

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



JUL 27 2010

Advisory Neighborhood Commission 5B
c/o Harbor Light Center
2100 New York Avenue, NE
Washington, DC 20002

Re: BZA Appeal No. 18114

Dear Advisory Neighborhood Commission 5B:

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following appeal that are located within the boundaries of your ANC area:

Appeal of Ward 5 Improvement Association, pursuant to 11 DCMR §§ 3100 and 3101, from an April 21, 2010, decision by the Zoning Administrator to grant Certificate of Occupancy No. 1001838, for a restaurant with nightclub - not a sexually oriented business establishment in the C-M-2 District at premises 2127 Queens Chapel Road, N.E. (Square 4258, Lot 34).

The hearing will be held on Tuesday, October 26, 2010, in Suite 220, 441 4th Street, N.W., Washington, D.C. 20001. This appeal will be heard between 1:00 p.m. and 6:00 p.m.

You are advised that 11 DCMR Section 3115.1 sets out certain requirements related to reports of ANCs, and specifically that Section 3115 requires that the written report of the ANC be filed with the Board at least seven days in advance of the hearing. A copy of Section 3115 is enclosed for your convenience. Information on the procedures which will govern consideration of this case are also available from the Office of Zoning, in Suite 200-S, 441 4th Street, N.W. Washington, D.C. 20001. The telephone number for the Office of Zoning is (202) 727-6311.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18114

EXHIBIT NO. 18

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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Board of Zoning Adjustment
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If you wish to forward comments in writing directly to the Board, such comments should be addressed to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001.

SINCERELY,

A handwritten signature in black ink, appearing to read "Jamison L. Weinbaum". The signature is fluid and cursive, with the first name "Jamison" being more prominent than the last name "Weinbaum".

JAMISON L. WEINBAUM
Director, Office of Zoning

Enclosure

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.