Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

MS. JERRILY KRESS, Director
Zoning Commission
441 Fourth Street N.W.–Room 210
Washington, DC 20001

April 11, 2002

The George Washington University – Z.C. Case No. 02-03
(Relief for an area variance from the minimum closed court area and width requirements at section 406.1 to authorize the design, as proposed, of a new student Dormitory Housing Facility in Lot 26 Square 43)

Dear Ms. Kress:

This will certify that Advisory Neighborhood Commission 2A (ANC-2A), at a properly noticed special public meeting held on April 7, 2002 at which four of six ANC Commissioners were present, adopted the attached Resolution No. 02-04B on the above-titled project, with a vote of 2 "ayes" to 0 "nays" with two Commissioners abstaining, to oppose GWU's request for relief.

The Home Rule Charter for the District gave ANC's the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

Sincerely,

Elizabeth B. Elliott
Chair

Attachment: (1) Resolution #02-04B of April 7, 2002

cc: Michele Honey, GWU, Via Facsimile
cc: Dr. Donald Kreuzer, Via Facsimile

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2002 APR 11 AM 9:30

ZONING COMMISSION
District of Columbia
Case 02-03
Exhibit

ZONING COMMISSION
District of Columbia
CASE NO.02-03
EXHIBIT NO.19

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(Relief for an area variance from the minimum closed court area and width requirements at section 406.1 to authorize the design, as proposed, of a new student Dormitory Housing Facility in Lot 26 Square 43)

Dear Ms. Kress:

Advisory Neighborhood Commission 2A (ANC-2A) requests a waiver of the rules for late submission to accept ANC-2A's Resolution. As you are aware, ANC-2A has been under continuing pressures with involvement in an excessive number of large, contested cases in front of the BZA and the ZC as well as a number of smaller cases. Also, through an oversight and no fault of its own, the University did not come before the ANC until a special meeting held on Sunday, April 7.

In addition, ANC-2A did not receive the Office of Planning Report, which was late-filed on April 5, on this case until the day after our special meeting, the written order for the approved dormitory (Z.C. Case 01-21CP) case was not issued until April 3, and the ANC-2A has not had an opportunity to review the transcript of the University's December 20, 2002.

Sincerely,

Elizabeth B. Elliott
Chair

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2002 APR 11 AM 9:30

cc: Michele Honey, GWU, Via Facsimile
cc: Dr. Donald Kreuzer, Via Facsimile

THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD COMMISSION (ANC-2A) passed the following Resolution #02-04B

The George Washington University – Z.C. Case No. 02-03
(Relief for an area variance from the minimum closed court area and width requirements at section 406.1 to authorize the design, as proposed, of a new student Dormitory Housing Facility in Lot 26 Square 43)

WHEREAS, the George Washington University (GWU) has applied for a variance from minimum closed court area and width requirements on a previously-approved Application (Z.C. Case 01-21CP); and

WHEREAS, ANC-2A does not oppose the provision by GWU of increased student housing within its campus boundary, including this site; and

WHEREAS, GWU has not demonstrated under the 3-part test of Section 3103.2 that relief should be granted, i.e.,

1. The property is unique, etc.: GWU purchased units of the property over time and was well aware of what the limitations were.
2. By reason of the aforementioned uniqueness, etc.: (see 1 above) GWU created the property configuration. Additionally, GWU's original design did not need a variance.
3. The variance will not cause substantial detriment to the public good, etc.: there is testimony before the Commission that the adjoining Kreuzer property will be detrimentally affected; and

THEREFORE BE IT RESOLVED, that ANC-2A opposes the granting of the variance based on the failure of GWU to demonstrate credible evidence to pass any of the 3 parts of the 3-part test required for a variance; and

THEREFORE BE IT FURTHER RESOLVED, that should the Commission approve the above-titled relief, ANC-2A requests that the granting of relief (i.e., the walls of the non-conforming court) not create a situation or condition which the University might use in the future as the basis for an adverse impact complaint against any future variances requested by Dr. Kreuzer for any proposed future development on his property; and

THEREFORE BE IT FURTHER RESOLVED, should the relief be granted by the Commission and the non-conforming court be built, that, in the event that the Kruezer property is developed in such a way that his development abuts or encloses this non-conforming court, that the Commission condition the relief to include a provision that the non-conforming court must be closed up and a fire wall built by GWU at the property line, in a similar fashion to the closing up of the GWU property line windows required by the D.C. Construction Code.

DATE: April 7, 2002

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 Elliott	X				X	
02 Price			X			
03 Tyler			X			
04 Morency				X		
05 Miller	X					X
06 Marootian				X		



CHAIRPERSON