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

June 13, 2000

'00 JUN 16 AM 10:07

Ms. Sheila Cross Reid, Chairperson
Board of Zoning Administration
441 4th Street NW Room 210
Washington, DC 20001
Attention: Ms. Sherri Pruitt

BY Facsimile

Re: BZA # 16521 3020 43rd Street NW - and BZA 16405

Dear Ms. Reid:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Monday June 12, 2000 at Sibley Memorial Hospital. Proper notice of this meeting was given through the local paper and in each single member district. One of the items on the agenda was a discussion about the above listed BZA application and appeal. Although a quorum of Commissioners was not present, the attorneys for Mr. Sisson and Mrs. Crary once again reiterated their clients' position in this ongoing case.

On behalf of the three commissioners who were present at this meeting, I would like to reiterate that ANC3D has consistently and repeatedly opposed any course of action which undermines the force and effectiveness of the zoning regulations and, in particular, the Wesley Heights Overlay. The Wesley Heights Overlay was put in place to preserve and enhance the low density residential character of our neighborhood. Sanctioning violations of the Overlay would render it meaningless and threaten the very character of our neighborhood.

Furthermore, although a hearing is scheduled for June 20 by the BZA, we urge the BZA to suspend any consideration of any "remedial" variance until the appeal to the District of Columbia Court of Appeals from the BZA order # 16521 has been concluded. Any other action would discourage settlement and prompt resolution of the case. Further consideration of this matter by the BZA while the appeal is pending also undermines enforcement of the Overlay District and the finality of BZA orders.

BZA
Case No. 16~~552~~21
Exhibit No. 53

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.53

In the alternative, should the BZA decide that it is appropriate to proceed in this matter notwithstanding the pending appeal before the Court of Appeals, we urge that you do so only after this matter has been postponed to a date after June 20, 2000. This ANC has not had an opportunity review and comment on a properly prepared case before it comes before the BZA. On Thursday of last week, an as-built survey of the property was completed and the parties agreed that another meeting with the Zoning Administrator is now necessary to resolve what variances are required in this matter. Until the Zoning Administrator resolves what variances are actually required, the ANC is not in a position to make any specific recommendations in this matter. Accordingly, we urge the BZA to continue this matter to give the parties an opportunity to meet with the Zoning Administrator, and for the parties to then appear again before the ANC so that we may make a meaningful recommendation regarding the necessary variances in this case.

Sincerely,

Ann F. Heuer

Ann F. Heuer
Vice-Chair
Advisory Neighborhood Commission 3D