FAIRVIEW HEIGHTS NEIGHBORHOOD ASSOCIATION

June 12, 2000

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Ms. Sheila Cross Reid
Chairperson
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington D.C. 20001

Re: Appeal of Approval, Dated 4/29/97, by the Office of the Zoning Administrator of D.C. Building Permit Number B425220 That Was Issued on 7/16/99 to the Sikh Cultural Society for Construction of Temple at 3801 Massachusetts Avenue, N.W.

Dear Ms. Reid:

Pursuant to 11 DCMR §§ 3105 & 3106 (1996), we hereby file this appeal of a decision by the Office of the Zoning Administrator ("Zoning Administrator"), dated April 29, 1997, regarding the compliance of Building Permit No. 425220 ("Permit") with the District of Columbia Zoning Regulations, Title 11, DCMR (1996) ("Zoning Regulations"). Our appeal is attached hereto as Exhibit A. The Zoning Administrator approved the application for the building permit ("Application"), attached hereto as Exhibit B. The Department of Consumer and Regulatory Affairs ("DCRA") issued a building permit on July 16, 1999 to the applicant, the Sikh Cultural Society, for construction of a temple ("Project") at a vacant property located at 3801 Massachusetts Avenue, N.W. ("Property"). *See* Exhibit C.

Contrary to its own legal requirement under D.C. Code § 1-261(c)(3) & (d) (1998), DCRA provided no notice of the issuance of the building permit to the affected Advisory Neighborhood Commission ("ANC") 3C.[1] This appeal was occasioned by the a Stop Work Order issued by DCRA on May 26, 2000 to the Sikh Cultural Society *(see* Exhibit D), and the subsequent referral of the Permit to the Board of Zoning Adjustment ("Board") by Lloyd Jordan, Director of DCRA *(see* Exhibit E), Mr. Jordan issued the Stop Work Order in response to complaints by Councilmember Kathy Patterson (Ward 3), Phil Mendelson (Councilmember, At-Large) *(see* Exhibit F), and by the affected ANC

[1] In addition to the legal requirement, as a courtesy to an affected ANC, DCRA's longstanding and customary administrative practice has been to provide such prior notice of its action on a building permit application.

BZA
Case No. 16604
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO.16604
EXHIBIT NO.2

3C-07 Commissioner, Lyle Blanchard in response to DCRA's failure to provide ANC 3C of appropriate notice of the Permit. (*See* Exhibit G)

We as residents of the immediate neighborhood of the Property contend that the Zoning Administrator erroneously approved the Application for the Permit in violation of a number of provisions of the Zoning Regulations. We are very concerned about the Project's (1) excessive height, size and lot coverage, (2) inadequate setbacks, (3) insufficient off-street parking spaces, (4) serious traffic and safety issues, and (5) deprivation of light and air to neighboring properties. In particular, we believe that the approved Project plans conflict with the height requirements of 11 DCMR §§ 400.5, -.6 , the setback requirements of 11 DCMR § 400.9, the off street parking requirements of 11 DCMR §§ 2101.1, 2116.3, the general purpose and intent of the Zoning Regulations as contained in 11 DCMR §§ 101.1, -.2, 200.1, -.2, 10 DCMR §1406.9, and other related provisions of the Zoning Regulations. We are also concerned that the Sikh Cultural Society will conduct certain church programs at the Temple, that appear to be incidental to the practice of the Sikh faith, without the necessary approval of the Board under 11 DCMR § 216.1 *et seq*. The application of the Zoning Regulations also appears in this case to raise larger policy and legal issues, even of a Constitutional nature.

The residents intend to present substantial evidence through their pre-hearing statement and testimony at the Board hearing that the approved Project plans do not comply with the requirements of the Zoning Regulations listed above, and that the Zoning Administrator's approval decision was subsequently erroneous. Until the Board hearing, the residents will diligently pursue both a mitigation strategy related to the Project plans and the resolution of neighborhood issues with the Sikhs and DCRA, in the interests of rendering this appeal moot. The neighborhood wishes to work with the Sikh Cultural Society to develop a Project plan for the Sikh temple that does not unduly restrict its proposed design while concurrently maintaining the character of the neighborhood in which it is located.

If you have any questions, please contact us at (202) 686-9390, or (202) 426-1520, or (202) 363-7359.

Sincerely,

Brian H. Vogel

The Fairview Heights Neighborhood Association, by:

Thomas O. Mann, Director Brian H. Vogel, Director Richard H. Boote, Director

Attachments