ANC 2D

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **BZA Appeal No. 17086**
Appeal of the Sheridan Kalorama Neighborhood Council

Dear Mr. Griffis:

At its regularly held meeting on January 12, 2004, with a full quorum present and proper notice of the meeting having been provided, Advisory Neighborhood Commission 2D ("ANC 2D") considered BZA Appeal 17086 of the Sheridan Kalorama Neighborhood Council of the July 14, 2003, decision of General Counsel for the Department of Consumer and Regulatory Affairs ("DCRA"), Karen Edwards, Esquire, allowing the transfer of the Jordanian Chancery to the Yemeni Chancery without the approval of the Foreign Mission Board of Zoning Adjustment ("FMBZA").

The issue before ANC 2D was whether the transfer of the property in question from the Jordanian Chancery to the Yemeni Chancery, and the subsequent issuance of building and occupancy permits was proper. Or, in the alternative, whether the transfer to and use of the property by the Yemeni Chancery required approval of the FMBZA. After a brief presentation by the appellant of the history of this matter, ANC 2D voted unanimously that:

1. The transfer of the chancery is in violation of the zoning regulations regarding the establishment of a chancery in the D/R-1-B zone district. Specifically, continued use of a chancery is limited to the government that lawfully occupied the chancery as of February 23, 1990. *See* 11 D.C.M.R. § 201.1(m).

2. The transfer and subsequent building permit has been issued incorrectly, and the owner must obtain a use variance from the FMBZA before proceeding with a commercial use on the site.

Additionally, as ANC 2D had not been provided notice of the hearing on this matter scheduled for January 13, 2003, ANC 2D hereby respectfully requests that pursuant to its authority under section 3101.6 of the zoning regulations, the Board waive the filing requirements of section 3115.1 of the zoning regulations and accept this recommendation of ANC 2D. Good cause is shown by the fact that ANC 2D was not afforded notice of the hearing, as required by section 3112.14(c) of the zoning regulations. Additionally, there would be no prejudice against any parties if the waiver is

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granted and the waiver is not otherwise permitted by law. To the contrary, denial of the waiver will result in the failure to afford the ANC the great weight to which it is entitled pursuant to section 3115.2 of the zoning regulations.

Either Sandra Perlmutter or MaryEva Candon of ANC 2D are authorized to present the report to the Board.

Very truly yours,

SANDRA PERLMUTTER
ANC 2D1
CHAIR/SECRETARY

MARYEVA CANDON
ANC 2D2
VICE CHAIR/TREASURER