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Single Member District Commissioners 01-Lee Brian Reba * 02-William Kummings * 03-Anne Marie Bairstow 04-Roger Burns * 05-Leila Afzal * 06-Trudy Reeves * 07- Victor Silveira 08-Catherine May * 09-Nancy MacWood	4025 Brandywine Street, NW Washington, DC 20016-1843 Website http://www.anc3c.org Email all@anc3c.org

18108

May 20, 2010

Mr. Matthew LeGrant
 Zoning Administrator
 Department of Consumer & Regulatory Affairs
 Government of the District of Columbia
 1100 4th Street NW, 3rd floor
 Washington, DC 20024

Dear Mr. LeGrant,

At the publicly noticed meeting of the Advisory Neighborhood Commission 3C on May 17, 2010, the Commission considered a resolution regarding the lack of notice to the ANC 3C of your decision to approve the sub-division of 2910 Garfield Street NW. By motion the Commission voted 9-0 to join an appeal of this decision. The resolution is enclosed.

If you have any questions or comments, please don't hesitate to contact me at 202-441-9576 or by email at Bairstow@pailtonroad.com.

Sincerely,



Anne-Marie Bairstow
 Chair, ANC3C

CC: Councilmember Mary Cheh
 Jamison Weinbaum, Director, Office of Zoning
 ✓ Marc Loud, Chairman, Board of Zoning Adjustment
 Linda K. Argo, Director, Consumer & Regulatory Affairs
 Richard DeKaser and Rebecca Rhames

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BOARD OF ZONING ADJUSTMENT
 District of Columbia
 Board of Zoning Adjustment
 District of Columbia
 CASE NO. 18108
 EXHIBIT NO. 12

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
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ANC 3C Resolution No.2010-014

Resolution regarding Zoning Administrator's Decision Approving the sub-division of 2910 Garfield Street and Granting of Zoning Administrator Flexibility Provided under Section 407.1 of the Zoning Regulation

WHEREAS 2910 Garfield Street, NW (Square 2113, Lot 828) was 9946 square feet in area; and

WHEREAS 2910 Garfield Street was zoned R-1-B which requires a minimum lot size of 5000 square feet; and.

WHEREAS the former owner filed an application with the Zoning Administrator to subdivide the property; and

WHEREAS ANC 3C was not given notice of the application; and

WHEREAS the subdivision was not a matter of right; and

WHEREAS the applicant apparently asked the Zoning Administrator to approve a "minor deviation" under section 407.1 of the Zoning Regulations; and

WHEREAS, on November 18, 2009, the Zoning Administrator sent a letter approving the deviation to an attorney at Pillsbury Winthrop Shaw Pittman LLP; and

WHEREAS, on April 29, 2010 the Zoning Administrator Matthew Le Grant stated that he had not visited the property, nor did he indicate that any member of his staff had done so; and

WHEREAS, the Zoning Administrator's files for the application contain no photographs or description of the property or surrounding area or any analysis of how the proposed subdivided lot would affect neighboring properties in this block; and

WHEREAS, Richard DeKaser and Rebecca Rhames who reside next door at 2914 Garfield have stated they plan to appeal the Zoning Administrator's decision to the Board of Zoning Adjustment (BZA); and

WHEREAS, the issues on appeal would include but may not be limited to the lack of notice to interested parties, including ANC3C, of the application to subdivide the lot and that this lack of notification made it impossible for ANC3C or neighbors to the property who would be adversely affected by the application to explain to the Zoning Administrator why the subdivision would impair the purposes of the zoning regulations; and

WHEREAS, the legal cost associated with the appeal to the Board of Zoning Adjustment (BZA) is estimated to be \$5,000,

THEREFORE BE IT RESOLVED that ANC3C may join an appeal filed by Richard DeKaser and Rebecca Rhames with the Board of Zoning Adjustment contesting the subdivision of the Square 2113 Lot 828, and

BE IT RESOLVED that ANC3C may expend up to \$3,000 or an amount not to exceed 50% of the cost associated with the BZA appeal, and

BE IT FURTHER RESOLVED that ANC3C authorizes the Chair, the Commissioner representing SMD 02, or their designee(s) to represent the Commission on this matter.

Attested by

Chair, on May 17, 2010

A handwritten signature in black ink, appearing to be 'A' followed by a long horizontal stroke.

Anne-Marie Bairstow

This resolution was approved by a vote of 9-0 on May 17, 2010 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.