Dorothy Miller
Commissioner ANC 2A05

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October 1, 2004

GEOFFREY H. GRIFFISS, Chairperson
Board of Zoning Adjustment
441 Fourth Street N.W.–Room 210
Washington, DC 20001

Re: ANC-2A05 Request for Review of the Zoning Administrator's Issuance of a Certificate of Occupancy (Permit No. CO 81956) for a Commercial Restaurant in a Residential Area Zoned R-5-D within the George Washington University Campus Boundary at 616 23rd Street, NW (Lot 26 Square 77)

Dear Chairperson Griffiss:

As Commissioner for ANC2A-05, wherein the above project is located, I am requesting the Board of Zoning Adjustment review the Zoning Administrator's decision regarding a Certificate of Occupancy for a commercial restaurant (Coggins Sandwich Shop) in an R-5-D District. The full ANC-2A will be asked to take a position on this project at its next scheduled meeting in October. Under Title 11 of the DCMR, a commercial restaurant is not allowed in an R-5-D residentially-zoned neighborhood.

The Zoning Commission approved the construction of this building, a GWU dormitory project located at its Western campus boundary abutting a senior citizen complex and several residential dwellings, in its Order No. 01-21CP/16553, dated January 14, 2002. In GWU's presentation to the ANC prior to the December 6, 2001 hearing on the dormitory, there was no mention of commercial restaurants open to the public as part of the project. University representatives briefly mentioned "venues" that would be needed to serve the nearly 750 students currently housed at that location. Point No. 7 of the ZC order reads "...and spaces for three or four food venue services on the lower and first levels." We believe this point in the order contemplated dormitory food services since the ZC would not have crafted a zoning order that violated DCMR-11 on its face.

We request that the BZA schedule a hearing on this project, which has never been properly brought before the ANC or the community. The full extent of this commercial restaurant's operations was revealed to the community only through a September 23, 2004 Public Space Committee hearing for an enclosed sidewalk café in public space. We expect to demonstrate that the BZA should overturn the ZA's decision and revoke this improperly issued Certificate of Occupancy for a commercial operation and that this property be brought into compliance with the regulations governing our residentially-zoned property which dictates university, not commercial, use at this location.

Sincerely,

Dorothy Miller

Dorothy Miller, Commissioner
ANC2A-05

Attachment: Appeal before BZA of ZA re Sq. 43

BZA
Case No. 17249
Exhibit No. 1

Board of Zoning Adjustment
District of Columbia
CASE NO. 17249
EXHIBIT NO. 11