

To: DC Board of Zoning Appeals

Subject: Case 19608 Notice Grave Concern

Date: October 31, 2017

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

We have a grave concern that the development team for 1310 Vermont Avenue, NW, is deliberately misleading the Board of Zoning Appeals (BZA) regarding the required public notice of the November 1, 2017, hearing on this case:

1. October 25, 2017, when we attended the originally scheduled hearing (based on the public notice posted at 1310), we were told that the hearing had been administratively moved to November 1, 2017; that revised notices had been sent out by BZA; and that the development team had been called and asked to update the public notice sign at 1310. We provided a photograph taken October 24, 2017, to the BZA office clearly showing an unamended notice sign as October 15, 2017.
2. October 29, 2017, we filed our concern about the notice provided to the public for this hearing.
3. October 30, 2017, an Exhibit #41 was entered into the BZA record that John Casey filed an affidavit October 24, 2017, notarized October 31, 2017, that the sign was posted October 11, 2017, and attaching two photographs of the sign. The sign in the photograph does not show an amended hearing date, but the original hearing date of October 25, 2017.
4. October 30, 2017, an Exhibit #42, Updated Notice of Hearing Posting Photos, was entered into the record:

“Enclosed are two photos of the updated Notice of Hearing Poster. The Applicant posted the Notice of Hearing poster on October 10th [See point a. below]—fifteen (15) days before the original hearing date of October 25, 2017. The hearing was then administratively moved to November 1, 2017. Accordingly, the Applicant updated the poster with the new hearing date [See point b. below].”

- a. The October 10, 2017 date in Exhibit #42 contradicts the October 11, 2017, date in Exhibit #41. Which affidavit is false?
- b. Mr. Sullivan in Exhibit #42 does not give a date that “the Applicant updated the poster.” In fact, the BZA office, upon examination of our photograph of the notice October 25, 2017, said they would notify the Applicant of our concern about the posted hearing date and request again that the development team amend the notice sign to reflect the November 1, 2017, hearing date. We reported to the BZA office the evening of October 25, 2017, that the notice had been amended that day to the November 1, 2017, hearing date--less than a week before the hearing.

The contradictory notice dates and the apparently intentional omission of the posting date for the amended notice are clear indications to us that the development team is actively seeking to deny proper public notice of this hearing. The hearing should be rescheduled until proper public notice is given in accordance with the law.