



ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Jacqueline Arguelles
ANC 1A02 - Calvin Woodland
ANC 1A03 - Alex Hogan
ANC 1A04 - Betty Pair
ANC 1A05 - Anne Theisen

ANC 1A06 - Samuel Johnson
ANC 1A07 - Larry Ray
ANC 1A08 - Janisha Richardson
ANC 1A09 - Donny Gonzalez
ANC 1A10 - Lenwood Johnson
ANC 1A11 - Dotti Love Wade

January 28, 2008

Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17671

EXHIBIT NO. 24

Re: BZA Appeal No. 17671

RECEIVED
D.C. OFFICE OF ZONING
2008 JAN 28 AM 9:29

Dear Members of the Board of Zoning Adjustment:

It is the intent of ANC 1A to withdraw its appeal in the captioned case, as soon as DCRA provides the set of fully stamped drawings on which a revised permit approval will be based, as directed by the BZA on January 15, 2008. DCRA provided a set of drawings that appear to resolve each and every matter raised by the ANC in Appeal No. 17671, however, only the cover sheet is stamped. Normal practice is for each relevant sheet to be stamped to ensure that it has been reviewed and approved by the respective discipline, as is the case with life/safety on the drawings provided to the ANC. As this is the only way to ensure that any future construction will conform to the revised set, ANC1A cannot formally withdraw its appeal until such time as the stamped set of approved drawings has been delivered to its office or to the home of Commissioner Anne Theisen.

In proposing this withdrawal, the ANC is pleased to note that its appeal appears to have resulted in a correction of six areas in which the Zoning Administrator had erred in approving Building Permit No. 90426. However, we also note that it took the ZA more than six months after the filing of the appeal to correct the error, while never acknowledging the error to the BZA – in fact, doing just the opposite by defending the appeal.

The duplicity of the ZA (defending the appeal while simultaneously working to correct the errors) made it especially disturbing to the ANC to be admonished by the Chair of the

BZA as wasting the Board's time pressing the appeal at the January 15th hearing. If anyone has wasted the Board's time -- as well as the ANC's time and the property owner's time and money -- it has been the ZA. In fact, the BZA granted the ZA a continuance to give him time to provide the original set of stamped drawings for the record by a date certain. The BZA still does not have those drawings.

The willingness of the ZA to prolong this appeal (and the OAG's willingness to defend it) makes the ANC wonder how the public's interests are being served.

Respectfully,



Anne Theisen
Vice Chair, ANC 1A

cc: Mayor Adrian Fenty
Councilmember Vincent Gray
Councilmember Jim Graham
Councilmember Mary Cheh
Councilmember Phil Mendelson
Linda Argo, Director of DCRA



ADVISORY NEIGHBORHOOD COMMISSION 1A

ANC 1A01 - Jacqueline Arguelles
ANC 1A02 - Calvin Woodland
ANC 1A03 - Alex Hogan
ANC 1A04 - Betty Pair
ANC 1A05 - Anne Theisen

ANC 1A06 - Samuel Johnson
ANC 1A07 - Larry Ray
ANC 1A08 - Janisha Richardson
ANC 1A09 - Donny Gonzalez
ANC 1A10 - Lenwood Johnson
ANC 1A11 - Dotti Love Wade

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANC1A filing to the DC BZA was served by e-mail this 28th day of January, 2008, to the following:

Robert Cooper, Esquire
Cooper and Crickman
rooper@cocrlaw.com

Matthew LeGrant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Matthew.legrant@dc.gov

Dennis M. Taylor
General Counsel
Department of Consumer and Regulatory Affairs
Dennis.taylor@dc.gov

Anne Theisen, ANC1A05 Commissioner
Vice Chair, ANC1A
Chair, ANC1A Planning and Zoning Committee

RECEIVED
D.C. OFFICE OF ZONING
2008 JAN 28 AM 9:29