

Statement before the Board of Zoning Adjustment
Case #18031

Appeal of West End Citizens Association for
Certificate of Occupancy at 2140 F Street N.W.

February 23, 2010

Good afternoon, Mr. Chairman and Members of the Board of Zoning Adjustment. I am Sara Maddux, before you as a member of the West End Citizens Association (WECA), and as a resident of the Foggy Bottom/West End neighborhood. I live at 522 21st Street N.W. and have lived there since February 1970. Before that, beginning in 1965, I lived in another nearby residential building and before that, I was a student at Georgetown University. I have been an active resident of this neighborhood as I worked in the neighborhood during my career, participated in civic organizations, served as an Advisory Neighborhood Commissioner for six years (two as chairman), and worship in a neighborhood church. I have always walked throughout the neighborhood and have a strong familiarity with it.

Mrs. Kahlow has presented a very detailed and well documented review of the issues of our appeal. I would like to add some of the 'real life' descriptions to go with her testimony.

As described, the location at 2140 F Street NW is a grandfathered, one-floor grocery store. This kind of place is a vestige of old neighborhoods around the District of Columbia before there were large grocery stores or extensive drug stores serving the communities and, today, residents are served by home deliveries of groceries by Giant and Safeway. In keeping with the zoning authorities and regulations of the District of Columbia, as these small grocery stores phase out, the structures revert to the underlying zoning which is residential.

I have watched the changes in the entity at 2140 F Street. When I first saw it and entered the store, it was owned by an Italian family and a small variety of groceries and drinks were sold there. The Italian family also owned and operated a restaurant on the south side of the 2100 block of Pennsylvania Avenue, a few blocks north of this site. Any catering which might be mentioned as associated with the owner was done from the restaurant which had the appropriately approved facilities. There were no 'cooking' or preparation facilities at 2140 F Street. After the death of the owner, the family sold the business, which was in a leased situation in that townhouse, to another person who continued to operate the business in the same manner as a small, one-floor grocery store. Most people in the neighborhood who used it principally picked up bottles of milk or other small purchases to tide them over until they went to the Safeway at Watergate, the Safeway on L Street or other grocery stores in the nearby neighborhoods. Also, during this era, the Peoples (now CVS) on E Street, just behind this location, had a lunch counter which served the neighborhood residents as well as the federal employees who were out during the day.

After that owner was held up at gun point twice, he sold the business to Mrs. Bekele trading as Mesco, Inc. Mrs. Bekele decided to expand her business by trying to open a pizza option for carry out and delivery. However, this was in violation of the zoning and cases (95-264E and 97-

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1089E) were brought before the District of Columbia. During that time, I was the ANC Commissioner for that area as well as Chair of the ANC. The ANC passed resolutions against the expansion and there were hearings before an Administrative Law Judge (ALJ). The ALJ rulings, as previously described in detail, were against the pizza operation and the preparation and sale of sandwiches and salads, and monetary fines were imposed. Mrs. Bekele continued in business by selling groceries on the **first floor only and selling pre-packaged sandwiches** which were delivered from a vendor in Virginia. By the summer of 2008, the Foggy Bottom Grocery was closed and there was no active service to residents of the neighborhood, construction crews, or other passers-by.

For vendors to supply the business at 2140 F Street N.W., the District of Columbia provided a well signed parking space in front of the site for delivery and loading zone functions during regular day-time business hours. That space is still so marked. A complication has arisen because of the vacant lot to the east of 2140 F Street. Previously, there was a townhouse there but it fell into such disrepair, it had to be torn down by the owner. Subsequently, it was discovered that the townhouse was essential to the structural integrity of the townhouse at 2140 F Street and the owner had to have substantial girders erected to support 2140 F Street. The empty lot is now covered for the most part with rough gravel. The sidewalk curb in front is a solid piece of granite because, under District regulations, it is not eligible for a curb cut as a driveway. Unfortunately, the current lessee at 2140 F Street is allowing vehicles to use it as a parking lot and to illegally drive over the curb. The legal parking area is in the rear of 2140 F Street, accessible from 22nd Street NW between Virginia Avenue and F Street NW.

As is the practice in our Advisory Neighborhood Commission – 2A, the issue of this operation was on the agenda two times which allowed presentations and questioning. Given that this hearing is about the process of the appropriate issuance of the certificate of occupancy under the DCMR regulations, requirements and definitions, the ANC took no position in a formal resolution, only passing a resolution after the most recent meeting in support of business and not involving itself in any germane issue.

The history of this kind of grandfathered operation in the District of Columbia is well developed and documented. With the changing nature of neighborhoods and the development of properly zoned commercial areas adjacent to neighborhoods, the expansion of grandfathered one-story grocery stores in residential area is inconsistent with District of Columbia law.

Thank you for your consideration. I would be pleased to any questions you may have.