

July 2, 2013

BY E-MAIL

Lloyd Jordan, Chairperson
D C Board of Zoning Adjustment
441 4th Street, NW, Suite 200 South
Washington, DC 20001

RECEIVED
D C OFFICE OF ZONING
2013 JUL -3 AM 8:31

Re BZA Application No 18576 – Special Exception and Variance Relief -
Applicant's Response to June 30, 2013 Submission of the Fort Lincoln Civic Association

Dear Chairperson Jordan:

This letter and the attached materials serve as the response of Fort Lincoln Banneker Townhouse LLC (the "Applicant") to the June 30, 2013 submission of the Fort Lincoln Civic Association (FLCA). In that submission FLCA states: "Neither the Applicant, or any agent on its behalf, provided notice to four of the five sitting members of ANC 5C, or to anything approaching a reasonable percentage of the 3,500 residents of the Fort Lincoln community, of any meeting to explain the zoning exception and variances sought in BZA Case 18576. And in the case of ANC 5C, there was not even the pretense of a meeting or effort to explain the zoning exception and variances." The Applicant does not agree with this statement.

In fact, ANC 5C Commissioners and the residents of the Fort Lincoln community (especially those residents who live in the immediate area surrounding the property) have had ample opportunity to learn about this proposed townhouse project along Ft. Lincoln Drive. Attached to this letter is a chronology of ANC 5C's review of this application. The Applicant notes the following specific actions that were taken by the Single Member District Commissioner for this property (Bob King, ANC 5C03), in order to make the community aware of this application:

May 15, 2013 – ANC 5C holds its monthly public meeting. The agenda for that meeting, under Single Member District Announcements, notes that "Commissioner King - Will be putting a BZA Variance on the agenda of the next meeting for 42 townhouses in Fort Lincoln. Will be holding an SMD meeting on June 1" (copy attached, see p 4).

May 23, 2013 – Signs regarding the June 1, 2013 ANC 5C03 SMD meeting to discuss BZA Application No. 18576 are posted throughout the Ft. Lincoln Community.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18576
EXHIBIT NO. 30

June 1, 2013 – ANC 5C03 Commissioner King holds an SMD meeting regarding the 42 townhomes proposed in BZA Application No 18576. Representatives of the Applicant make a presentation and discuss the requested zoning relief. A straw vote is taken of those people who attended the meeting. Forty people voted in favor of the project and four people voted in opposition to the project.

June 4, 2013 – ANC 5C03 Commissioner King sends a letter to ANC 5C Chairman Manning noting the proper scheduling of the June 1, 2013 SMD meeting, the presentation made by the Applicant and the discussion of the zoning relief sought, and the results of the vote taken in support of the project (copy attached). This letter also notes that the President of the FLCA, and several members of that organization, attended the June 1, 2013 meeting.

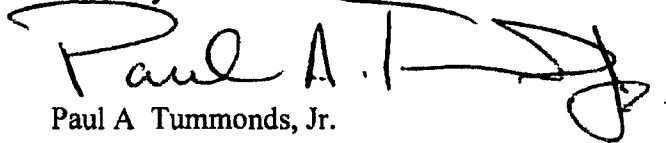
June 12, 2013 - ANC 5C holds its monthly public meeting. The Agenda of that meeting (copy attached) includes a reference to BZA Application No 18576 under New Business.

ANC 5C03 Commissioner King did exactly what is expected of an ANC Commissioner. Commissioner King made his fellow Commissioners aware of the application, he held a special meeting regarding the application that was properly advertised, and then he presented the results of that meeting to the other ANC 5C Commissioners. There is simply no basis for FLCA or ANC 5C to claim that they were not provided ample opportunity to comment on this application. This case should be heard by the Board on July 9, 2013.

Based on a review of the FLCA June 30, 2013 submission, it appears that FLCA is requesting Party Status from the Board and is also seeking a waiver from the requirement that all requests for Party Status be filed at least 14 days in advance of the public hearing. (In this case, that date was June 11, 2013, 14 days in advance of the original June 25, 2013 public hearing date.) If in fact FLCA is seeking Party Status, the Applicant believes that FLCA needs to address how its organization satisfies the relevant standards.

Please feel free to contact the undersigned if you have any questions regarding the information provided in this letter and attached materials.

Sincerely



Paul A. Tummonds, Jr.

Enclosures
cc: Certificate of Service

Certificate of Service

I hereby certify that I sent a copy of the foregoing document to the following addresses on July 2, 2013 by E-Mail

Emma James
Fort Lincoln Civic Association Planning & Zoning Committee
Emmapjames2012@yahoo.com

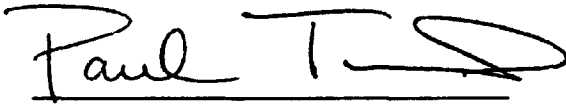
Matthew Jesick
Office of Planning
Matthew.jesick@dc.gov

Bryon White
District Department of Transportation
Bryon.white@dc.gov

ANC 5C
c/o Chairperson Jacqueline Manning
jacquemanning8@aol.com

Bob King
ANC 5C03
rbob.king@gmail.com
rbob.king@comcast.net

Ivan Matthews
Office of the Deputy Mayor for Planning and Economic Development
Ivan.matthews@dc.gov


Paul Tummonds

CHRONOLOGY OF ANC 5C REVIEW OF BZA APPLICATION NO. 18576

April 15, 2013 – Office of Zoning sends notice of filed application to ANC 5C03 Commissioner (copy attached)

May 15, 2013 – ANC 5C holds its monthly public meeting. The agenda for that meeting, under Single Member District Announcements, notes that “Commissioner King - Will be putting a BZA Variance on the agenda of the next meeting for 42 townhouses in Fort Lincoln. Will be holding an SMD meeting on June 1” (copy attached, see p 4)

May 23, 2013 – Signs regarding the June 1, 2013 ANC 5C03 SMD meeting to discuss BZA Application No 18576 are posted throughout the Ft. Lincoln Community

June 1, 2013 – ANC 5C03 Commissioner King holds an SMD meeting regarding the 42 townhomes proposed in BZA Application No 18576. Representatives of the Applicant make a presentation and discuss the requested zoning relief. A straw vote is taken of those people who attended the meeting. Forty people voted in favor of the project and four people voted in opposition to the project.

June 4, 2013 – ANC 5C03 Commissioner King sends a letter to ANC 5C Chairman Manning noting the proper scheduling of the June 1, 2013 SMD meeting, the presentation made by the Applicant and the discussion of the zoning relief sought, and the results of the vote taken in support of the project (copy attached). This letter also notes that the President of the Fort Lincoln Civic Association, and several members of that organization, attended the June 1, 2013 meeting.

June 12, 2013 - ANC 5C holds its monthly public meeting. The Agenda of that meeting (copy attached) includes a reference to BZA Application No 18576 under New Business.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

★ ★ ★



MEMORANDUM

To: Single Member District - ANC

5C03

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

Date: APR 15 2013

Re Notice of Filing Date: 04/08/13 BZA Case No. 18576

This is to inform you that the above-numbered case has been filed before the Board of Zoning Adjustment for zoning relief. The property that is the subject of this case is within your Single Member District Boundary. Therefore, I am attaching a copy of the case, as your Single Member District may be affected. For additional information, please contact the Office of Zoning at 202-727-6311.

APPROXIMATE HEARING DATE JUNE 2013



Advisory Neighborhood Commission 5C

Arboretum, Brentwood, Fort Lincoln, Gateway, Langdon, South Woodridge, most of Woodridge

5C01 - Antonette Russell, Vice Chair
5C02 - Karla Butler
5C03 - Bob King
5C04 - Jacqueline Manning, Chair
5C05 - Regina James
5C06 - Vacant
5C07 - Nolan Treadway, Treasurer

May 15, 2013

**Fifth District Station
1805 Bladensburg Road NE
Washington, DC 20002**

- I. **Call to Order and Quorum** – The meeting was called to order at 7:03pm by Chair Manning. Commissioners present: Antonette Russell, Karla Butler, Bob King, Jacqueline Manning, and Nolan Treadway, constituting of a quorum.
- II. **Introductions** – Commissioners introduce themselves and their area
- III. **Determination of Quorum** – Commissioner Russell determines there is a quorum
- IV. **Agenda Approval** – Commissioner Russell moves to approve the agenda as provided, Commissioner Butler seconds. Agenda approved with voice vote
- V. **Minutes Approval** –
 - a. Commissioner Russell moves to accept the **April** minutes as submitted. Commissioner Butler seconds. **April** meeting minutes approved with voice vote
 - b. Commissioner Russell moves to accept the **March** minutes as submitted. Commissioner Treadway seconds. **March** meeting minutes approved with voice vote
- VI. **Treasurers Report**
 - a. **May Treasurer Report** – Treasurer Commissioner Treadway reports the ANC has spent no money since the last meeting and the current balance in checking is \$25,932.79. The current balance in savings is \$2.03