District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013

February 17, 2004

9

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

Re: Motion for reconsideration of BZA Application No. 17100

At a regularly scheduled and properly noticed meeting on February 12, 2004, ANC 6A voted 6-0 (with 5 Commissioners required for a quorum) to file this motion for reconsideration pursuant to 11 DCMR 3126.2 with respect to BZA's decision for Application No. 17100. The conclusion of our Commission is that granting this special exception will tend to adversely affect the neighboring properties.

The final written order for Application No. 17100 dated February 9, 2004 states in the second paragraph that "ANC 6A did not participate in the application." This statement is not correct; a report conveying the reasons for ANC 6A's opposition to this application was sent to the BZA on December 29, 2003. None of the issues raised in the ANC's report were addressed in the final written order. As a result, the grounds for this motion are that the report of the ANC was not given great weight as required by 11 DCMR 3115.2. Furthermore, the conclusion that granting this application "would not be adverse to any party" is inaccurate based on the ANC's report.

Our December 29, 2003 report addresses the application for a variance pursuant to 11 DCMR Sec. 3102.2 (see attachment). The October 29, 2003 notice that BZA provided to the ANC 6A clearly stated that the application was for a variance. The ANC 6A was not subsequently notified that the BZA was considering a special exception. Nonetheless, our original letter provides reasoning for the negative effect this special exception will have on neighboring properties. That reasoning is clearly stated in the last paragraph of that letter, which is included here:

> The 100 block of 15th St. NE is a small residential block that is already saturated with commercial establishments. It is sandwiched between two grocery stores that have Class B liquor licenses. It also contains an upholstery shop and a very active church. The neighborhood is not in need of additional commercial amenities such as a coffee shop. It is well served by several grocery stores (4 within a two block radius of the 100 block of 15th St NE) and several carryout restaurants. The addition of another commercial establishment to the 100 block of 15th Street NE would detract further from the residential character of the block and surrounding neighborhood and would provide no substantial benefit to the community.

The ANC and the residents it represents are not opposed to the integration of a reasonable number of nonresidential establishments within residential areas zoned R-4. However, in the case of the 100 block of 15th St. NE., the density of nonresidential establishment far exceeds a reasonable level. To further subject the adjacent properties to the activities of another nonresidential establishment will do serious harm the quality of life of the residents and have a negative impact on the affected properties.

The relief sought by the ANC is a denial of the special exception based on the ANC's original, timely report.

BZA
Case No. 17100
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17100
EXHIBIT NO. 38

District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013

Sincerely,

Joseph Fengler

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Attachment: December 29, 2003 Letter

cc: Sandra Douglas, Applicant
Gottlieb Simon, OANC
Sharon Ambrose, Ward 6 Councilmember

District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013

December 29, 2003

Board of Zoning Adjustment
441 4th St, NW, Suite 210
Washington, DC 20001
Re: BZA Case 17100 (129-131 15th Street, NE)

Dear Board Members,

At a regularly scheduled and properly noticed meeting on December 11, 2003, ANC 6A voted 5-1-1 (with 5 Commissioners required for a quorum) to oppose the above referenced application.

The applicant seeks a variance pursuant to 11 DCMR § 3103.2 from the provisions of the R-4 residential district to use the subject property as a "coffee shop." A variance is required since the property has not been used in the previous nonconforming "variety store" use for more than 3 years.

With respect to the physical characteristics of the property, it has no "extraordinary or exceptional situation or condition" that makes it unsuitable for the zoned residential use. The building sits on a lot that is 25 ft x 80 ft. It is a semi-detached one-story building with two units. Each unit has ample floor space for a one-bedroom apartment. The unit for which the variance is requested is the northern-most unit. It has no adjoining structure on the north side and has both a front and rear entrance. The rear yard for this unit is more than 20 feet deep with access to the rear alley and to the front of the building through an adjoining walkway.

There has recently been a great deal of residential investment in existing properties on the 100 block of 15th St. NE. Just one block south, on the unit block of 15th Street, NE, similar properties have been converted to large single-family residential structures. These structures were renovated and expanded by adding additional stories.

The 100 block of 15th St. NE is a small residential block that is already saturated with commercial establishments. It is sandwiched between two grocery stores that have Class B liquor licenses. It also contains an upholstery shop and a very active church. The neighborhood is not in need of additional commercial amenities such as a coffee shop. It is well served by several grocery stores (4 within a two block radius of the 100 block of 15th St NE) and several carryout restaurants. The addition of another commercial establishment to the 100 block of 15th Street would detract further from the residential character of the block and surrounding neighborhood and would provide no substantial benefit to the community.

Commissioner Nick Alberti is authorized to represent the ANC in this matter.

Respectfully yours,

//original signed//
Joseph Fengler
Chair, Advisory Neighborhood Commission 6A