ADVISORY NEIGHBORHOOD COMMISSION 8C
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August 15, 2001

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Dear Members of the Board:

I am writing in response to the issues raised by Ms. Virginia Major in her letters to the Board dated July 26, 2001 and August 5, 2001 and the letter she attached from Darryl G. Gorman, Senior Deputy Corporation Counsel. Ms. Major has obtained an opinion from the Office of Corporation Counsel which questions whether ANC 8C followed the meeting notice procedures of the District of Columbia Code and therefore its vote in support of BZA 16729, the Wayne Place Senior Living facility, was not entitled to great weight. I disagree with that assessment and stand by my assertion that the vote taken by a quorum of ANC 8C Commissioners on June 27, 2001 was in accordance with the law.

As Mr. Gorman points out in his letter dated August 1, 2001, the Commission is required under Section 1-262 (c) of the Code to provide at least two forms of notice of regular meetings which must include at least two of the following:

(1) Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;

(2) Publication in a city or community newspaper;

(3) Transmitting or distributing notice to a list of residents and other stakeholders in the community; and

(4) ***In any other manner approved by the Commission.*** (emphasis added)

As I mentioned in my earlier letter, we complied with these requirements by: (1) posting flyers in several, at least four, conspicuous locations in each single-member district within the Commission area seven days before the hearing; and (2) consistent with my testimony before the Board at the public hearing, voting on June 6, 2001—with a quorum present, including Ms. Virginia Major, and in the presence of all those persons in attendance—to hold a vote on the project on June 27, 2001. (*See* Pages 135 and 136 of the Hearing Transcript.) We did not, as the letter from the Office of Corporation Counsel suggests, merely verbally announce the June 27th meeting date. We voted on it with a quorum present. Therefore, we believe our

BZA
Case No. 16729
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO.16729
EXHIBIT NO.45

approval by voting on June 6th to vote on the project on June 27th was another manner of notice approved by a quorum of Commissioners and was fully in accordance with Section 1-262(c) of the Code. Similarly, I understand that under the Rules of the Board of Zoning Adjustment, announcing the time and place of a continuance of a hearing is sufficient notice for the rescheduled public hearing.

We would have been prepared to address this issue if Ms. Major had brought it up during the appropriate time at the hearing. Since she was present at the hearing and chose not to, it does not seem fair that she should be allowed to bring it up now. The quorum of ANC Commissioners who voted in favor of this project at the June 27th hearing are still strongly in favor of it and hope the Board will not entertain any further action on this matter.

Sincerely,

Mary Cuthbert

Mary Cuthbert, Chairperson
Advisory Neighborhood Commission 8C

cc: Mr. Norman M. Glasgow, Jr.
Ms. Virginia L. Major
All other members of ANC 8C

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