100 Fifth Street, SE
Washington, DC 20003
October 7, 2003

Mary Wright, Member 6B02
Chairperson, Planning and Zoning Committee
ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

2003 OCT 22 PM 3:58

RE: BZA Application No. 17079 (Lot 27, Square 818)
417 A Street, SE, Bed & Breakfast

Dear Ms. Wright:

BZA Application No. 17037 was withdrawn by petitioner's counsel on September 2, 2003, the day the Planning and Zoning Committee was originally scheduled to discuss this case. That case was an appeal from Zoning Administrator Robert Kelly's denial of petitioner's application for a revised HOP because the petitioner had not applied for special exceptions from Section 203.8 (to increase the number of rooms from 2 to 4 or 6) and from Section 2100.5 (to waive parking requirements.) Petitioner's counsel withdrew the appeal of that decision and stated they would file an application for a special exception to Section 203.8 to increase the number of rooms from 2 to 4 or 6, (which is before you now as BZA Application Number 17079), but indicated they would not file a special exception for a waiver of the Section 2100.5 parking requirement.

Under the terms of the Zoning Administrator's denial of the application for the revised HOP (letters dated March 19 and March 24, 2003, included hereto as Exhibit 1), a special exception is required from the Board of Zoning Adjustment to receive a parking waiver from Section 2100.5 of the zoning regulations and a separate special exception is required from Section 203.8 (c) (1) of the zoning regulations to increase the number of rooms from 2 to 4 or 6. An increase in the number of rooms from 2 to 4 or 6, and a waiver of the parking requirements require special exceptions. Neither request is an unfettered matter of right.

In accordance with DCMR 3112.7 and 3113.7, The Board of Zoning Adjustment forwarded to the Advisory Neighborhood Commission 6B notice that BZA Application Number 17079 was filed on September 5, 2003. Under the zoning regulations, the ANC may consider and recommend approval or denial of a special exception, and the Board of Zoning must give this decision "***great weight***" in reaching their decision. The public hearing has now been scheduled for December 2, 2003. We request that the Planning and Zoning Committee strongly oppose the proffered application for the special exception requested, and recommend that the full ANC adopt and transmit this opposition to the special exception in the written report to the Board of Zoning Adjustment in accordance with DCMR 3115.

BZA
Case No. 17079
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 43

Exhibit 2 contains the signatures of 116 residents of ANC6B, including the owners and/or residents of most of those properties listed as being within 200 feet of the property, and represents nearly unanimous opposition to the granting of this special exception or exceptions to the zoning regulations for the aforementioned property. The signatories to this petition request that ANC 6B formally oppose the special exceptions and that the Board of Zoning Adjustment deny them as well. By the time of the December 2, 2003, public hearing, we expect to have even more signatures to forward to the Board of Zoning.

There is no single reason why the neighborhood opposes these special exceptions. The opposition stems from a myriad of reasons, which will be expressed in personal letters (Exhibit 3 contains a copy of 5 letters already sent directly to the Board of Zoning Adjustment concerning this application, and more will be forthcoming in the days and weeks ahead), memoranda, and testimony of the affected neighbors as the process continues. The bottom line, however, is that your constituency stands firmly behind opposition to the granting of these special exceptions, and the feelings on this issue run deeply.

Respectfully,

Gene Berry

Enclosure:

Exhibit 1
Exhibit 2
Exhibit 3

cc: Jerrily R. Kress, FAIA
Director, Office of Zoning
441 4th Street, N.W.
Suite 210-S
Washington, DC 20001

Exhibit 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Administrator

March 19, 2003

Richard B. Nettler, Esq.
Robins, Kaplan, Miller & Ciresi LLP
1801 K Street, N.W., Suite 1200
Washington DC 20006

Ref: 417 A Street, S.E.

Dear Mr. Nettler:

Mr. Mark Phillips, your client, has applied for a revision to his Home Occupancy Permit (HOP) to authorize five sleeping rooms in his bed and breakfast located at 417 A Street, S.E. His current HOP allows a maximum of two sleeping rooms. Mr. Phillips has requested that his application be approved as a matter of right, rather than be submitted to the Board of Zoning Adjustment (BZA) for a special exception.

You will recall that in a letter dated October 10, 2002, to you from Denzil Noble, Deputy Administrator, you were advised that pursuant to the Zoning Regulations at 12 DCMR § 203.8(c)(1), any increase above the maximum of two rooms must be approved by the BZA, even if the facility is located in an historic district. (Mr. Phillips was also so advised in a separate letter to him.)

In response to Mr. Noble's letter, you wrote him on October 16, 2002, to register your disagreement with his interpretation of that regulation. You argued that §203.8(c)(1) should be read to allow six sleeping rooms as a matter of right, asserting that BLRA had consistently taken the position that BZA approval was only required for properties that were not historic. To support your argument, you cited the BZA decision on the Swann House Bed and Breakfast (Application No. 16333 of Richard T. Ross, April 15, 1998), and noted that that decision had been affirmed by the D.C. Court of Appeals in *Dupont Circle Citizens Assoc. v. D.C. Board of Zoning Adjustment*, 749 A.2d 1258 (2000).

The *Swann House* decision does not support your contention. In that case, DCRA had in January 1998 advised the owners that the home occupation permit (HOP) under which the bed and breakfast (B&B) had been operating had been issued in error and that it was necessary for the owners to apply for a new permit. They thereupon applied for authorization to operate (actually, to *continue* to operate) a six-room B&B in their owner-occupied single family house, located in an historic district.

The then-Acting Zoning Administrator denied the application for two reasons, one being that the B&B exceeded the maximum number—two—of permitted guest rooms. The owners were advised that they could apply to the BZA for a special exception. They accordingly filed an application for a special exception with the BZA, seeking authorization to operate their B&B with nine guest rooms—which was an increase over the six rooms they had already been operating. After an April 15, 1998, hearing, the BZA granted the special exception. On appeal by a citizens' association, the D.C. Court of Appeals affirmed the BZA decision.

It is true that in its findings of fact the BZA made the statement that "six guest rooms are permitted as a matter-of-right by virtue of the historic certification." That was not, however, the decision in the case. The application before the BZA was for authorization for *nine* guest rooms--an increase from the six rooms the owners had already been operating. Whether authorization for *six* rooms was a matter of right or whether it required BZA approval was not in issue. The District of Columbia Court of Appeals affirmed the actual decision of the BZA to allow nine rooms, but whether authorization for six rooms was a matter of right or required BZA approval was, similarly, not an issue for the court.

Indeed, in a subsequent BZA case, Application No. 16793 of Anexora Skvirsky (heard January 8, 2002), an applicant sought a special exception to operate exactly six sleeping rooms in a bed and breakfast in an historic district, citing the §203.8 requirement for BZA approval. At the conclusion of the hearing, the BZA approved the application and granted a special exception for the operation of six guest rooms.

Section 203.8(c)(1) states that the number of sleeping rooms "may be increased" to six in an historic district, indicating that some *action* must be taken to authorize the use of six rooms, just as the previous clause states that "the number of sleeping rooms may be increased to four" by the BZA for a B&B in a non-historic district. An action to increase the number to six therefore must be taken by the BZA. If, in fact, six rooms were permitted in an historic district as a matter of right, and BZA approval was not required, then the limitation would have been stated more directly as "the maximum number of sleeping rooms shall be six."

Our interpretation of §203.8 of the Zoning Regulations continues to be that BZA approval is required for the use of more than two sleeping rooms in a bed and breakfast home occupation. Please advise your client accordingly.

Sincerely,

Robert W. Kelly
Zoning Administrator

cc: Denzil Noble
Acting Administrator, BLRA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

March 24, 2003

Mark Lee Phillips
417 A Street, SE
Washington, DC 20003

Re: BZA Referral / 417 A Street, SE
Lot 27 in Square 818
Washington, DC

Dear Mr. Phillips:

Your Home Occupation Permit (HOP) Application # 50397, filed to increase the number of sleeping rooms in you bread and breakfast facility and with a waiver for additional off street parking has been denied due to the need for Board of Zoning Adjustment (BZA) approval.

Specific Reason(s) for Denial: DCMR Title 11, Sections 2100.5 (Parking) and 203.8 (Number of Rooms).

The BZA has authority to grant your Special Exception under the authority of DCMR Title 11, Section 3104.1. This letter must be presented to the BZA, Room 210, 441 – 4th Street, NW when filing for your request for a Special Exception to increase the number of rooms and waive the off street parking requirement for your facility.

Should you have questions, contact me at 442-4576.

Sincerely,

Robert W. Kelly
Zoning Administrator

cc: Grant Moy, Esq.

Exhibit 2

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

Amanda Goldman	20 5th St. SE
Ben Gordon	20 5th St. SE.
Patricia Tefft Marcoll	122 Fifth St. SE
William J. Marcoll	122 Fifth St SE
Linda Fillmore	604 Independence Ave, SE
Muriel Martin-Weir	601 Independence Ave SE
Thomas Markulin	649 C ST SE
James Weir	601 Independence Ave SE
Phyllis W. Mueller	315 A Street, SE
Valerie Truett	124 5th St. SE.
Ann D. Thorpe	116 5th St SE
Cyprian Lee	#4 3rd ST. SE
Lou Rand	502 A St SE
Inez Tuttle	418 Independence Ave SE
Jeanette McCoy	25 [illegible] St SE
Karen D Reed	410 1/2 5th St SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079)
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

adam martinelli	120 B 5th ST. SE WDC 20003
[illegible]	410 A ST SE DC 20003
Mary Ellen Cyganiak	410 A St S.E. D.C. 20003
Beverly J. Jobe	185th St SE 20003
[illegible]	414 "C" St. NE. 20003
[illegible]	413 A St SE 20003
Ashley Foulk Ashley Foulk	416 A St SE #2 20003
[illegible]	100 FIFTH ST, NE 20002
Cynthia Cromwell Cromwell	25 FIFTH ST, SE 20003
[illegible]	121 5th St SE 20003
Kenny Kenn Allen	505 A St SE 20003
STEVEN BEAN /	428 Fifth St. SE 20003
REUBEN McCORNACK	414 ST SE DC 20003
[illegible]	618 Ind. Ave SE
[illegible]	502 A ST SE
[illegible]	618 A S.E.

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079)
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms, his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

Todd D. Germ	7 8th St SE
[illegible]	518 A St SE
P A Anderson	632 A St. SE
Morton G. Tool (Morton G. Tool)	18-5th St SE
Henry R. Bruce-Davis	~~405 A St SE~~
Rebecca B Rhavez	23 Fifth St. SE
[illegible]	23 Fifth Street, SE
Karyn L Fair KARYN L. Fair	319 So Carolina Ave SE #1
Robert A. Seward	111 5th St. SE
Deanne Seward	111 5th St. SE
Thea Austen / Thea Austen	418 A St. SE
Frances Jamerson	509 A St, SE
[illegible]	509 A St, SE
[illegible]	510 A St. SE
Kim S. Johnson	7 5th Street, SE
W L MARTIN	409 A St SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079)
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

Helen Cymrot	514 A St SE
Todd J. & Grant	514 A St. SE
Sylvia Helton	517 A St SE
William S. Peterson	517 A St SE
~~[illegible]~~	~~[illegible] 5th St SE~~
[illegible]	113 5th St SE
[illegible]	113 5th ST SE
John W. Allen	422 Independence
Sonya Clark	516 A St SE
[illegible]	516 A St SE
Isabelle Watkins	508 A St SE
Stacy Hutchins	506 A St, SE
[illegible]	506 A St SE
Judith Canning	21 5th St. SE
Michael Canning	21 5th St., S.E.
Clarence M. Jones	416 A St SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079)
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

~~duplicate~~ ~~Gene Berry~~	~~Gene Berry~~	~~100 Fifth St SE~~
	JOHN PULL	330 FIFTH ST SE
	HARRY MARTIN	330 5th St. SE
Lauranne Stewart	LAURANNE STEWART	513 A ST., SE
	Mark Kantor	513 A St., S.E.
M.B. Tewalt	MARY B. TEWALT	120 5TH ST., SE
John Day		121 5th St SE
	Edward Hopper	114 5th St SE
Robert Loftus	Robert Loftus	117 5th St SE
Linda Loftus	Linda Loftus	117 5th St SE
Maureen Shea	Maureen Shea	505 A St. SE
Thomas B. Haley		511 A St., SE
	TERRY NIPP	515 A ST. SE
	MAY NAMDAR	515 A St. SE
Miles Lackey		518 5th St., SE
TED MADISON	Ted Madison	613 INDEPENDENCE SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

JACQUELINE H. EITING	107 5th ST SE WDC
RICHARD WEIMER	107 5th ST SE WDC
Gene Berry	100 Fifth St. SE WDC
Jeff Campbell	100 Fifth St SE. WDC
	25 5th St, S.E. WDC
Richard T. Lawson	112 5th St. SE WDC
Rashaya M Rolle	1125th St SE WDC
Aaron D Schram	415A St SE WDC
Christopher Anders	415 A. St SE WDC
Harold E. Engle	411 A St, SE WDC
Louise H Engle	411 A St SE WDC
SHERMAN HARRIS	500 Independence Ave SE
JOEL TRUITT	124-5TH ST SE
Lynann Derrick	114 5th St SE
	114 5th SE (Basement)
William Dabalos, Jr.	17 5th Street SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. 17037
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003 17079

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

M.J. Kotler	1341 E. Capitol St. SE #302
Ann Richards	104 5th St. SE, NE
Steve Butler	233 Kentucky Ave SE
Glenn Johnson	115 7th Ave SE
[illegible]	115 " " "
Dick Rodney	OWNER 114-5th SE
Barbara Jeffers	231 9th St. SE
Donald P. Jeffers	231 9th St. SE
Courtney Akers	116 5th St SE
[illegible] - Ben Dietz	116 5th St SE
Harriet Bergen	503 A St SE
Stephen C Bergen	503 A St SE
Betty J Clary	504 A St SE
[illegible]	504 A St SE
[illegible]	505 9th St SE
Brian A Cooper	507 A St SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079)
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

Name/Signature	Address
Helen Quick / Helen E Quick	412 A SE
Jeff More / Jeff More	412 A SE

TO: Planning and Zoning Committee, ANC 6B
921 Pennsylvania Avenue, SE, Washington, DC 20003

IN RE: BZA Referral by DCRA
HOP Application # 50397 (BZA Application No. ~~17037~~ 17079
417 A Street, SE
Lot 27 in Square 818
Washington, DC 20003

We, the undersigned neighbors of the B & B in question, petition the Planning and Zoning Committee, ANC 6B, to oppose Mr. Mark Phillips' application for a permit to increase from 2 to 4 or 6 rooms his commercial renting of rooms, and make known this opposition to ANC 6B, the District of Columbia Board of Zoning Adjustment, the Committee on Consumer and Regulatory Affairs, and any other licensing, zoning, administrative or legal body considering this matter.

[signature]	407 A St., SE
[signature]	407 A ST SE

Exhibit 3

October 2, 2003

Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Advisory Neighborhood Commission 6B
Application No. 17079
Application of Mark Lee Phillips

Dear Jerrily Kress:

Mark Lee Phillips is requesting a special exception to increase the number of sleeping rooms in a bed and breakfast from two to four or six. As a neighbor of Mr. Phillips living at 111 5th Street, SE, **I am seriously opposed to your granting this special exception.** My primary reason for this is the additional burden on parking in our neighborhood. There are already insufficient parking spaces for residents. In many instances, my wife and I are parking several blocks away from our home, a burden when dealing with groceries or other packages, not to mention the safety concerns when my wife arrives home later in the evening.

There is little doubt that current visitors to the bed and breakfast occupy parking spaces during their stay. Adding additional rooms could mean that there would be as many as eight automobiles for a single resident home in an already crowded residential zone. There is absolutely no reason to grant the exception since the owners were well aware of the rules and regulations before they decided to transform a residential property into a for-profit business.

There are many residents, many older who need close-in parking, that share my thoughts; and I hope you will consider seriously their views, expressed in their letters or as signatures on the neighborhood petition. Please keep in mind that our 5th Street neighborhood has many homes, and many of these, such as the one next to me, are rental properties where as many as six automobiles per property are competing for parking. The neighborhood simply cannot withstand the impact from the special exception. Again, I urge you to not grant the Phillips' exception and help us maintain the neighborhood as a family-oriented and friendly environment.

Sincerely,

Robert A. Seward II

Robert (Skip) A. Seward II
111 5th Street SE
Washington DC 20003

Dear Jerrily Kress: October 6, 2003

Please excuse the informality of this note, but I take the proverbial pen to paper to bring to your attention the BZA Application (No. 17079, Lot 27, Sq. 818) at 417 A street, SE, a bed and breakfast.

It is my understanding that you and others have received numerous correspondences re the zoning applications for the B&B. As I live down the street I have a vested interest. In fact, if you look at the history of this B&B there have been violations of ordinances from the very beginning (eg having a large sign out front announcing the soon to be B&B) to the present special exemption for additional rooms. Along the way, there have been problems where more than two rooms have been made available for use, parking permits beyond what is allowed, etc. And now this.

As you well know, this is a very residential neighborhood and is the attraction to all of us living here, from singles to families with children to the elderly. And it is that ambiance that I am sure makes it attractive to a B&B. Unfortunately they are taking a good thing and pushing it beyond what the neighborhood can support from parking spaces to character of the neighborhood. And what has me writing, is that there is a constant push by the B&B for more. They started out knowing the rules and it was my understanding that two rooms would be it. Now four. And the above mentioned issues above, besides all the ones that I am not familiar with.

With that said, we have the B&B, but lets keep it as to what they agreed to when they changed the single family house to a B&B--a two unit B&B, preserving our neighborhood and even some of our parking.

Sincerely,

Sheldon Harris
500 Independence Ave., SE
Washington, DC 20003

SYLVIA HOLTON
517 A STREET SE
WASHINGTON, D.C. 20003
Tel.: 202/547-8052; FAX: 202/547-0364; E-mail: swholton2@cs.com
6 October 2003

Jerrily R. Kress, FAIA Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

RE BZA Application No. 17079 (Lot 27, Square 818)
417 A Street, SE, Bed & Breakfast

Dear Jerrily Kress:

I am writing to ask that you deny a special exception to Section 203.8 for an increase in the number of rooms (from 2 to 4 or 6) and to reaffirm the Zoning Administrator's decision that a special exception to waive the parking requirements of Section 2100.5 would also be required by the proposed guest house at 417 A Street.

I have lived at my present address on A Street SE since 1969. The street 34 years ago, and until 417 was renovated as a B&B last year, was residential, a lovely and desirable neighborhood close to the Capitol. I was appalled to learn that 417 was given permission to become a commercial property within this unique neighborhood without any consultation with the neighbors. Now, as I understand it, they are permitted to rent 2 rooms, although they have renovated 6 rooms and plan to rent all 6 if they can gain permission.

I also understand that 417 has applied for the right to obtain parking permits for their guests. And of course they own a car themselves, so that would mean potentially 7 cars associated with one address. The parking situation in the neighborhood is tremendously difficult as it is. To increase the problem because of commercial development by one property owner seems exceedingly unjust. All of the neighbors will be affected by special favors given to one homeowner. There are times now when I must park several blocks from my home after dark because of the pressure of parking. But to tolerate the situation because of the commercial development of a single property owner in the neighborhood will create considerable resentment among the neighbors.

Because the proposed changes (increase in number of rentable rooms and ability to

obtain parking permits for guests) will have such a negative impact on the neighborhood, I request that you deny the applications submitted by 417 A Street SE.

Thank you very much for your consideration.

Sincerely yours,

Sylvia Holton

Mark Kantor
513 A Street, S.E.
Washington, D.C. 20003
Tel. 202-544-4953
Fax. 603-697-8959
mkantor@attglobal.net

October 6, 2003

Jerrily R. Kress, Director
Board of Zoning Adjustment
441 4th St., NW
Suite 210
Washington, DC 20001

Re: BZA Application No. 17079 (Lot 27, Square 818)
417 A Street, SE, Bed & Breakfast

Dear Ms. Kress:

BZA Application No. 17079 seeks a special exception to increase the number of rooms in the Bed & Breakfast located at 417 A Street, SE, from 2 to 4 or 6 rooms. I request that the Application be denied. I do so for two reasons. First, parking is already a serious problem for residents in this neighborhood, and the addition of two-to-four more cars every night will overload an already difficult situation. Second, this is not an appropriate neighborhood for additional commercial ventures. Apart from along East Capitol Street, there are almost no commercial businesses in the area, and there are none of which I am aware on A Street, S.E. for many, many blocks. I encourage you to not grant a special exception and begin the process of altering the character of the neighborhood.

I am sensitive that neighbors need to work hard at getting along, and I am troubled that this issue has caused so many bad feelings between the owners of 417 A Street and others. I do not think there is any way to go back in time, however, and prevent the issue from arising, and I therefore request that you follow existing law and practice, and deny the request for a special exception.

Very truly yours,

Mark Kantor

Mark Kantor

cc: Ms. Mary Wright, Chairperson, ANC 6B Planning and Zoning Committee

100 Fifth Street, SE
Washington, DC 20003
October 6, 2003

Jerrily R. Kress, FAIA, Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

RE: BZA Application No. 17079 (Lot 27, Square 818)
417 A Street, SE, Bed & Breakfast

Dear Jerrily Kress:

I am writing to you about BZA Application No. 17079, which requests a special exception to Section 203.8 of the municipal regulations to increase the number of rooms in the B & B located at 417 A Street, SE, from 2 to 4 or 6. Zoning Administrator, Robert Kelly, previously denied an application to revise the Home Occupation Permit to permit more than 2 rooms, and stated that the applicant was also required to request a special exception to waive the parking requirements of Section 2100.5 of the regulations. I am writing to ask you to deny a special exception to Section 203.8 for any increase in the number of rooms, and to re-affirm the Zoning Administrator's decision that a special exception to waive the parking requirements of Section 2100.5 would also be required by the property.

Parking in our neighborhood is often nearly impossible find for the residents now, and I know that current commercial guests of the B & B already occupy parking spaces during their stay. Increasing the number of rooms would result in additional parking problems for me and my neighbors, some of whom are elderly and cannot walk the 3, 4 or 5 blocks required to find parking on some evenings.

Secondly, this neighborhood is a very stable close-knit residential neighborhood. This is a primary reason that I, and many others, have chosen to make this neighborhood our home, and is what makes it such a desirable place to live. We recently celebrated our 20th annual block party. The commercial traffic we have seen since the B & B opened is not the kind we would like to see increased, which would be the result if you grant a special exception. We feel the increased traffic and density will tend to encourage more commercial encroachment, altering the residential fabric and make-up of the neighborhood, and negatively affecting the quality of life for those of us who make this our home. Many of us feel altering the residential uses in the neighborhood can only have a negative impact on property values.

The public hearing has now been scheduled for December 2, 2003. I request that you consider this matter and deny the special exception. I know that I am not alone in feeling that a grant of this special exception would seriously affect not only the parking, but also the neighborhood itself, one I dearly love and would hate to see changed for the worse. Thank you for your attention to this matter.

Respectfully,

Jeff Campbell

Cc: Mary Wright, Member 6B02
Chairperson, Planning and Zoning Committee
ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

1O 7 Fifth Street, SE
Washington, DC 20003

October 6, 2003

Jerrily R. Kress, FAIA, Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

RE: BZA Application No. 17079 (Lot 27, Square 818)
417 A Street, SE, Bed & Breakfas

Dear Jerrily Kress:

I am writing to you about BZA Application No. 17079, which requests a special exception to Section 203.8 of the municipal regulations to increase the number of rooms in the B & B located at 417 A Street, SE, from 2 to 4 or 6. Zoning Administrator, Robert Kelly, previously denied an application to revise the Home Occupation Permit to permit more than 2rooms, and stated that the applicant was also required to request a special exception to waive the parking requirements of Section 2100.5 of the regulations. I am writing to ask you to deny a special exception to Section 203.8 for any increase in the number of rooms, and to re-affirm The Zoning Administrator's decision that a special exception to waive the parking requirements of Section 2100.5 would also be required by the property.

While this process creates a formidable paper trail and has the appearance of preserving the integrity of existing neighbor status, it is clearly not functioning properly when the owners of said property clearly misrepresented their intent and cost of renovation in a formal application. At no time did the owners approach any neighbor and engage them in a dialogue or process that would solicit their input. In fact , the whole renovation and announcement of a new B&B was veiled with misinformation. In addition the new neighborhood resident, recently having arrived from England, was never introduced even though he is the purported manager of the facility !

Parking around 5th and A is often impossible with the closeness of Hill eateries and other recently transitioned establishments running fundraisers and hosting cocktail parties. Allowing further disintegration of the neighborhood by pushing folks further from their homes seems unreasonable. Increasing the number of rooms would result in additional parking problems for us and my neighbors, some of whom are elderly and cannot walk the 3, 4 or 5 blocks required to find parking on some

evenings. Parking is a number one concern of homeowners and allocating existing parking space to another B&B would decrease the value of the neighborhood homes.

The public hearing has now been scheduled for December 2, 2003. I request that you consider this matter and deny the special exception. I know that I am not alone in feeling that a grant of this special exception would seriously affect not only the parking, but the quality of life in our neighborhood.

Thank you for your attention to this matter.

Jackie Eiting & Richard Weimer
107 5th Street Southeast

Cc:
Mary Wright, Member 6B02
Chairperson, Planning and Zoning Committee ANC 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003