

GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
 BRIAN P. MURPHY (DC, MD)
 ASHLEY E. WIGGINS (DC, MD, VA)
 MERIDITH H. MOLDENHAUER (DC, MD, VA)
 ERIC M. DANIEL (MD, DC)

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 DIRECT EMAIL: MMOLDENHAUER@WASHLAW.COM

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 D.C. OFFICE OF ZONING
 2016 APR 15 PM 2:41

Executive Summary

Case No. 18743

Site Description

Address: 621 Street, NW
Square/Lot: Sq. 445, Lot 158

Zoning: R-4

Existing: Mixed-use nonconforming commercial/office and apartment use

Historic District: None

Public Transportation:

- Metro: Shaw
- Metrobus Routes: 70, 79, G2, G8
- Capital Bikeshare:
 - 7th & R St. (15 docks)
 - NJ Ave. & R St. (15 docks)
 - 7th & T St. (15 docks)
- Car Sharing:
 - Zipcar: 2 spaces
 - Car2Go

Cases:

- *First Baptist Church v. D.C. BZA*
- *BZA Case No. 16412*
- *BZA Case No. 18099*

BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO. 18743

EXHIBIT NO. 28

Project Description

Applicant	Maggot Funk, LLC
Proposal	Mixed-use restaurant/café and apartment use
Relief Sought	Special Exception under §2003.1
Special Exception Standard	§2003.1: Restaurants are allowed in the most restrictive zone that allows grocery store and office uses (C-1). §2003.2: • Restaurant café use provides a much-needed local establishment that benefits nearby residents. • No impact to exterior of the structure other than minor cosmetic improvements/enhancements. §2003.3: The Applicant has taken measures regarding ventilation, means of delivery, and trash removal, specifically designed to reduce adverse impacts on neighboring properties. §2003.5: • The proposed use is a neighborhood facility. • The restaurant café will serve as a gathering place for neighboring residents who arrive by foot. • The small structure is located next door to the home of a member of the Applicant §2003.6: The existing and proposed uses are first allowed as a matter of right in the C-1 District §2003.7: No additional restrictions are necessary

Comments of District Agencies and Community:

- Voluntarily held March 24th neighborhood meet-and-greet
- Unanimous approval at Mar 27 ANC zoning committee meeting
- Unanimous approval at Apr 1 ANC 6E meeting
- 24 Letters of Support from Neighbors

Board of Zoning Adjustment
 District of Columbia

CASE NO. 18743
 EXHIBIT NO. 28
 WWW.WASHLAW.COM

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
BRIAN P. MURPHY (DC, MD)
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MERIDITH H. MOLDENHAUER (DC, MD, VA)
ERIC M. DANIEL (MD, DC)

DIRECT DIAL: 202-530-1482
DIRECT EMAIL: MMOLDENHAUER@WASHLAW.COM

April 15, 2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Application No. 18743-- 621 P Street NW
Prehearing Statement of the Applicant

Chairperson Lloyd Jordan and Honorable Members of the Board:

On behalf of Applicant Maggot Funk, LLC, enclosed please find the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on April 29, 2014.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP


By: Meridith H. Moldenhauer

Enclosures:

Cc: Advisory Neighborhood Commission 6E
c/o Alexander M. Padro, Chair (via email)
Single Member District 6E02 Representative, Kevin L. Chapple (via email)
Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

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**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MAGGOT FUNK, LLC**

**BZA APPLICATION NO. 18743
HEARING DATE: APRIL 29, 2014**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Maggot Funk, LLC (the “Applicant”), the lessee of the commercial space at property located at 621 P Street NW (Square 0445, Lot 0158) (the “Property”), in support of its application for a special exception pursuant to 11 DCMR §2003.1 regarding changing nonconforming uses within structures to allow the Applicant to convert a nonconforming use to a restaurant café on the first floor and cellar of the Property in the R-4 District.

II. EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A: Letters of Support

III. THE APPLICANT MEETS SPECIAL EXCEPTION STANDARD

The Applicant has described in great detail the reasons the special exception standard has been met in this instance with respect to changing nonconforming uses within structures (§2003.1). The Board of Zoning Adjustment may approve changing a nonconforming use into any use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in 11 DCMR §2003. The following provides additional support for the arguments already articulated and further supports the special exception relief requested with new information.

The Applicant has further refined the operation of the establishment, including the ventilation system, means of delivery, and trash removal process which have been carefully addressed to prevent any detrimental impact to the community. The ventilation system will include a commercial grade vent hood that extends above the roof of the building. Grease will be properly disposed of as needed with sufficient pump hose length to avoid moving the container and preventing spillage. Deliveries will occur during the day and be sufficiently small to prevent unnecessary idling. Trash will be stored indoors and will be picked up several times a week.

IV. COMMUNITY OUTREACH

Following the submission of the Initial Application, the Applicant has conducted extensive neighborhood outreach. The reaction of the community has been overwhelmingly positive. The Applicant reached out to neighbors and distributed a flyer to residents within a four-block radius of the Property. On March 24th, the Applicant voluntarily held a meet-and-greet at a nearby establishment to discuss the project and answer questions. On March 27th, the Applicant presented before ANC 6E's Zoning Committee, which voted unanimously to recommend approval of the project. On April 1, the Applicant presented before ANC 6E, which again voted unanimously to recommend approval of the project. The Applicant has obtained 24 letters in support of the Application. *See* Letters of Support at Exhibit A.

V. WITNESSES

The following witnesses will appear on behalf of the Applicant:

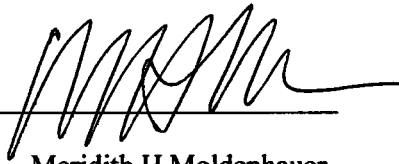
1. Steve Cheek, on behalf of the Applicant.
2. Sanna Akkach, on behalf of the Applicant.

VI. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for special exception relief. We look forward to presenting our case to the Board on April 29, 2014.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

By: 

Meridith H Moldenhauer
Eric M. Daniel
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000

Exhibit A

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

Re: Letter in Support for BZA Case No. 18748 at 621 P Street NW

Dear Chairman Jordan and Members of the Board:

I want to express my support for the application for zoning relief at 621 P Street NW to allow use of the existing structure as a neighborhood-focused restaurant/café. I urge the Board to approve the application as proposed.

The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

bring neighbors together!

Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Carmen Gilotte

Address:

509 P ST NW #2
Wash DC 20001
202 262 9484

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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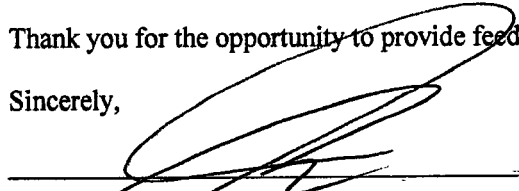
The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Fully supporting the idea. please contact me if
more information needed.

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Pajam Bakhaie

Address: 609 P St NW

Washington, DC 20001

202-345-2728

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

be a wonderful neighborhood & community
addition our area!

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Corinna Loomis

Address: 615 P St. NW

Washington DC

20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Add to the community !

Thank you for the opportunity to provide feedback.

Sincerely,

Carol Collins (Signature)

Name: Carol Collins

Address: 608 Q St NW
Washington DC 20001

Date: 3-8-14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

be great for this "sleepy" neighborhood.

Thank you for the opportunity to provide feedback.

Sincerely,

Yao E. Odamtten (Signature)

Name: YAO E. ODAMTTEN

Address: 1514 6th Street NW

WASHINGTON, DC 20001

Date: 03-07-14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

Re: Letter in Support for BZA Case No. 18748 at 621 P Street NW

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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

add tremendous value and community
cohesion to The Neighborhood'

Thank you for the opportunity to provide feedback.

Sincerely,

Emily Roth (Signature)

Name:

Emily Roth

Address:

1534 Marion St NW
Washington, DC 20006
(662) 213-5146

Date: 3/8/4

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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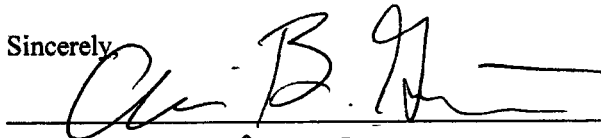
The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Enable sustainable and responsible growth
by existing residents, maintaining the
neighborhood's character

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Ari B. Gerstman

Address: 626 Q St NW #1

Wash DC 20001

Date: 2/2/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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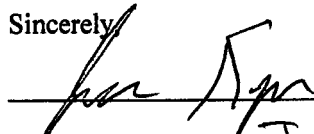
The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

WE NEED LOCAL BUSINESS

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: JAMES KIREGAN

Address: 1511 MARION ST, NW
WDC 20001

Date: 3/5/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Be a great asset for the
neighborhood!

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Thomas Sinclair

Address: 1511 Marion St, N.W
WASH DC 2001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Enhance the neighborhood and street

Thank you for the opportunity to provide feedback.

Sincerely,

Abigail Indorf (Signature)

Name:

Abigail Indorf

Address:

1503 Marion Street NW
Washington DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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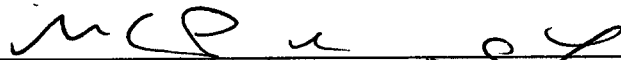
The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

THAT'LL BE AWESOME!"

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

Michael Pinnix

Address:

1505 Marion St NW

20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

(Signature)
Name: Melvin Collins R
Address: 615 P Street NW
Washington DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

Aster da Fonseca (Signature)

Name:

ASTER DA FONSECA

Address:

509 P St # 2

Wash DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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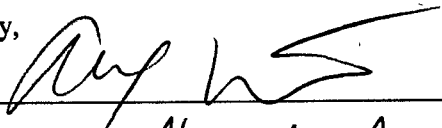
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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Alexander Melts

Address: 604 Q St NW

Date: 3/9/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

Lauren Goldberg

Address:

1536 6th Street, NW
Washington, DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: Jessica Wahler

Address: 1532 6th St NW

WDC 20001

Date: 3/9/2014

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

Ray E Spears (Signature)

Name:

Ray E Spears

Address:

1522 6th St, NW
Wash, DC 20001

Date: 3-9-2014

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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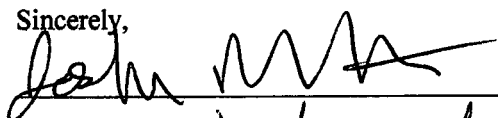
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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

Joshua Mantell

Address:

1510 6th St NW #2

Wash DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

Maggie Dewane (Signature)

Name: Maggie Dewane

Address: 1502 B 6th St NW

Washington D.C. 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
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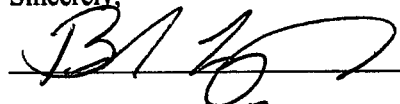
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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Brandon Loughvige

Address: 613 P ST NW APT #B
WASHINGTON DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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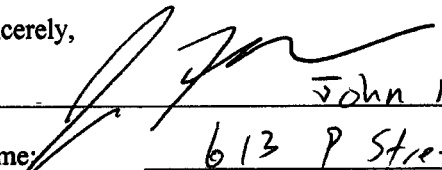
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The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

 John Forbush (Signature)

Name: 613 P Street NW, Unit B

Address: Washington, DC 20001
240-494-3097

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: Susan Sessler

Address: 1530 Marion St. NW

Washington, DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

Re: Letter in Support for BZA Case No. 18748 at 621 P Street NW

Dear Chairman Jordan and Members of the Board:

I want to express my support for the application for zoning relief at 621 P Street NW to allow use of the existing structure as a neighborhood-focused restaurant/café. I urge the Board to approve the application as proposed.

The plans for the proposed project have been explained to me. The proposed project will be a benefit to the nearby community. The project will not intrude on the character, scale, or pattern of the homes in our neighborhood.

In addition to the sentiments expressed above, I believe the project will:

Thank you for the opportunity to provide feedback.

Sincerely,

Courtney Smothers (Signature)

Name: COURTNEY SMOTHERS

Address: 1520 MARION ST NW
WASHINGTON DC 20001

Date: 3/8/14

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street N.W., Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Shonda Chappelle (Signature)

Name: Shonda Chappelle

Address: 611 P St NW
Washington, DC 20001