We understand that the ANC meets next on Wednesday, January 4, 2006. If the ANC desires, we can come to the meeting to explain the revisions to the proposal which you will have by that time. Please let us know about that as well.

Holland + Knight

Steven E. Sher

Director of Zoning and Land Use Services

Holland & Knight LLP

Suite 100

2099 Pennsylvania Avenue, NW

Washington DC 20006-6801

202-663-7278 (Direct)

202-419-2802 (Direct Fax)

202-955-5564 (Main Office Fax)

Email steven.sher@hklaw.com

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Subj: Re: Bender BZA Hearing
Date: 10/17/2005 6:57:57 PM Eastern Daylight Time
From: norman.glasgowjr@hklaw.com
To: AHG71139@aol.com, norman.glasgowjr@hklaw.com
CC: hbsclub@erols.com, ahaas212@comcast.net, hughmullane@yahoo.com, aheuer3344@earthlink.net, RachelWToo@aol.com, JStern5000@aol.com, cdross@mailstation.com, springvalleydc@rcn.com, jerrily.kress@dc.gov, jpb@gdlaw.com, cheryl.jones@hklaw.com
Sent from the Internet (Details)

Dear Ms. Gates:

Thank you for your inquiry. I will touch base with Mr. Bender. I had understood from our prior discussion that until we had revised plans there was no need to reserve space on the ANC agenda. If that is not correct, please advise.

Thanks,
Chip

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

—Original Message—

From: AHG71139@aol.com <AHG71139@aol.com>
To: chip.glasgow@hklaw.com <chip.glasgow@hklaw.com>
CC: hbsclub@erols.com <hbsclub@erols.com>; ahaas212@comcast.net <ahaas212@comcast.net>; AHG71139@aol.com <AHG71139@aol.com>; hughmullane@yahoo.com <hughmullane@yahoo.com>; aheuer3344@earthlink.net <aheuer3344@earthlink.net>; RachelWToo@aol.com <RachelWToo@aol.com>; JStern5000@aol.com <JStern5000@aol.com>; cdross@mailstation.com <cdross@mailstation.com>; springvalleydc@rcn.com <springvalleydc@rcn.com>; jerrily.kress@dc.gov <jerrily.kress@dc.gov>; jpb@gdlaw.com <jpb@gdlaw.com>
Sent: Mon Oct 17 18:23:59 2005
Subject: Bender BZA Hearing

Dear Mr. Glasgow:

I spoke to you several weeks ago and inquired if Morton Bender was planning to come back before ANC 3D, but have not had a reply from you. The commission's calendar is very full and we would like to give the new plans Mr. Bender has been preparing ample time for consideration. I note the BZA hearing is scheduled for January 10, 2006 which would leave November 2 and December 7 ANC meetings for a presentation. Please advise.

Thank you,

Alma Gates
Chair, ANC 3D