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September 15, 2005

HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Minor Modification of Z.C. Order No. 904
4714-27 Wisconsin Avenue, N.W.

Dear Commissioners:

On behalf of P.N. Hoffman, Inc. and the Tenley Hill Condominium Unit Owners Association (Tenley Hill CUOA) (collectively, the "Applicant"), we hereby oppose the submission of the resolution of Advisory Neighborhood Commission ("ANC") 3E as untimely and otherwise not in compliance with section 3030.8 of the Zoning Regulations. That section provides that "[w]ithin seven (7) days after a request to put a matter on the Consent Calendar has been filed and served, any other party may file a response in opposition to or in support of the request. The responding party shall serve all other parties at the time the response is filed with the Office of Zoning." 11 DCMR § 3030.8 (2003) (emphasis added).

Contrary to the explicit provisions of the regulations, the ANC did not file its resolution until September 9, 2005, 60 days after the initial request, which was filed on July 11, 2005. Moreover, the ANC did not serve the Applicant until today with a copy of its resolution. Consequently, the ANC resolution should be dismissed as untimely and otherwise not in accordance with section 3030.8.

Should the Commission decide to waive its rules to allow the submission, the ANC report is not entitled to great weight. The resolution fails to identify with specificity the "derivation from the aesthetics of the building or increased noise" purported¹ associated with modification request or provide a copy of the petition purported signed by several immediate neighbors that forms the basis of its opposition. Without more, neither the Commission nor the Applicant can accurately assess the value of the resolution. Alternatively, the Commission should defer consideration of this matter until the issues can be adequately evaluated.

~~ZONING COMMISSION~~
~~District of Columbia~~
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Respectfully submitted,

By: 
Norman M. Glasgow, Jr.
Carolyn Brown

cc: Advisory Neighborhood Commission 3E

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