ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS · CLEVELAND PARK · MASSACHUSETTS AVE. HEIGHTS · MCLEAN GARDENS · WOODLEY PARK

2737 DEVONSHIRE PLACE, N.W.
WASHINGTON, D.C. 20008
(202) 232-2232 FAX: 232-0667

Single Member District Commissioners:

01-Cheryl A. Opacinch
02-Alan Blevins
03-Michael V. Molnar
04-Vacant
05-Ann Hume Loikow
06-Jim Evans
07-Lyle Blanchard
08-Rosalyn P. Doggett
09-Ruthanne Miller

DISTRICT OF COLUMBIA
OFFICE OF ZONING
2000 OCT -6 P 1:19

October 6, 2000

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

Re: BZA Case No. 16620 – Embassy of the Republic of Azerbaijan
Proposal for chancery use at 2741 34th Street, N.W.

Dear Chairman Reid:

At its public meeting on September 25, 2000, ANC 3C unanimously passed the attached resolution that urges the Board of Zoning Adjustment (BZA) to deny the application of the Republic of Azerbaijan to establish a chancery use at 2741 34th Street, N.W. 6 Commissioners were present at the time of the vote and 5 commissioners constitute a quorum for ANC 3C. Proper notice of this meeting was given by ANC 3C. Accordingly, we request that the BZA afford great weight to these recommendations.

As set forth in the attached resolution, ANC 3C urges the BZA to deny the application on grounds that the property in question is located outside the mixed use Diplomatic (D) overlay district and instead is located within an R-1-A low density single family district in which office and commercial uses are prohibited. Commissioners Rosalyn Doggett, Ann Loikow and Ruthanne Miller are authorized to present the attached resolution to the BZA and to testify on the concerns referenced therein.

Thank you for your consideration of our views on this case.

Sincerely,

Ruthanne G. Miller
Chair, ANC 3C

Attachment
cc: Cynthia A. Giordano, Esq.
Linowes and Blocher LLP
1150 17th Street, N.W., Suite 302
Washington, D.C. 20036

BZA
Case No. 16620
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16620
EXHIBIT NO.31

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RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3C ON THE APPLICATION OF THE REPUBLIC OF AZERBAIJAN FOR A CHANCERY AT 2741 34TH Street, NW (Board of ZONING ADJUSTMENT CASE 16620)

WHEREAS the Republic of Azerbaijan, pursuant to Section 206(b)(2)(B) of the Foreign Missions Act (Act) (Title 2, Public Law 97-241, 96 Stat. 283, August 24, 1982), has applied to the District of Columbia Board of Zoning Adjustment (BZA) for permission to locate a chancery with 15 employees, at 2741 34th Street, NW; and

WHEREAS Section 206(b)(2)(B) of the Act (DC Code § 5-1206(b)(2)(B)) states that "A chancery shall be permitted to locate ... in any other area [than one zoned medium-high or high density residential; location in commercial, industrial, waterfront, or mixed-use(CR) zones is a matter of right], determined on the basis of existing uses, which includes office or institutional uses, including but not limited to, any area zoned mixed-use diplomatic or special purpose; subject to disapproval by the District of Columbia Board of Zoning Adjustment in accordance with this section."; and

WHEREAS the address in question is located outside the Mixed Use Diplomatic (D) overlay district established, with careful delineation, by the District of Columbia Zoning Commission to implement the Act and, in particular, "any other area" as expressed in Section 206(b)(2)(B), but instead is located in an R-1-A low density single family district in which office and commercial uses are prohibited; and

WHEREAS there are no other diplomatic chancery uses located along 34th Street (other than two which front on Massachusetts Avenue, Norway and the Papal Nuncio, which are combined with ambassadorial residences) in the area of the proposed chancery, with the exception of the Belgian Embassy/Chancery which predates the Act and whose location was grandfathered; and

WHEREAS the R-1-A zoning category prevails overwhelmingly within the area in which the chancery is proposed; and

WHEREAS by testimony before the Commission, neighbors along 34th Street have expressed opposition to further office uses in their low density residential area; and

WHEREAS Section 1000 of the Zoning Regulations of the District of Columbia (Title 11 DCMR) sets forth the six criteria under which Board of Zoning Adjustment may approve or disapprove an application for a chancery within a D district and this application is not within a D district; and

WHEREAS in BZA Application No. 14820, decision dated September 7, 1988, the BZA determined that it had the discretion to hear a proposed chancery case outside the D district, but turned the application down because office use did not predominate within the R-5-B zone in which the chancery was being proposed; and

WHEREAS in this case office use does not predominate within the R-1-A zone in which the Azerbaijan chancery is proposed:

NOW THEREFORE Advisory Neighborhood Commission (ANC) 3-C resolves that the Board of Zoning Adjustment should deny the application based on (1) the predominant low density single family use of the R-1-A zone in which it is proposed that the chancery locate and (2) the prohibition of commercial office use in such zone; and

BE IT FURTHER RESOLVED that the Commission authorizes Rosalyn Doggett, Ann Loikow and/or Ruthanne Miller to testify before the BZA.

This resolution was unanimously approved (6/0) at ANC 3-C's regular monthly meeting on September 25, 2000 with a quorum in attendance.