Advisory Neighborhood Commission 1C
PO Box 21652, NW, Washington, DC 20009
202-332-2630 • http://www.anc1c.org

Commissioners:

Chairperson
Alan Roth (1C01)

Vice Chairperson
Josh Gibson (1C07)

Treasurer
Ken Levy (1C05)

Secretary
Mindy Moretti (1C04)

Nik Apostolides (1C02)

Bryan Weaver (1C03)

Andrea Broaddus (1C06)

Jeff Coudriet (1C08)

July 7, 2003

D.C. ... 2003 JUL -7 PM 2:28

Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW – Suite 210 South
Washington, DC 20001

Re: Application of Claudio and Lucia Rosan
2005 Columbia Road, NW – Use Variance
Case No. 17044

Dear Chairman Griffis:

In accordance with the requirements of 11 DCMR 3115, please accept this report of Advisory Neighborhood Commission 1C with regard to the above-referenced case:

Sec. 3115(a) – Application of Claudio and Lucia Rosan for a use variance at 2005 Columbia Road, NW, to permit the operation of an "inn/tourist house" in an R-5-D zone (Case No. 17044).

Sec. 3115(b) – The public meeting of ANC 1C to consider the application was held on Wednesday, July 2, 2003.

Sec. 3115(c) – Proper notice of the meeting was given by the ANC by posting on the ANC's website (www.anc1c.org), publication in the Dupont Current newspaper, distribution by e-mail to interested community residents, and flyers posted in various public places throughout the ANC area.

Sec. 3115(d) – ANC 1C has a total of eight Commissioners, of which five constitute a quorum. Seven Commissioners were present at the meeting on July 2, 2003.

Sec. 3115(e) – As indicated by the attached resolution, ANC 1C believes that the premises in question would be suitable for an entirely residential use appropriate to an R-5-D district, and is concerned that the applicants' planned use of the premises would constitute a prohibited commercial operation in a residential district; fail to meet the requirements for the operation of a bed and breakfast in a residential district; inappropriately extend a prior nonconforming use; have a detrimental impact on various quality of life concerns in the affected district; and be contrary to BZA policy and regulations discouraging most transient accommodations in residential zones. The attached resolution contains more detail on these issues.

(continued)

BZA
Case No. 17044
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17044
EXHIBIT NO. 25

Sec. 3115(e), *cont'd* – In light of the foregoing concerns, ANC 1C concluded that there is no extraordinary or exceptional situation or condition exists with respect to this property, and no peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owners, to justify a use variance in this case; and that granting such a variance would result in substantial detriment to the public good, and would substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Sec. 3115(f) – As indicated in the attached resolution, ANC 1C recommends that the BZA disapprove the use variance application in this case.

Sec. 3115(g) – The vote of ANC 1C was 6 ayes, 0 nays, with 1 abstention.

Sec. 3115(h) – Commissioner Alan Roth, Chairperson of ANC 1C, and/or Commissioner Nik Apostolides, Commissioner for Single Member District 1C02* in which the property is located, are authorized to present the ANC's report and to represent the ANC in further proceedings before the BZA in this case.

Sec. 3115(i) – See signature of ANC chairperson below.

In accordance with 11 DCMR 3115.2 and as otherwise required by law, ANC 1C respectfully requests that its report and recommendation in this case be given "great weight" by the BZA.

Thank you for your consideration.

Sincerely,

Alan J. Roth
Chairperson

Enclosure
cc: Claudio and Lucia Rosan

* As a result of the 2001 redistricting, this property is now located in SMD 1C02, not in SMD 1C01 as indicated in the BZA's notice.

RESOLUTION OPPOSING USE VARIANCE
AT 2005 COLUMBIA ROAD, NW

WHEREAS, Claudio and Lucia Rosan, owners of 2005 Columbia Road, NW (located within the boundaries of Advisory Neighborhood Commission 1C, the Kalorama Triangle Historic District, and an R-5-D zone) have filed an application with the Board of Zoning Adjustment (BZA) for a variance to permit said premises to be used as an "inn/tourist house" with 15 units (Case No. 17044), and

WHEREAS, under the Zoning Regulations, an inn or tourist house may be located as a matter of right only in a commercial or mixed commercial-residential district, and a B&B may be located in a residential district only as a home occupation "clearly secondary to the use of a dwelling unit for residential purposes," in which no more than eight clients or customers shall be present on the premises in any one-hour period, and subject to numerous other conditions and limitations including a limitation of the number of guest rooms to no more than two (or, by special exception, up to six in a historic district), and

WHEREAS, the applicants' proposed and planned use of these premises fails to meet the specific requirements described in the preceding paragraph, and will likely also fail to meet additional requirements of the Zoning Regulations, and

WHEREAS, the proposed and planned use of these premises as an inn, tourist house, or B&B having in excess of 6 guest rooms would constitute an inappropriate extension of a prior nonconforming use; have a detrimental impact on noise, traffic, parking, trash, and loading activities in a residential district; and undermine more than two decades of BZA policy and regulations discouraging transient accommodations in order to retain the integrity of residential zones, except for small owner-occupied B&Bs, and

WHEREAS, the premises in question are located on a residential street, in a historic residential district, and would be suitable for entirely residential use appropriate to the zoning district and the neighborhood in which it is located, and

WHEREAS, any economic hardship claimed by the applicants in this case is primarily the result of their own failure to ascertain the appropriate zoning limitations on these premises prior to purchasing the property and their commencing construction of improvements and alterations prior to a decision by the BZA on their application,

NOW, THEREFORE, BE IT RESOLVED that for the reasons stated above, *ANC 1C recommends that the BZA disapprove the use variance application in this case on the following grounds:*

- No extraordinary or exceptional situation or condition exists with respect to this specific piece of property to justify such a variance;
- No peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owners justify such a variance;
- Granting such a variance in this case would result in substantial detriment to the public good, and would substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Offered by: **Commissioner Weaver**
Seconded by: **Commissioner Roth**
Vote: **Approved by roll call vote of 6-0 (1 abstention)**
AYE **Roth, Weaver, Moretti, Levy, Gibson, Coudriet**
ABSTAIN **Broaddus**
Date: **July 2, 2003**