Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
'00 MAY 18 P1:09

May 16, 2000

Ms. Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street NW Room 210
Washington DC 20001

Re: 3020 43rd Street NW BZA Application No. 16521 -- Request for a Continuance inter alia

Dear Ms. Reid:

We faxed to you a copy of the enclosed letter on May 15. Please add the hard copy of the letter to the file. We also stated that we would be sending you copies of all the nine letters previously sent to you. In consideration of the size of the files, I am not enclosing copies since you already have them in the Sisson-Crary files. If you need them please let me know and I will be happy to send them.

Sincerely,

Beverley Monroe

Beverley Monroe
Administrator for
ANC3D

BZA
Case No. 16521
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.34

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

May 14, 2000

Ms. Sheila Cross Reid
Chairperson,
Board of Zoning Adjustment
441 4th Street NW Room 210
Washington DC 20001

Re: 3020 43rd Street NW BZA Application No. 16521, Request for Continuance inter alia

Dear Ms. Reid:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Monday, May 8, 2000 at the Ernst Auditorium, Sibley Memorial Hospital. Notice of this meeting was published in a local newspaper (but this matter was not included because of its last minute addition to the agenda). In addition, meeting notices (which contained this matter) were placed in each single member district and were sent to residents of the community at least seven days in advance of the meeting. BZA Application 16521 was included in the distributed meeting notices. A quorum (at least four) Commissioners was present at all times.

The applicant, Mr. Charles Sisson, through counsel, Allison C. Prince, Esquire, had actual notice of the meeting. However, Ms. Prince contacted the single member district Commissioner, Mr. Stephen Griswold, and the undersigned as Chairperson, and informed us that neither she nor Mr. Sisson would attend the meeting.

The Commission determined that it would not be proper to take action on the merits of this application at this time. Instead, the Commission voted unanimously (5-0-0) to confirm its earlier preliminary position by letter dated November 30, 1999 (attached) that further action by the Board on this application is premature for a variety of critical reasons including:

1 Accurate information must be provided by Mr. Sisson. The Commission (and apparently the BZA) has yet to be provided as-built drawings. Without such drawings, the Commission is unable to meaningfully consider the various zoning issues to be resolved in this matter. We are concerned that there not be a repetition of inconsistent, incomplete and misleading building permit applications which were found in Appeal No. 16405;

2. The exact and complete nature of the zoning violations of the improperly constructed improvements must be identified, based on as-built drawings, before proceeding with this remedial BZA application;

3. This application is premature based on Mr. Sisson's pending Court of Appeals challenge to the Board's decision in the underlying Appeal No. 16405;

4. This application must be consistent with the Board's findings of fact and conclusions of law in Appeal No. 16405;

5. The Commission must be provided complete, timely and accurate information by the Applicant in order to make an informed and meaningful review and decision in this case;

The Commission has been an active participant and greatly concerned by Appeal No. 16405 and this application. From 1998 through today, the Commission has submitted at least nine (9) separate letters (attached). Beyond the substantial violations of the important provisions of the Wesley-Heights overlay District which occurred, the Commission is gravely concerned by the repeated conduct of Mr. Sisson through this ongoing process, as evidenced by the Board's decision in Appeal No. 16405. A substantial body of evidence has demonstrated this conduct including incomplete, inaccurate and misleading building permit applications, submission of piecemeal building permit applications, unauthorized (i.e., without permits) construction and demolition, and construction beyond the scope of building permits. See BZA Appeal No. 16405. Procedurally, the Commission is equally concerned by the Applicant's apparently systematic and deliberate attempts to exclude this Commission and Mrs. Crary from an informed and meaningful opportunity to participate in the underlying appeal and this remedial application (e.g. "ex parte" communications in BBZA Appeal No. 16405 and failure to provide the revised application and pre-hearing statement to the "parties" in this case).

On May 8, 2000,the Commission received a copy of the directly related BZA Appeal filed by the Spring Valley Wesley Heights Citizens Association. The Commission took no action on this matter based on Mr. Sisson's absence from the meeting and short notice. However, it appears that this Appeal involves the same timing and other issues, which the Commission has raised and which remain unresolved.

The Commission looks forward to continuing to actively participate in this application and the related Appeal, which has recently been filed. Specifically, the Commission requests that the Board continue this application until such time as the serious procedural and preliminary issues, including the newly filed Appeal are finally resolved and this Commission has an opportunity to review the final and complete application including "as built' drawings and receive a presentation from Mr. Sisson.

Thank you for your cooperation and affording the Commission the "great weight" to which it is entitled under D.C. law.

Sincerely,

Eleanor Roberts Lewis (lgm)
Eleanor Roberts Lewis
Chair, ANC3D

Enclosures

Cc: John Patrick Brown, Jr. Esquire
Mr. George Watson, Wesley Heights Historical Society
Mr. William Harropp, Spring Valley-Wesley heights Citizen's Association
Allison C. Prince, Esquire

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

April 26, 2000

'00 APR 26 P3:14

Ms. Sheila Cross-Reid, Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 220
Washington, D.C. 20001

RE: BZA Application No. 16521;
3020 43rd Street, N.W.

Dear Ms. Reid:

Advisory Neighborhood Commission ("Commission") 3D is automatically a party to the above-referenced application. The Commission has been an active participant in this application, as well as the underlying BZA Appeal No. 16405 which is currently pending at the D.C. Court of Appeals.

The Commission respectfully requests that the May 3, 2000 public hearing in this matter be postponed because timely notice was not provided by the Board and as a result we have not been given the opportunity to review the revised application and take action in this matter. The Commission held its regularly scheduled monthly meeting on April 10, 2000. Earlier that same day, we first learned that this case was scheduled for hearing on May 3rd. Previously, we were informed unofficially through the BZA staff that the hearing would be in June 2000. More importantly, the Commission has received no communication, including the required copy of the Prehearing Statement, from the Applicant or his counsel, although a courtesy copy of the revised application was requested of the Applicant's counsel on March 8, 2000. The Board's written notice to the Commission was dated March 16, the envelope was first postmarked March 16 but had an incorrect address written. It was then "missing" until it was mailed again on April 5 from some unknown person. However, it was not received in the ANC3D postbox until April 12th. The Board's original attempt at written notice was sent to an incorrect address (see attached envelope).

The Commission is scheduled for its next regular meeting on

BZA
Case No. 16521
Exhibit No. 34

May 8, 2000 and will include this application on its agenda. The Board is requested to reschedule the hearing in this matter until after that date.

Thank you for your cooperation and affording the Commission the "great weight" to which it is entitled by law. The Commission looks forward to the opportunity to continue its long-standing involvement in this case.

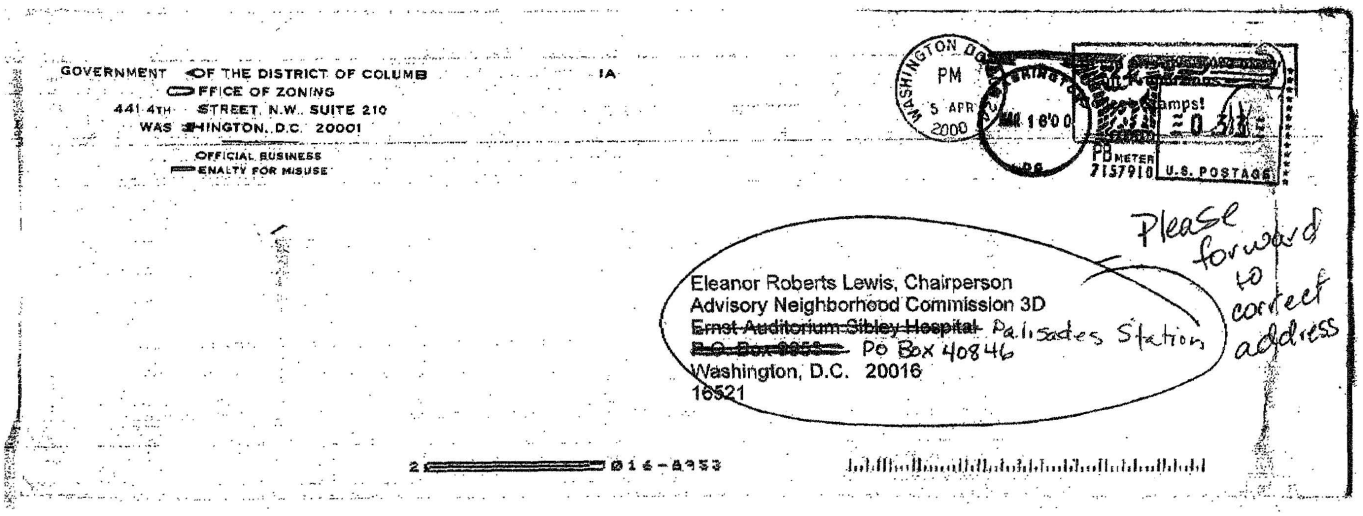
Sincerely,

Eleanor Roberts Lewis

Eleanor Roberts Lewis (bpm)
Chair, ANC3D

cc: John Patrick Brown, Jr., Esq.
Mr. George Watson, Wesley Heights Historical Society
Mr. William Harrop, Spring Valley-Wesley Heights Citizen's Assn.
Maureen E. Dwyer, Esq.

135239



GOVERNMENT OF THE DISTRICT OF COLUMB
OFFICE OF ZONING
441 4TH STREET, N.W., SUITE 210
WASHINGTON, D.C. 20001

OFFICIAL BUSINESS
PENALTY FOR MISUSE

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WASHINGTON DC
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2000

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Please forward to correct address

Eleanor Roberts Lewis, Chairperson
Advisory Neighborhood Commission 3D
~~Ernst Auditorium Sibley Hospital~~ Palisades Station
~~P.O. Box 9953~~ Po Box 40846
Washington, D.C. 20016
16521

2 016-8953

04-26-2000 01:58PM FROM TO 7276072 P.04

To S.C. Reid P.

ADVISORY NEIGHBORHOOD COMMISSION 3D
PO BOX 40846 – PALISADES STATION
WASHINGTON DC 20016

Fax Cover Sheet

DATE: April 26, 2000 **TIME:** 3:07 PM

TO: Sheila Cross Reid, Chair, BZA **FAX:** 727 6072

FROM: Beverley Monroe, Administrator, ANC3d **FAX:** 363-4130

RE: BZA Application # 16521, 3020 43rd Street NW

Number of pages including cover sheet: 4

At the request of Eleanor Roberts Lewis, Chair ANC 3D, I am sending the enclosed letter and copy of envelope. Thank you. If you have any questions, please call at the above number.

Please let us know of your decision concerning the postponement of the hearing in question.

'00 ABR 26 P3:14
OFFICE OF ZONING
DISTRICT OF COLUMBIA