Stanton Park Neighborhood Association
P.O. Box 75085, National Capitol Station, Washington, D.C. 20013-5085

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February 8, 2001

Robert Sockwell, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

BZA
Case No. 16619
Exhibit No. 28

Re: BZA Case # 16619 (233 Constitution Avenue, N.E.)

Dear Mr. Sockwell:

The Land Use Committee of the Stanton Park Neighborhood Association (SPNA) considered Case # 16619 last fall when the case was first scheduled for review by the BZA. SPNA now wishes to state its strong opposition to the variance from the use provisions that is being sought by the applicants, Romano Romani and Thomas D. Parry. As you may know, SPNA is a nonprofit, non-partisan community organization that works for the improvement of the Stanton Park neighborhood, which is bounded by Second Street, N.E., H Street, N.E., Tenth Street, N.E., and East Capitol Street.

For the past 15 years, SPNA has strenuously opposed the conversion of residentially zoned properties on Capitol Hill for office or commercial uses. Because of its proximity to the United States Capitol, our neighborhood is constantly under pressure as lobbyists, law firms, trade associations, and the like seek to acquire residentially zoned properties and then surreptitiously and illegally convert them to office use. One of the reasons our neighborhood association was formed in the early 1980s was to protect the residential character of Capitol, Hill. In light of that guiding principle, SPNA vigorously opposes the use variance sought by Messrs. Romani and Parry, the owners of 233 Constitution Avenue, N.E.

In the instant case, the aforementioned owners have knowingly and willfully used 233 Constitution Avenue illegally for a number of years. This property previously was used for residential purposes and easily could be returned to residential use. It is surrounded by other properties that are used for residential purposes and that are zoned R-4.

At issue in this case is the applicant's desire to be rewarded for impermissible behavior. Were the Board to rule in favor of the applicant, it would establish what in

Board of Zoning Adjustment
District of Columbia
CASE NO.16619
EXHIBIT NO.28

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our view would be a dangerous precedent. It would be tantamount to having the D.C. government declare that it is permissible to use residentially zoned properties for commercial purposes, which we believe would be totally unacceptable.

Furthermore, in our view the applicant cannot meet any of the required tests for granting a variance. First, there is nothing unique, extraordinary, or exceptional about the property that warrants granting a use variance. Second, strict application of the underlying zoning will not cause the applicant undue hardship. To the contrary, the applicant either could use the property for residential purposes or, especially in the current market, could sell the property for a princely sum to a person or family who would be pleased to live in our neighborhood. Third, granting the variance would do harm to the public good by undermining the integrity of the residential zoning that generally obtains in this area of Capitol Hill.

Finally, within our neighborhood, there are commercially zoned properties, such as on Second Street, N.E. adjacent to the Thurgood Marshall Center, where the applicant could lawfully operate its business. SPNA welcomes businesses on Capitol Hill and on many occasions, we have supported responsible commercial development in commercially zoned locations. What we have fought in the past, and will continue to fight, is the conversion of close-in residentially zoned properties to either office or commercial use.

In closing, the Stanton Park Neighborhood Association urges the Board to deny the request for a use variance in Case # 16619 (233 Constitution Avenue, N.E.).

We appreciate the opportunity to share our views with the Board.

Sincerely,

Drury Tallant

Drury Tallant, Co-Chair
Stanton Park Neighborhood Association

cc: Romano Romani and Thomas D. Parry