

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning



MEMORANDUM

To: Advisory Neighborhood Commission

1A

From: Richard S. Nero, Jr. RN
Deputy Director of Operations

Date: DEC 23 2010

Re: BZA Appeal No. 18181

In accordance with DCMR 3112.7 and 3113.7, you are hereby advised that the above-numbered appeal, which falls within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on 12/16/10. A copy of the above-numbered appeal form is attached for your information and use. This is not a notice of public hearing on the appeal. You will receive notice of the hearing by mail and through the D.C. Register approximately forty (40) days in the advance of the hearing. In accordance with 11 DCMR 3115, the written report of an ANC shall contain certain information specified in that section. A copy of Section 3115 is on the reverse side. If you have any questions, please contact the Office of Zoning at 202-727-6311.

APPROXIMATE HEARING DATE: MAR 2011

Office of ANC
c/o Gottlieb Simon
1350 Pennsylvania Ave., N.W.
Washington, D.C.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18181

EXHIBIT NO. 7

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18181
EXHIBIT NO. 7

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.