# ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS · CLEVELAND PARK · MASSACHUSETTS AVE. HEIGHTS · MCLEAN GARDENS · WOODLEY PARK

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Single Member District Commissioners:

01-Cheryl A. Opacinch
02-Alan Blevins
03-Michael V. Molnar
04-Vacant
05-Ann Hume Loikow
06-Jim Evans
07-Lyle Blanchard
08-Rosalyn P. Doggett
09-Ruthanne Miller


DISTRICT OF COLUMBIA
SEP 26 P12:47

September 26, 2000

Chairman Sheila Cross Reid
District of Columbia Board of
Zoning Adjustment
441 Fourth Street, N.W., Room 210
Washington, D.C. 20001

Re: BZA Case No. 16604 – Sikh Temple at 3801 Massachusetts Avenue, N.W.

Dear Chairman Reid:

On the evening of September 25, 2000, Advisory Neighborhood Commission 3C (ANC 3C) held its first public meeting since the Board of Zoning Adjustment's (BZA's) September 13, 2000 hearing on the above-referenced case. At that hearing the Board stated that the deadline for parties to file Proposed Findings of Fact, Conclusions of Law and Order was September 25, 2000.

Attached is a resolution unanimously passed by ANC 3C by a vote of 5-0 affirming that the Chair of ANC 3C was authorized by ANC 3C's August 28, 2000, resolution to file on September 25, 2000, the post-hearing Motion for Reconsideration of the Board's Ruling from the Bench that it Lacks Jurisdiction to Consider the Application of the Comprehensive Plan to this Case and Proposed Findings of Fact, Conclusions of Law and Order. The meeting was properly noticed and a quorum, consisting of. 5 commissioners, was present for the vote.

In addition, I would like to note a correction to a typographical error in the second line of the first paragraph of the cover letter attached to the September 25th post-hearing filing. The date of the public meeting that is referenced therein should be August 28, 2000, not June 19, 2000.

Thank you for your consideration of our views on this issue.

Sincerely,

Ruthanne G. Miller
Chair, ANC 3C

BZA
Case No. 16604
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16604
EXHIBIT NO.39

cc: Richard Boote, Esq.
Attorney for Fairview Heights Neighborhood Association
3125 38th Street, N.W.
Washington, D.C. 20016

Sikh Cultural Society, Inc.
Per Gajinder Singh, Board of Directors
4452 Springdale Street, N.W.
Washington, D.C. 220016

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Michael Johnson, Zoning Administrator
Building and Land Regulation Administration
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Second Floor, Suite 2000
Washington, D.C. 20002

Chairman Linda W. Cropp
Councilmember Kathy Patterson
Councilmember Phil Mendelson
Councilmember David Catania
Council of the District of Columbia
441 4th Street, N.W.
Washington, D.C. 20001

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RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3C AFFIRMING AUTHORITYOF THE CHAIR TO FILE POST- HEARING SUBMISSION IN BZA CASE NO. 16604

WHEREAS ANC 3C authorized in its resolution of August 28, 2000 its Chair Ruthanne Miller and Commissioner Lyle Blandchard to testify before the BZA on the issues addressed in that resolution.

WHEREAS ANC 3C's resolution of August 28, 2000 stated in relevant part, that the Commission wass concerned that the Zoning Administrator's interpretation and application of the zoning regulations governing height and setback limitations in an R-1 District in the above-referenced case will result in the construction of a building that is out of scale and character with the rest of the neighborhood immediately surrounding it, to the serious detriment of fundamental objectives of zoning policy in the District of Columbia and the Ward 3 Plan in the Comprehensive Plan (i.e. preventing the overcrowding of land and preserving light and air)."

WHEREAS at the September 13, 2000, the BZA ruled as a preliminary matter that it lacked jurisdiction to consider the Comprehensive Plan in its proceedings;

WHEREAS the BZA set a deadline of September 25, 2000 for filing of post-hearing proposed findings of fact, conclusions of law and order;

WHEREAS ANC 3C's next public meeting after the September 13, 2000 hearing was September 25th at 7:30 p.m. after close of business;

WHEREAS ANC 3C has reviewed the Motion for Reconsideration of the Board's Ruling from the Bench that it Lacks Jurisdiction to Consider the Application of the Comprehensive Plan to this Case and Proposed Findings of Fact, Conclusions of Law and Order (Motion) and determined that the Chair was authorized to present those arguments in accordance with the concerns expressed in the August 28, 2000 resolution; and

WHEREAS ANC 3C concurs with the arguments set forth in the Motion.

NOW, THEREFORE, BE IT RESOLVED that ANC 3C affirms the authority of its Chair to have filed the Motion before the BZA; and

BE IT FURTHER RESOLVED that ANC 3C affirms that the Motion reflects ANC 3C's concerns and conclusions in this matter.