

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal of)
)
 Bannum Inc.) BZA Appeal No. 17356
)
 Re: 2210 Adams Place, N.E.)
)

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**MOTION TO CONSOLIDATE APPEALS OF
BANNUM INC. AND ANC COMMISSIONER JOAN BLACK**

Comes Now, ANC Commissioner Joan Black and respectfully moves this panel to consolidate an appeal which was filed before this body to challenge the legality of Bannum's Certificate of Occupancy.

This panel may recall that Ms. Black, in her capacity as the Chair of ANC 5B, filed an appeal during the pendency of this Board's previous hearing on the legality of Bannum's permit (Case No 16998); that matter was brought to the Board's attention and is referenced in the formal record. However, notwithstanding Black's timely filing of her appeal, the Board did not hold a hearing to address that appeal more than likely because the Board then considered the two matters to be so logically connected that further consideration of the legal and factual issues were unnecessary. Even so, the BZA should have made some ruling on Black's appeal.

Bannum's appeal of DCRA's decision to revoke its Certificate of Occupancy has resurrected the issue and requires that the Board appropriately address Black's timely filed, but dormant appeal. Black and Bannum's appeal raise the same issues, the legality of Bannum's Certificate of Occupancy. There is no legitimate reason that this panel should bar or ignore Black's timely filed appeal of the Certificate of Occupancy and legitimate reason within the

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 17356
EXHIBIT NO. 29

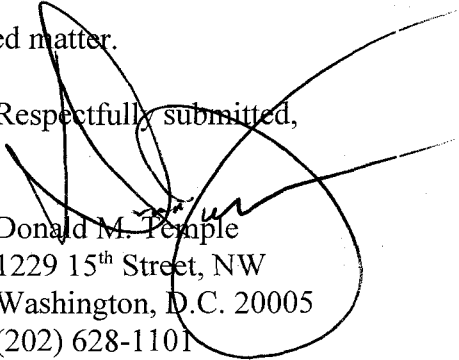
framework of the law to hear this case, given her status as an ANC Commissioner.

In that regard, Ms. Black and Ms. James share a common interest, to wit, the ANC's opposition to Bannum illegal operation of a halfway house in Ward V.¹

Further, based upon this Board's extensive record and careful consideration of factual and legal issues in the permit hearing, which are essentially the same factual and legal issues in any consideration of the certificate of occupancy hearing, Black and James submit that no further factual hearings are required. The BZA based upon the extensive record regarding the legality of the permit should determine that Bannum's use and operation in a CM-2 zone definitively violates District of Columbia zoning laws for the reasons which this Board stated in its May 2004 decision.

For these reasons, Ms. Black urges that this Board consider her timely filed appeal and further, consolidate it with the above captioned matter.

Respectfully submitted,



Donald M. Temple
1229 15th Street, NW
Washington, D.C. 20005
(202) 628-1101

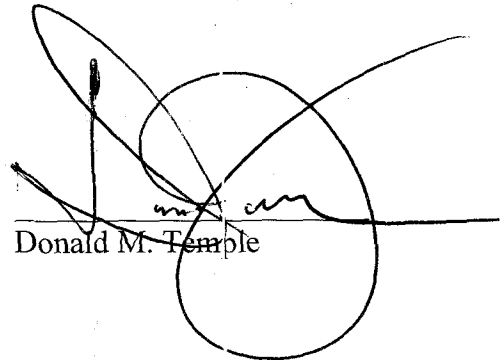
^{1/} Should this panel consolidate the appeals related to Bannum's Certificate of Occupancy, Joan Black, adopts the Motion filed by Regina James, for Summary Adjudication.

CERTIFICATE OF SERVICE

Joan Black hereby certifies that she mailed a copy of this motion for consolidation was mailed on this 22nd day of November, 2005 to the following attorneys:

Shawn Whittaker, Esq.
Holmes and Gordon
17 West Jefferson Street, Suite 202
Rockville, Maryland 20830

Bennet Rushkoff, Esq.
Civil Division
Office of Corporation Counsel
1350 Pennsylvania Avenue, NW
Fourth Floor
Washington, D.C. 2004



Donald M. Temple

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**BOARD OF ZONING ADJUSTMENT
District of Columbia**

FILE NO. 17356 *PKT*
EXHIBIT NO. 291

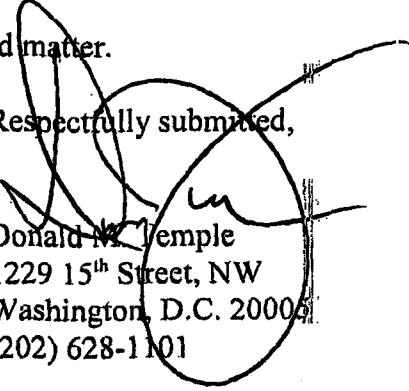
framework of the law to hear this case, given her status as an ANC Commissioner.

In that regard, Ms. Black and Ms. James share a common interest, to wit, the ANC's opposition to Bannum illegal operation of a halfway house in Ward VII¹

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For these reasons, Ms. Black urges that this Board consider her timely filed appeal and further, consolidate it with the above captioned matter.

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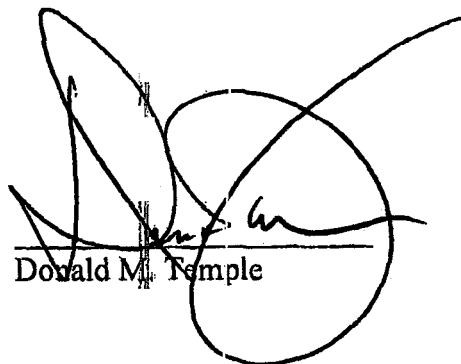
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October 24, 2005

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