

**From:** ed.hanlon.3@gmail.com  
**Sent:** Thursday, January 4, 2024 7:01 PM  
**To:** 'Schellin, Sharon (DCOZ)'; 'Randy Jones'  
**Cc:** 'Steingasser, Jennifer (OP)'; 'Lawson, Joel (OP)'; 'Lyons, Daniel (EOM)'; 'Arlene Feskanich'; 'Ackerman, Ella (DCOZ)'; 'Gregory Adams'; 'Daniel.Lyons@dc.gov'; 'Jennifer.Steingasser@dc.gov'; 'Joel.Lawson@dc.gov'; 'dcoz@dc.gov'; 'Brian (OAG)'; 'oag@dc.gov'; 'Alexandra (OAG)'; 'Lily (OAG)'; 'Maximilian.Tondro@dc.gov'; 'Niquelle.Allen@dc.gov'; 'Johnnie.Barton2@dc.gov'; 'ashley.cooks@dc.gov'; 'odca.mail@dc.gov'; 'jlewisgeorge@dccouncil.gov'; 'oca.eom@dc.gov'; 'dmped.eom@dc.gov'; 'planning@dc.gov'; 'sharon.schellin@dc.gov'  
**Subject:** RE: ZC CASE 23-02 Motion for Continuance  
**Attachments:** 2 Joint Motion to Continue January 8, 2024 Hearing Due to Failure to Properly Notify All Property Owners Withi-compressed.pdf

Good afternoon Ms. Schellin,

The *sine qua non* for a rule like Rule 103.12 to apply is that there was previous **proper** service so that individuals were informed of the hearing and of their right to seek party status (as the Zoning Regulations mandate).

The Zoning Commission used exactly the same defective mailing list for the November 20, 2023 Hearing as it now has used for the January 8, 2024 Hearing.

As a result, everything said in the motion about the mailing list being defective for the January Hearing applies equally to the November Hearing. At least 21 Property Owners within 200 feet of the site *plus the Embassy of Angola* never received a Notice of Hearing for November and also did not receive a Notice of Hearing for January. These Property Owners never, I repeat, never received a notice from this Commission of the time and date of **any** hearing in this case or that they had a right to seek party status and what that means.

*Rule 103.12 is meaningless if there was never good prior notice.*

Further, for both the November Hearing and the January Hearing the **Attestation** states people with **no addresses** listed were nevertheless sent “copies of this Z.C. Notice of Public Hearing for Case No. 23-02....**by first-class, postage prepaid.**” *This is a physical impossibility to mail notices to people who have no addresses listed.* The Applicant could easily have supplied a correct mailing list but didn't.

**“Attest” has a legal meaning.**

When the Zoning Commission “attested” to mailing people like Adam Lynch or Naveed Jazayeri (see below) a “Notice of Public Hearing for Case No. 23-02”, what did you do? Did you put envelopes in the mail with only names no addresses, knowing they were undeliverable? Did you not put envelopes in the mail for these property owners and then “attest” otherwise (which is really a serious matter)? I had no trouble finding the missing addresses. They were easily ascertainable. These problems in this case also raise questions about whether property owners in other Zoning Commission cases are being properly notified as their attestations assert.

The right thing to do in this situation is to continue the hearing and properly mail to all property owners within 200 feet Notice of Public Hearing for Case No. 23-02 (and to post the property so the wider neighborhood is also aware of the hearing).

The wrong thing to do is to ignore the obvious serious problems that the mailing list is wrong, that it systematically discriminated against new property owners and that the attestation is untrue, and just slam it thru on January 8 anyway.

Sincerely,

*Edward Hanlon*  
*Attorney for the Dupont Circle Citizens Association*

*Missing Addresses on the “mailing list”:*

KOVELA, SHARATH  
KOVELA, SUVARNA  
21758 IANNIS SPRING DR  
ASHBURN VA 20148-4143

DODSON, JEFFREY L  
2000 16TH ST NW # 604  
WASHINGTON DC 20009-3446

ZILBERKWEIT, ERIC I  
ZILBERKWEIT, ERIC  
2026 16TH ST NW A  
WASHINGTON DC 20

WOLFGANG, MAGALI

JAZAYERI, NAVEED

CLAUSSEN, ROBERT

PIERCY, JANICE  
PIERCY, ELIZABETH A  
1624 U ST NW # 302  
WASHINGTON DC 20009-6215

DILWORTH, ANDREW T  
909 HIDDEN JEWEL LN  
WAKE FOREST NC 27587-4226

LEBAS, ADRIENNE  
2032 16TH ST NW #  
WASHINGTON DC 20

SEARLES, JON  
JON SEARLES206 N UNION ST  
APPLETON WI 54911-5532

WERNER, MICHAEL  
WERNER, MONICA A

LYNCH, ADAM S

SEARLES, JON  
JON SEARLES206 N UNION ST  
APPLETON WI 54911-5532

LYNCH, ADAM S

Étiquettes d'adresse Easy Peel  
Repliez à la hachure afin de révéler le rebord

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**From:** Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

**Sent:** Thursday, January 4, 2024 4:03 PM

**To:** Randy Jones <rjj0302@gmail.com>; Edward Hanlon <ed.hanlon.3@gmail.com>

**Cc:** Steingasser, Jennifer (OP) <jennifer.steingasser@dc.gov>; Lawson, Joel (OP) <joel.lawson@dc.gov>; Lyons, Daniel (EOM) <Daniel.Lyons@dc.gov>; Arlene Feskanich <feskanicha@gmail.com>; Ackerman, Ella (DCOZ) <ella.ackerman@dc.gov>; Gregory Adams <adams.gregory1@yahoo.com>

**Subject:** ZC CASE 23-02 Motion for Continuance

Messrs. Jones & Hanlon,

I was just made aware of the joint motion you submitted to the record for a continuance of the January 8<sup>th</sup> public hearing due to lack of notice to owners within 200 feet. While the Commission will consider your motion as a preliminary matter at the hearing on Monday, I wanted to point you to the Zoning Regulations, Subtitle Z, Section 103.12. It states that if the postponement or continuance is publicly announced, which this hearing date was, then no further notice is required. (See below for the full text.)

If you have any questions, please let me know.

Thanks,  
Sharon

103.12        If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement shall be on the website of the Office of Zoning and may include a sign placed at the entrance to the Commission's hearing room.

## **Sharon S. Schellin**

**Secretary to the Zoning Commission**

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