GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

January 4, 2002

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, N.W.
Washington, D. C. 20007

Re: **BZA Appeal No. 16821**

Dear Mr. Pulsifer:

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following appeal which is located within the boundaries of your ANC area:

Appeal of Safeway, Inc., pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of J. Gregory Love, Administrator, BLRA, DCRA, for the issuance of Certificate of Occupancy No. 20768, dated October 9, 2001, to Michael Sussman allowing the operation of a flea market allegedly not in compliance with the use provisions of the R-3 District at premises 1819 35th Street, N.W. (Square 1297, Lot 850).

This hearing will be held on Tuesday, February 19, 2002, in Suite 220, 441 4th Street, N.W., Washington, D. C. 20001. This case is scheduled to be heard between 1:00 p.m. and 6:00 p.m. A formal notice of public hearing will appear in the D.C. Register.

You are advised that 11 DCMR Section 3115 sets our certain requirements related to reports of the ANCs, and specifically that subsection 3115.1 requires that the written report of the ANC be filed with the Board at least seven days in advance of the hearing. A copy of section 3115 is enclosed.

Information on the procedures which will govern consideration of this case are available from the Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D. C. 20001. The telephone number for the Office of Zoning is (202) 727-6311.

BZA
Case No. 16821
Exhibit No. 15

Board of Zoning Adjustment
District of Columbia
CASE NO.16821
EXHIBIT NO.15

EXCERPT FROM TITLE 11 DCMR, "ZONING

3115 ADVISORY NEIGHBORHOOD COMMISSIONS

3115.1 The written report of the ANC shall be submitted to the Board at least seven (7) days in advance of the hearing and shall contain the following information:

(a) An identification of the appeal or application;

(b) When the public meeting of the ANC to consider the appeal or application was held;

(c) Whether proper notice of that meeting was given by the ANC;

(d) The number of members of the ANC that constitutes a quorum and the number of members present at the meeting;

(e) The issues and concerns of the ANC about the appeal or application, as related to the standards of the Zoning Regulations against the appeal or application must be judged;

(f) The recommendation, if any, of the ANC as to the disposition of the appeal or application;

(g) The vote on the motion to adopt the report to the Board;

(h) The name of the person who is authorized by the ANC to present the report; and

(i) The signature of the chairperson or vice-chairperson of the ANC.

3115.2 The Board shall give "great weight" to the written report of the ANC, as required by No. 1-261, D.C. Code, 1982 ed.

3115.3 In the event the ANC submits its report on the basis of understandings, agreements, or meetings with the appellant, or applicant which later are modified by appellant or applicant, the designated representative of the ANC may comment orally concerning the specific inconsistencies. No other new matters may be presented orally by the designated representative of the ANC.

If you wish to forward comments tin writing directly to the Board, such comments should be addressed to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210, Washington, D. C. 20001.

Sincerely,

JERRILY R. KRESS, FAIA
Director

Enclosure