SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL

TESTIMONY OF SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL
APPLICATION NO. 17260 OF 2224 R STREET LLC
JANUARY 4, 2005

CHAIRMAN GRIFFIS AND MEMBERS OF THE BOARD OF ZONING ADJUSTMENT, MY NAME IS DOUGLAS LABOSSIERE, A RESIDENT OF THE SHERIDAN KALORAMA NEIGHBORHOOD, AND A MEMBER AND OFFICER OF THE SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL FOR WHICH I AM APPEARING TODAY. I AM JOINED TODAY BY KINDY FRENCH, RESIDENT AND MEMER OF THE SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL.

FOR OVER 40 YEARS THE SHERIDAN KALORAMA NEIGHBORHOOD COUNCIL HAS REPRESENTED RESIDENTS TO PRESERVE AND ENHANCE SHERIDAN KALORAMA AS A DESIREABLE RESIDENTIAL COMMUNITY. THE COUNCIL WAS ORGANIZED TO OPPOSE THE ENCROACHMENT OF NON RESIDENTIAL USES INTO THE NEIGHBORHOOD AND ADDRESS OTHER NEIGHBORHOOD PROBLEMS. OUR MEMBERSHIP EXCEEDS 250 FAMILIES.

WE APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY. WHILE WE APPLAUD THE APPLICANTS' EFFORTS TO REMOVE A BLIGHT ON THE NEIGHBORHOOD, AND DO NOT PER SE OPPOSE THE PROPERTY'S USE AS A BED AND BREAKFAST, WE MUST OPPOSE THE APPLICANT'S PROPOSAL TO UTILIZE THE PROPERTY AS A TEN ROOM BED AND BREAKFAST WITHOUT SEEKING A USE VARIANCE, AS REQUIRED BY THE ZONING REGULATIONS FOR BED AND BREAKFASTS AS HOME OCCUPATIONS. MOREOVER, A BED AND BREAKFAST OF THIS SIZE AND SCOPE CALLS INTO QUESTION WHETHER THE USE OF THE PROPERTY AS A RESIDENCE IS IN FACT ITS PRIMARY USE, A REQUIREMENT FOR HOME OCCUPATIONS UNDER THE ZONING REGULATIONS. FINALLY, THE SIZE OF THE BED AND BREAKFAST AND THE INHERENT TRAFFIC GENERATED BY SUCH A LARGE TRANSIENT USE OF THE PROPERTY, AS PROPOSED BY THE APPLICANTS, CLEARLY INTERJECTS A COMMERCIAL USE INTO AN AREA THAT IS INTENDED UNDER THE COMPREHENSIVE PLAN TO BE PRIMARILY RESIDENTIAL IN CHARACTER.

WITH REGARD TO WHETHER THIS APPLICATION IS PROPERLY BEFORE THE BOARD, WE WOULD SUBMIT THAT THE APPLICATION IS DEFECTIVE, AS ANY PROPOSED USE OF A RESIDENTIAL PROPERTY FOR MORE THAN SIX UNITS WOULD REQUIRE A USE VARIANCE, WHICH THE APPLICANT DID NOT REQUEST. SECTION 203.8(C) PROVIDES THAT THE MAXIMUM

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NUMBER OF SLEEPING ROOMS IN AN OWNER OCCUPIED BED AND BREAKFAST IS TWO, UNLESS AN APPLICANT APPLIES FOR AN EXCEPTION UNDER SECTION 203.10(B). UNDER SECTION 203.10(B), AN APPLICANT FOR A BED AND BREAKFAST MAY REQUEST THAT THE BOARD MODIFY TWO OF THE CONDITIONS IMPOSED ON BED AND BREAKFASTS, ONE OF WHICH IS THAT THE FACILITY MAY, IF APPROVED BY THE BOARD, HAVE UP TO SIX SLEEPING ROOMS IF THE PROPERTY IS LOCATED IN A HISTORIC DISTRICT. THUS, THE MODIFICATION PROVIDED FOR IN SECTION 203.10(B) OF THE REGULATIONS WITH REGARD TO NUMBER OF SLEEPING ROOMS IS TO ALLOW, AS A SPECIAL EXCEPTION, MORE THAN THE AUTHORIZED TWO SLEEPING ROOMS, UP TO A TOTAL OF SIX, NOT, AS THE APPLICATION SUGGESTS, AN INCREASE FROM SIX SLEEPING ROOMS UP TO THE REQUESTED TEN ROOMS. THE REGULATIONS SIMPLY DO NOT PROVIDE FOR MORE THAN SIX ROOMS UNDER A SPECIAL EXCEPTION, AND THE APPLICANTS HAVE NEITHER APPLIED FOR A USE VARIANCE NOR DEMONSTRATED HOW THE PROPOSED USE MEETS THE TESTS FOR A VARIANCE SET FORTH IN THE REGULATIONS. IN THIS REGARD, WE SUPPORT THE POSITION OF THE OFFICE OF PLANNING IN IT'S SUBMITTED REPORT THAT ANY USE OF THE PROPERTY FOR GREATER THAN SIX SLEEPING ROOMS REQUIRES THE BOARD'S APPROVAL OF A VARIANCE, RELIEF THAT THE APPLICANTS HAVE NOT REQUESTED. MOREOVER, IN THE *GREENWOOD* CASE CITED BY THE APPLICANTS AS SUPPORT FOR THE GRANTING OF RELIEF IN THIS MATTER, THE APPLICANT RECOGNIZED THE DISTINCTION IN THE REGULATIONS BY APPLYING FOR A SPECIAL EXCEPTION FOR SIX SLEEPING ROOMS, AND A USE VARIANCE FOR AN ADDITIONAL TWO ROOMS.

AS REGARDS WHETHER THE REQUESTED BED AND BREAKFAST WOULD IN FACT BE AN ACCESSORY USE TO A RESIDENTIALLY OCCUPIED PROPERTY, THE SIZE AND SCOPE OF THE PROPOSED FACILITY ARGUE AGAINST ITS USE AS A BED AND BREAKFAST BEING CLEARLY SECONDARY TO ITS USE AS A RESIDENCE. THE APPLICANTS PROPOSE TEN SLEEPING ROOMS FOR TWENTY GUESTS, AND ARE REQUESTING AN EXCEPTION SO THAT MORE THAN EIGHT PERSONS MAY BE PRESENT AT ANY ONE TIME. THE INTENSITY OF THE PROPOSED BED AND BREAKFAST USE CLEARLY EXCEEDS THE USE OF THE HOUSE AS A RESIDENCE FOR THE APPLICANTS, IN CONTRAVENTION OF THE ZONING REGULATIONS FOR BED AND BREAKFASTS AND THE INTENT OF THE ZONING COMMISSION IN ENACTING THE CURRENT REGULATIONS. THE APPLICANTS OWN SUBMISSION CONTAINS LETTERS OF SUPPORT WHICH IMPLICITLY ACKNOWLEDGE THE COMMERCIAL NATURE OF THE INTENDED OPERATION OF THIS PROERTY. FURTHERMORE THE PROPERTY IS OWNED BY A LIMITED LIABILITY CORPORATION.

FINALLY, AS REGARDS THE FACILITY'S IMPACT ON THE NEIGHBORHOOD, IT IS DIFFICULT TO IMAGINE HOW THIS PROPERTY WILL BE RUN WITH ONLY ONE EMPLOYEE. IF THAT IS IN FACT THE CASE, THERE WILL BE A STEADY STREAM OF COMMERCIAL VEHICLES TO SERVICE THE BED AND BREAKFAST, NOT TO MENTION A STEADY STREAM OF TAXIS AND VANS TRANSPORTING GUESTS TO AND FROM THE FACILITY, IF, AS THE APPLICANTS SUGGEST, GUESTS WILL NOT BE DRIVING THEIR OWN VEHICLES TO AND FROM THE BED AND BREAKFAST. UNLIKE THE WOODLEY PARK GUEST HOUSE OWNED BY THE APPLICANTS, THE PROPERTY THAT IS BEING DISCUSSED TODAY IS NOT WITHIN WALKING DISTANCE OF THE METRO, MAKING IT UNLIKELY THAT GUESTS WITH LUGGAGE WOULD BE UTILIZING PUBLIC TRANSPORTATION TO GET TO AND FROM THE HOUSE. THE CUMULATIVE EFFECT OF THIS IS THAT VEHICULAR TRAFFIC WILL BE MUCH GREATER THAN THE EIGHT TRIPS PER DAY PERMITTED UNDER THE REGULATIONS, MAKING IT LIKELY THAT THE LEVEL OF USE WILL PRODUCE A LEVEL OF NOISE GREATER THAN THAT PERMITTED BY THE REGULATIONS. AS THE OFFICE OF PLANNING POINTS OUT IN ITS REPORT, THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN "SETS FORTH POLICIES TO MEET THE RESIDENTIAL NEIGHBORHOOD OBJECTIVES THAT INCLUDES (SIC) CONSERVING AND MAINTAINING THE DISTRICT'S SOUND, ESTABLISHED NEIGHBORHOODS THROUGH THE STRICT APPLICATION AND ENFORCEMENT OF HOUSING, BUILDING AND ZONING CODES...". THUS, WHILE WE DO NOT OPPOSE THE CREATION OF A BED AND BREAKFAST IN THIS VACANT STRUCTURE, ITS CREATION MUST BE ACCOMPLISHED IN A WAY THAT CONSERVES AND MAINTAINS THE ESTABLISHED NEIGHBORHOOD THAT IS SHERIDAN KALORAMA.

WE ASK THAT THE RECORD REMAIN OPEN TO RECEIVE FURTHER SUBMISSIONS OVER THE NEXT 15 DAYS SO THAT WE HAVE AN OPPORTUNITY TO REVISE AND EXTEND OUR REMARKS.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY
I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.