

Cochran, Patricia (DCOZ)

From: William Sisolak <wsisolak@gmail.com>
Sent: Thursday, September 19, 2024 11:15 AM
To: DCOZ - BZA Submissions (DCOZ)
Subject: Certificate of Service re BZA application 21163 by Kaely Michels-Gaultieri)
Attachments: CoS re BZA application 21163 pg 1.pdf; CoS re BZA application 21163 pg 2.pdf

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Attached is my signed Certificate of Service certifying that I have sent the following email to the parties listed in the CoS:

To Whom at the BZA It May Concern;

My name is Bill Sisolak. My wife, Elvira Sisolak, and I live at 638 A St. NE. We purchased our home in 1976 and have lived here continuously since.

I am writing to request that the Board of Zoning Adjustment (BZA) hearing in the matter 627 A St. NE (Application No. 21163 of Kaely Michels-Gaultieri) be removed from the BZA October 9th agenda and rescheduled to a future date. I believe that the BZA cannot consider this application in October because the mandatory requirement for 45 days' written Notice of Intent (NOI) to property owners within a 200' radius of the subject property was not met. This requirement, as shown below, was taken from the DC Office of Zoning website:

"At least forty-five (45) days prior to filing a design review application, the applicant **must** (emphasis added) serve a written notice of intent (NOI) to file the application on the affected ANC and on the owners of all property within two hundred feet (200 ft.) of the perimeter of the property in question.

In a design review case, the applicant must make all reasonable efforts to attend a duly noticed meeting of the affected ANC during the forty-five (45) day notice period."

We live in the 200' radius as specified in this mandatory requirement. I have attached a copy of the envelope addressed to my wife containing the NOI letter in this matter. You will note that the postmark date on this envelope is September 5, 2024. Many other neighbors within the 200' radius have told me that they likewise received the NOI letter with a postmark date of September 5th. This was our first, and only, notification of this project by the Office of Zoning.

This application was considered by ANC 6C in their meeting on September 11, 2024. However, given that the mandatory 45 day NOI requirement was not met, I believe that any action taken by ANC 6C at that meeting in this matter is not valid. I am a former ANC Commissioner for our neighborhood. As such, I recognize the importance of proper notification to neighbors in matters before the BZA and other city agencies so that all voices, whether in support or opposition, can be heard by the ANC.

For whatever reason, there was a failure to provide that 45 day notification in this case. Several neighbors have told me that the Office of Zoning, who is responsible for creating and mailing the mandatory NOI notification, has claimed that the failure in the NOI notification is the fault of the United States Postal Service. Unless the Zoning Office can provide documented evidence to support this claim, I do not find this explanation credible.

In summary, I believe that the BZA has no choice but to defer this case until the mandatory 45 day notice to ANC 6C and the property owners within a 200' radius of the subject application has been met. Let me stress, this is a mandatory requirement, not merely a "courtesy" notification to neighbors who may be affected by this case.

Thank you.

Bill Sisolak
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