ANC 6B
Capitol Hill / Southeast

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue SE
Washington, DC 20003

November 12, 2003

D.C. OFFICE OF ZONING
2003 NOV 14 PM 3:40

Board of Zoning Adjustment
DC Office of Zoning
441 4th Street, NW
Suite 210 South
Washington, DC 20001

Re: BZA Case #17079
Application of Mark Lee Phillips

Dear Board Members:

At its regularly scheduled and properly noticed meeting on November 5, 2003, ANC 6B voted 7-1-1 (6 being a quorum for the conduct of business) to oppose the application for a special exception by Mark Lee Phillips to increase the number of sleeping rooms in a bed and breakfast under a home occupation permit (BZA Case #17079).

The applicant argued before the ANC that 1) six rooms are allowed in an Historic District as a matter of right, 2) they have obtained a waiver of the parking requirements from the Historic Preservation Office and 3) the increased number of rooms will have no harm to the neighborhood and therefore qualifies for a special exception. The neighbors of this building argued to the ANC in opposition to all of these point.

On the first point, the ANC believes that the Zoning Administrator was correct in requiring a special exception to increase the number of rooms above the current two under the terms of a Home Occupation permit. The law clearly sets a ceiling of the size of a B&B operation that qualifies under the Home Occupation permit process and gives a bonus to establishments in a historic district. It only give this bonus under the special exception process; it does not give matter of right status to anything above 2 rooms.

More importantly, since the case before the Board is whether to grant a special exception and not an appeal of the Zoning Administrator's decision, any argument by the applicant

BZA
Case No. 17079
Exhibit No. 47

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 47

concerning matter-of-right is moot. The question before the Board concerns only the special exception test.

The ANC is generally supportive of B&B establishments, recognizing that B&B's can contribute to the character of the neighborhood. However, we are also aware of the disruption to the neighborhood that such establishments can cause, especially those with more than 2 rooms. This is the reason that the ANC strongly supports the provision in the law that requires a special exception for more than 2 rooms.

One of the potentially most disruptive elements of a B&B with more than 2 rooms concerns parking. Parking is already at a premium in the neighborhood and the introduction of a business establishment that takes away street parking during the evening hours can only exacerbate the problem. We note that most (but not all) of the B&Bs in the area with more than 2 rooms provide off-street parking for their guests. We believe that such a requirement for off-street parking is important in minimizing the impacts on the neighborhood.

Thus, the ANC was very disturbed to learn that the applicant believes that they have obtained a waiver of the parking requirements from DCRA. We understand that some of the neighbors are disputing whether such a waiver was in fact granted and will make that argument before the Board of Zoning Adjustment. While the ANC takes no position on whether a waiver should or, in fact, has been granted, the issue of parking remains key to this application. If the applicant is not required to provide off-street parking, the issue of the disruption to the neighborhood becomes even more acute. In normal circumstances, the expansion to more than 2 rooms, the impact on the neighborhood would be judged by the amount additional comings and goings of the guests. Under these circumstances, however, where no additional parking is available, the expansion of the B&B operation from 2 to 4 or 6 rooms would have a serious detrimental impact on the neighborhood.

We believe that the application does not meet the test for a special exception as outline in §3104.1, specifically the clause which requires that a special exception will not tend to affect adversely the use of neighboring property. Therefore, ANC 6B opposes the granting of this special exception based on the negative impact on the neighborhood.

Finally, Commissioners Julie Olson, Mary Wright, and/or Kenan Jarboe are authorized to present the ANC 6B report to the Zoning Commission.

Very truly yours,

Will Hill
Vice-Chairperson