

SATEMENT OF OPPOSITION/ JUSTIFICATION

BZA

441 4th St, NW

Wash, DC 20001

Appellants are protesting the zoning administrator office's decision to sign-off on the permit authorizing the retaining wall for the DDOT (Defendant) owned street car maintenance and repair facility, garage and car wash located at 2500 Benning Rd, NE.

The specific decision relates to ID# RW130016 filed on 9/19/13 entitled Retaining Wall for Street Car Maintenance Facility located at the above referenced address.

The above decision allows a non-conforming use of a mass transit facility in an R-5 zone.

The exemption upon which Defendant has relied upon is insufficient to allow an industrial use in a residential zone.

The "Mass Transit Exception" is widely used to facilitate ridership in residential zones by allowing multiple bus stops, railcar tracks, subway egress and the like but it is a fundamental misapplication of the exception to allow office, commercial and industrial uses of mass transit authorities in residential zones as an end-run around zoning laws when not specifically facilitating public access to ridership of the mass transit vehicles.

Therefore Appellants respectfully request that the BZA finds that the Defendant's use is non-conforming to the R-5 zone and does not fit within the meaning and intention of the "Mass Transit Exemption" as a trolley repair, wash and maintenance facility will negatively impact the residential character of the neighborhood without providing any benefit of facilitating ridership.

Respectfully submitted,

Kingman Park Civic Association/ Frazer Walton/ W. Simpkins