

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



July 2, 2010

Thomas F. DeCaro, Jr.
Attorney for Appellant
14406 Old Mill Road, #201
Upper Marlboro, Maryland 20772

Re: BZA Appeal No. 17988 (5010 Benning Road, S.E.) Koo L. Yuen

Dear Mr. DeCaro:

On July 1, 2010, the Office of Zoning (OZ) received the attached Request for Minor Modification of Plans in the above-cited appeal. Please be advised that your motion has been filed prematurely and is being returned to you. Please re-file your motion after the written decision order in this matter has been issued pursuant to 11 DCMR Section 3129 (MODIFICATION OF APPROVED PLANS).

If you have any questions about the foregoing, please call Richard S. Nero, Jr., Deputy Director of Operations on (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 200 South, Washington, D.C. 20001. Please refer to the appeal number when you write or call about this case.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17988

EXHIBIT NO. 29

SINCERELY,

JAMISON L. WEINBAUM
Director, Office of Zoning

Attachment

cc: Doris Parker Wooldridge, DCRA
Advisory Neighborhood Commission 7E

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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Board of Zoning Adjustment
District of Columbia
CASE NO.17988
EXHIBIT NO.29

OFFICE OF ZONING
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**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

KOO L. YUEN
Appellant

v.

**DISTRICT OF COLUMBIA DEPARTMENT
OF CONSUMER & REGULATORY AFFAIRS**
Appellee

BZA Appeal No. **17988**

REQUEST FOR MINOR MODIFICATION

Comes now Appellant/Applicant and requests a minor modification to the site as approved by the Board of Zoning Adjustments (the "Board") as follows:

1. The subject property is being developed as a gasoline station, convenience store and auto repair facility.
2. At the last hearing, the Board approved the zoning of the parcel as being consistent with the drawings submitted, with the exception that since only two gas pump islands were approved for the last gas station use of the parcel, the Applicant would be limited to two gas pump islands instead of the four islands shown on the drawings and in the application.
3. It was suggested at the hearing, orally from the bench, that the Applicant may apply for a minor modification under 11 DCMR §3129.
4. Application is hereby made for a minor modification to permit the Applicant to install four gas pump islands rather than two islands.
5. The reasons for the minor modification are as follows:
 - A. More fueling stations will facilitate faster and more efficient service to customers
 - B. More fueling stations will reduce waiting time and improve the vehicle traffic through

the site.

C. There will be no adverse impact on the site, the surroundings, the traffic impact of the business or the overall appearance of the site.

D. The community has expressed approval for the site, and the more capacity the site can deliver to the community without any adverse impacts, the more beneficial the development will be for the community.

6. The requested modification does not change the material facts upon which the Board based its original approval of the application.

WHEREFORE, the Appellant/Applicant requests that this Board grant the requested minor modification to increase the approved number of gas pump islands on the site from two to four.

Respectfully submitted,



/s/ Thomas F. DeCaro, Jr.

Thomas F. DeCaro, Jr.
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CERTIFICATE OF SERVICE

I, Thomas F. DeCaro, Jr. do hereby certify that on June 30, 2010, I did mail, postage prepaid, a copy of the foregoing

Doris Parker Woolridge
District of Columbia Attorney Genl
1100 - 4th St. SW
Washington, DC 20024

Mary D. Jackson
Chairperson of ANC #7E
5001 Hanna Pl. SE
Washington, DC 20019



/S/ Thomas F. DeCaro, Jr.
Thomas F. DeCaro, Jr.