Testimony of Julie Olson, ANC 6B
Board of Zoning Adjustment
BZA Case #17079
Application of Mark Lee Phillips
December 2, 2003

Mister Chairman and members of the Board.

My name is Julie Olson, I am Chair of ANC 6B.

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.

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 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. The neighborhood would

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already be negatively impacted by amount additional comings and goings of the guests in an expansion from two to four or six room establishment. If the applicant is not required to provide off-street parking, the issue of the disruption to the neighborhood becomes even more acute. Under these circumstances, where no additional parking is available, the expansion of the B&B operation beyond two rooms would have a serious detrimental impact on the neighborhood.

Thus, ANC 6B believes 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. We oppose the granting of this special exception based on the negative impact on the neighborhood.

Let me add a personal note. One of the most galling aspects of this case is the applicant's flaunting of the zoning regulations. They come before you today to ask for an expansion from two rooms to at least four. Yet, if their advertising is any indication, they are already operating a four room establishment in violation of their current home occupation permit. If you look at their web site – www.417inn.com – they repeatedly talk about their 4 rooms. They show pictures of and give prices for their four rooms: The Victoria and Albert Room; The Bishop Satterlee Room; The Library Room; The Garden Room. Two of those rooms can accommodate two persons; the other two have room for additional guests. This means at full accommodations, we are looking at 11 to 12 guests. That is not a small bed and breakfast with minimal impact on the neighborhood. It is a mini-hotel.

Returning to the parking issue, their web site makes it clear that the nature of the operation increases the negative impact on the neighborhood. They advertise that on-street parking is available with advanced notice and permits. In other words, they will get you a visitor's parking permit so that you can avoid the residential zone parking restrictions. I believe that this is an abuse of the visitor's permit system and clearly shows the detrimental impact of this establishment on the neighborhood.

Again, let me repeat: ANC 6B believes that the granting of this special exception would have a negative impact on the neighborhood and urges you to reject this application.

Thank you for your attention.