

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



MEMORANDUM

To Advisory Neighborhood Commission 5A
From Richard S. Nero, Jr. RJ
Deputy Director of Operations
Date MAY 04 2010
Re BZA Application No 18095

Pursuant to D.C. Official Code § 1-309.10 (b), the Board of Zoning Adjustment ("BZA") hereby gives notice that the above-mentioned application, the subject property of which is located within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on 5/4/10. A copy of the application is attached.

As a result of the issuance of this notice, your ANC now has thirty days, excluding Saturdays, Sundays, and holidays to submit its written recommendations to the BZA in accordance with D.C. Official Code § 1-309.10 (d) (1). Pursuant to D.C. Official Code § 1-309.10 (d) (2) the BZA may make its decision "at the close of business of the day after which the notice period concludes". However, no decision to approve the application will be made until the BZA holds a public hearing.

This is not a notice of that hearing. You will receive that second notice by first class mail not less than forty days prior to the hearing date. If the hearing date falls after the completion of your thirty day review period, no report is due until seven days prior to the hearing.

In order to assure that your Commission's written report will be given "great weight", please be certain it contains the information required by 11 DCMR § 3115.1, a copy of which is attached.

If you have any questions, please contact the Office of Zoning at 202-727-6311.

APPROXIMATE HEARING DATE Sept 2010

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18095

EXHIBIT NO. 16

BZA Notice of Filing to ANC

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Telephone (202) 727-6311

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18095
EXHIBIT NO. 16

EXCERPT FROM TITLE 11 DCMR, "ZONING

3115 ADVISORY NEIGHBORHOOD COMMISSIONS

3115.1 The written report of the ANC shall be submitted to the Board at least seven (7) days in advance of the hearing and shall contain the following information:

- (a) An identification of the appeal or application;**
- (b) When the public meeting of the ANC to consider the appeal or application was held;**
- (c) Whether proper notice of that meeting was given by the ANC;**
- (d) The number of members of the ANC that constitutes a quorum and the number of members present at the meeting;**
- (e) The issues and concerns of the ANC about the appeal or application, as related to the standards of the Zoning Regulations against the appeal or application must be judged;**
- (f) The recommendation, if any, of the ANC as to the disposition of the appeal or application;**
- (g) The vote on the motion to adopt the report to the Board;**
- (h) The name of the person who is authorized by the ANC to present the report; and**
- (i) The signature of the chairperson or vice-chairperson of the ANC.**

3115.2 The Board shall give "great weight" to the written report of the ANC, as required by No. 1-261, D.C. Code, 1982 ed.

3115.3 In the event the ANC submits its report on the basis of understandings, agreements, or meetings with the appellant, or applicant which later are modified by appellant or applicant, the designated representative of the ANC may comment orally concerning the specific inconsistencies. No other new matters may be presented orally by the designated representative of the ANC.

Great weight does not mean that the Board must defer to an ANC's view, but instead requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns. It is therefore important that the written report not only indicate whether the ANC supports or opposes the application, but that it also identify each issue and concern that led to the recommendation made.