COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

December 9, 2002

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2002 DEC 10 AM 7:32

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

RE: BZA Case No. 16880

Dear Mr. Griffis:

We are writing with regard to the special exception application in BZA Case No. 16880 (434 Shepherd Street, NW). A community meeting was held on December 3, 2002 with the owner, Mr. Endale Trefa, in an effort to understand the concerns on all sides and seek compromise. Numerous neighbors of the applicant spoke of problems with the store, such as public urination in the rear alley, littering and loitering as well as drug trafficking and use by customers (with their alcoholic beverages bought from this grocery store) in neighboring yards. The owner noted that 70 percent of his beer sales are single-container sales, which many people in the community concluded is an integral part of the alcoholism dilemma.

A special exception request is, by definition, not a matter of right. Generally, a special exception establishment must not have an adverse impact on the surrounding property owners. Indeed, 11 DCMR 2003.3 requires that in this case there shall not be "any deleterious external effects..." However, it is clear from the neighbors' experience that this grocery store is deleterious. It should not be abetted through the award of this special exception request.

At the meeting, the owner stated quite clearly that he was not responsible for the conduct of his customers outside his store and could not limit or refuse sales. In our experience, other stores do, and they work with neighbors and police to discourage loitering, public urination, and other deleterious effects on the neighborhood.

Denial of Application No. 16880 would not deny this owner his business. However, it would serve the community, and communicate to the owner, that the government will not be party to this establishment's poor community impact.

Sincerely,

Phil Mendelson
Councilmember At-Large

Adrian Fenty
Councilmember, Ward 4

Attachment: tape of community meeting

BZA
Case No. 16880
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16880
EXHIBIT NO.41

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Council of the District of Columbia

Fax Transmission from the Office of

Councilmember At-Large Phil Mendelson

DATE:	12-9-02
TO:	Geoffrey Griffis
FAX:	727-6072
RE:	BZA Case No. 16880
COMMENTS:	The original copy of the letter and the tape of the citizen's letter will be delivered tomorrow.

YOU SHOULD RECEIVE (2) PAGE (S), INCLUDING THIS COVER SHEET.

FROM:

☐ Phil Mendelson
Councilmember

724-8137

☐ Mike Battle
Legislative Assistant

☐ Alec Evans
Environmental Liaison/ Assistant Public Advocate

☒ Jessica White
Chief of Staff

☐ Ed Elder
Committee Clerk

☐ Karen Archer
Public Advocate

☐ Mariela Demetrik
Administrative Assistant/Scheduler

Please deliver this message to the person intended recipient. If there is a problem with this transmission please contact Councilmember Mendelson's office at the number below.

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