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

'00 MAY 22 P5:08

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, 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:

BZA
Case No. 16521
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.44

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 field 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 (Lopez)

Eleanor Roberts Lewis
Chair, ANC3D

Enclosures

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