

To: DC Board of Zoning Appeals

Subject: Case 19608 Notice Issue

Date: October 29, 2017

From: 1332 Vermont Avenue Partnership, Bernie Robinson, Managing Partner

The public notice posted at 1310 Vermont Avenue NW for Case 19608 did not show the correct date of November 1, 2017, until October 25, 2017. This does not meet the required 15 days notice requirement, and this hearing should be postponed to an appropriate date and time.

Title 11, Subtitle Y, Chapter 4, Paragraph 402.3, clearly states, "The applicant shall give additional notice of the public hearing by posting the property with notice of hearing in a form that is prescribed by the Director at least fifteen (15) days in advance of the public hearing." The October 25, 2017, notice actually given by the applicant is less than half the required notice for a November 1, 2017 hearing.

Title 11, Subtitle Y, Chapter 4, Paragraph 402.9 requires that the applicant file an affidavit of posting form not less than five (5) days prior to the public hearing. As of October 28, 2017, this affidavit did not appear in the BZA on-line case file.

Title 11, Subtitle Y, Chapter 4, Paragraph 402.11 provides that the Board shall determine whether to postpone, continue, or hold the public hearing as scheduled based on several considerations. We request that the hearing be postponed because:

- (a) The extent of the actual notice received by the public is less than half the required notice.
- (b) Attendance at the November 1, 2017, hearing will most likely be less than a hearing with proper notice:
  - 1. At least one attendee to the October 25, 2017, hearing may not attend the November 1, 2017, hearing due to having already taken time off from commitments to attend a non-hearing.
  - 2. At least one neighbor of the case address was on vacation at the October 25, 2017, posted hearing date and may be denied the opportunity to attend a November 1, 2017, hearing without proper public notice.
  - 3. An unknown number of possible attendees have been denied the required notice.
- (c) The nature and extent of the use proposed under the application is substantial—the conversion to a nine-unit condominium of a 130 year-old single-family home with a substantial side yard in-filled with new construction on possibly the most significant street in a historic district.

The November 1, 2017, hearing on Case 19608 should be postponed because of the very limited extent of the actual notice, the impact on attendance at the hearing, and the substantial nature and extent of the use proposed.