

Advisory Neighborhood Commission 4A

DISTRICT OF COLUMBIA GOVERNMENT
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September 14, 2004

FROM: James H. Jones, Chairman
Advisory Neighborhood Commission 4A

To: Board of Zoning Adjustment
441 4th Street, NW , 210-S
Washington, D.C. 20001

THRU: Jerrily R. Kress, FAIA Director

SUBJECT: BZA Appeal No. 16839 - 5507 - 14th Street, NW

(a) Appeal Identification

ANC 4A filed Appeal 16839. The premises are located at 5507 to 5511 - 14th Street, NW. The Appellant, ANC 4A appeals the decision of the Zoning Administrator to issue a certificate of occupancy for an elderly development center serving 30 persons, ages 22 - 85 years of age.

(b) When the public meeting of the ANC to consider the appeal was held:

December 4, 2001 and reconfirmation September 7, 2004

(c) Whether proper notice of that meeting was given by the ANC:

Yes. ANC 4A mails at minimum 500 notices to residents approximately ten days prior to the meeting. Meeting notices are also published in an ANC 4A community newsletter. The information on all meeting notices includes: date, time, location, agenda, names of Commissioners and the ANC 4A office telephone number.

(d) The number of members of the ANC that constitute a quorum and the number present at the meeting:

Four ANC Members constitutes a quorum at ANC 4A and a quorum was present.

BZA
Case No. 16839
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.16839
EXHIBIT NO.43

(e) The issues and concerns of the ANC about the decision of the Zoning Administrator as related to the standards of the Zoning Regulations against which the decision must be judged:

ANC 4A supported Appeal of the Zoning Administrators decision to issue a certificate of occupancy at the referenced site in Appeal 16066. The BZA found the Zoning Administrator's decision to be defective and established a precedent. ANC 4A filed an appeal of the decision of the Zoning Administrator to issue a certificate at the same site for the same use in Appeal 16752. The BZA dismissed the appeal as the applicant was issued a separate certificate of occupancy for the subject premises which the BZA deemed to moot the appeal.

ANC 4A filed appeal 16839

The District of Columbia has not produced the application for the certificate of occupancy upon which certificate of occupancy #18366 was issued. Errors, omissions and misrepresentations may be present on the application but the ANC has not been able to review the application despite numerous requests to Toye Bello and the Assistant Corporation Counsel.

The issues that concern ANC 4A are:

The Zoning Administrator's failure to follow the precedent established via BZA decision in Appeal 16066.

The Zoning Administrators issuance of a certificate of occupancy for an Elderly Development Center when he had specific information that the operator did not operate as an Elderly Development Center

The Zoning Administrator's decision to issue a certificate of occupancy as an elderly development center which includes services to persons who are not elderly and are specifically 22 years of age and older.

The Zoning Administrator's failure to calculate the required parking spaces for the Facility. The site was approved based on no change in use at the site.

The Zoning Administrator's failure to require off-street parking

The Zoning Administrator's failure to require that the subject site be properly inspected for change in use from general office use.

The Zoning Inspector's failure to require proper inspections for the subject site's conversion from office and warehouse use to a new use that would require the new use to provide sprinkler systems

ANC 4A Notified of the Decision of DCCA affirming in the decision the core issue presented by the ANC

ANC 4A met on September 7, 2004 and confirmed it's prior position as unchanged and reconfirmed that John Chagnon is the ANC's representative on this matter before the BZA.

(f) The recommendations, if any, of the ANC as to the disposition of the Appeal:

ANC 4A respectfully requests that the BZA accord the decision of the ANC great weight and overturn the decision of the Zoning Administrator to issue a certificate of occupancy for an elderly development center for persons over the age of 22 at 5507 to 5511 - 14th Street, NW.

(g) The vote on the motion to appeal the decision of the Zoning Administrator to the BZA:

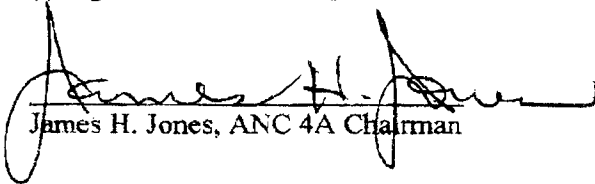
Six members were present and voted to appeal the decision of the Zoning Administrator to the BZA.

September 7, 2004 Vote without objection from any member present that John Chagnon would continue to be ANC 4A's representative before the BZA in this matter.

(h) The name of the person authorized by the ANC to represent the ANC before the BZA in this matter is:

John Chagnon

(I) Signature of the Chairperson of the ANC:


James H. Jones, ANC 4A Chairman

Date: 7/14/04