

Michael R. Cotton

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November 25, 2018

District of Columbia Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D. C. 20001

RE: Case Number: 12799 and 12799A

Dear Board of Zoning Adjustment,

My name is Michael R. Cotton and I am writing to you on behalf of my wife, daughter and myself, regarding the VIP Room's application for modification. I am a lifelong resident of Washington DC and have lived at 6115 3rd Street, less than 200 feet from the VIP Room, for thirty years. When we moved to 3rd Street we inquired to two family friends, Mrs. Little, who lived next door to us, and Mrs. Singleton, who lived across the street from us, about the VIP Room. We were told, that they were a public hall, that was restricted and operated in a manner that was respectful of the neighborhood; that it was a private room for occasional events and did not sell alcohol. When Mr. Sampson applied for a zoning adjustment in 1979, the neighborhood protested on the grounds that it would be disruptive to the neighborhood. When he decided to open a private hall in the middle of a quiet residential neighborhood, he respected the limits of his location.

Since the re-opening of the VIP Room in 2013, ownership has attempted to change the model of the business from private hall to tavern, which does not fit into our neighborhood. The VIP Room is located at the end of one block of low-profile commercial businesses, which includes multiple day care centers, a children's dance center, and an apartment complex. It is surrounded by R1 zones and is one block from Coolidge High School, Takoma Community Recreation property, and Whittier Elementary school. There are 20 singles family homes within 200 feet. No other business on this block has a liquor license and none are in operation after 9:30 pm, while the VIP has held parties that can go to 2 am. Granting the VIP Room the right to sell alcohol, would open the door for other businesses in the block to apply for liquor licenses and fundamentally change our neighborhood. It appears that the building is not properly soundproofed, because without fail, the neighbors adjacent to the VIP can hear the music in their houses. When there are parties, the people park in our neighborhood; this can be quite disruptive especially when their events are late at night or on a weeknight; many times, people stand in front of our houses having loud conversations and we have had to call the police. The changes the VIP Room is proposing represent a much more extensive use of the property and change the nature of their operation from a private rentable room, to much more like a tavern or bar in violation of the spirit of the BZA order from 1979.

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When I moved here, I did not intend to live next to a tavern, open to the public, selling alcohol, selling tickets to live events and having live music events. Many times, including at ANC meetings, ABRA hearings and in this application before the BZA, the VIP Room ownership has expressed its intent to operate in this fashion. I ask that you respect the nature of the neighborhood and consider the immense negative impact this would have on our neighborhood when considering this request. The neighborhood protested in both 2014 and 2017 when the VIP Room sought a tavern license from ABRA. When ABRA granted them a restricted license in 2017, the VIP Room had an opportunity to appeal, but did not. Now they are arguing it is not fair that they are held to different rules than other businesses with tavern licenses, but all businesses in the district are subject to regulations, and each tavern license is unique.

In other cases ABRA has restricted hours of operation or limited the manner of operation, among other restrictions, in order to limit adverse impact on the neighborhood/ property owners “34. Under 25-104(e), the Board is granted authority to impose conditions on a license when "... the inclusion of conditions will be in the best interest of the [neighborhood]" D.C. Official Code § 25-104(e). Under Title 25 of the D.C. Official Code, licensees are obligated to comply with District law. D.C. Code § 25-823(a)(1) -(2). In this case, it is in the best interest of the neighborhood that the Applicant ensures that the use of the property does not exceed the grant of authority provided by the BZA, which would have a detrimental impact on the quality of the life of VIP's neighbors.”

The ABRA ruling reflected what was appropriate for our neighborhood and allows the VIP to serve alcohol at their events; I have never heard of the need for a door charge/ cover charge for a private event/ repast, birthday party, wedding or anniversary party. The request for a cover charge shows that the VIP Room would like to operate more in the style of a bar or tavern, not as a public hall available to rent, as they are currently zoned to operate. In the request before the BZA they claim to have been receiving temporary licenses which allow them to “have a cash bar, take money at the door and to have alcohol on the premises”. If they were operating in this manner, this was a violation of the BZA order; they were notified by the zoning administrator Matt Le Grant in 2017 and were told by the ABRA Board during the hearing in 2017 that they were not allowed to operate in this manner.

The BZA order from 1979 acknowledged that a restaurant or bar would constitute a much more intense use of the property and would have a negative impact on the neighborhood “the board notes that the applicant could operate a restaurant, bar, or cocktail lounge as a matter-of-right, all of which could create great adverse impacts upon the community and represent a more intense use of the property than the proposed use”. ABRA also acknowledged that granting them a license without restrictions would have an adverse impact on the neighborhood. I ask that you continue to place restrictions on their operation to protect the interests of the neighborhood.

This matter has not been brought up at a public ANC meeting and the neighbors within 200 feet have not been notified, other than by our ANC member telling us they were attempting this

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request. We were not notified about this hearing and the VIP Room does not have a poster on their building notifying the public. ANC4B06 has not weighed in on the matter and Scot Knickerbocker's support of the VIP Room, is as a private citizen, not as an ANC member.

I respectfully ask, that you consider the immense adverse impact having a fully operating tavern, selling alcohol to the public every day, in our residential neighborhood would have on the peace, safety and quiet and the undue burden it would place on the property owners/ families who live within 200 feet of the VIP Room.

Thanking you in advance for your consideration to my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Cotton", with a large, sweeping flourish extending to the right.

Michael R. Cotton