

BOARD OF ZONING ADJUSTMENT  
FOR THE DISTRICT OF COLUMBIA

Appeal by Marie Birnbaum from decision by the )  
Zoning Administrator, Department of Consumer and )  
Regulatory Affairs, to issue Certificate of Occupancy ) BZA Appeal No. 18948  
No. CO1500286 to allow a retail establishment in the )  
R-4 District at premises 1023 East Capitol Street, S.E )  
(Square 967, Lot 4) )  
\_\_\_\_\_ )

**Appellant's Pre-Hearing Statement**

In accordance with 11 DCMR § 3112.10, Appellant Marie E. Birnbaum hereby files the attached photographs (Exhibits 1 – 7), which will be submitted into evidence at the hearing on the above appeal. For additional exhibits and arguments, Appellant respectfully refers this Board to her opposition to the Owner's motion to dismiss and Exhibits A, B and C thereto, filed by Appellant with this Board on February 5, 2015. Appellant reserve the right to submit additional exhibits as may be appropriate in rebuttal to any additional testimony or exhibits that may be submitted into the record or into evidence at the hearing.

Respectfully submitted,



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Andrea C. Ferster  
*Attorney at Law*  
2121 Ward Court, N.W. 5<sup>th</sup> Fl.  
Washington, D.C. 20037  
Phone (202) 974-5142  
Fax (202) 223-9257  
[afferster@railstotrails.org](mailto:afferster@railstotrails.org)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing opposition to the motion to dismiss were served electronically this 52h day of March 2015 upon:

John Kuykendall  
1023 East Capitol SE  
Washington, DC 20003  
[Surroundings@comcast.net](mailto:Surroundings@comcast.net)

Kristen Oldenburg, Chair, ANC6B  
423 12<sup>th</sup> Street, S.E.  
Washington, D.C. 20003  
[Kirsten6B04@anc6b.org](mailto:Kirsten6B04@anc6b.org)

Matthew Le Grant, Zoning Administrator  
DCRA  
1100 4th St SW - Room 3100  
Washington, DC 20024  
[matthew.legrant@dc.gov](mailto:matthew.legrant@dc.gov)



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Andrea Ferster





Ex 1 - Photograph  
1-24-15





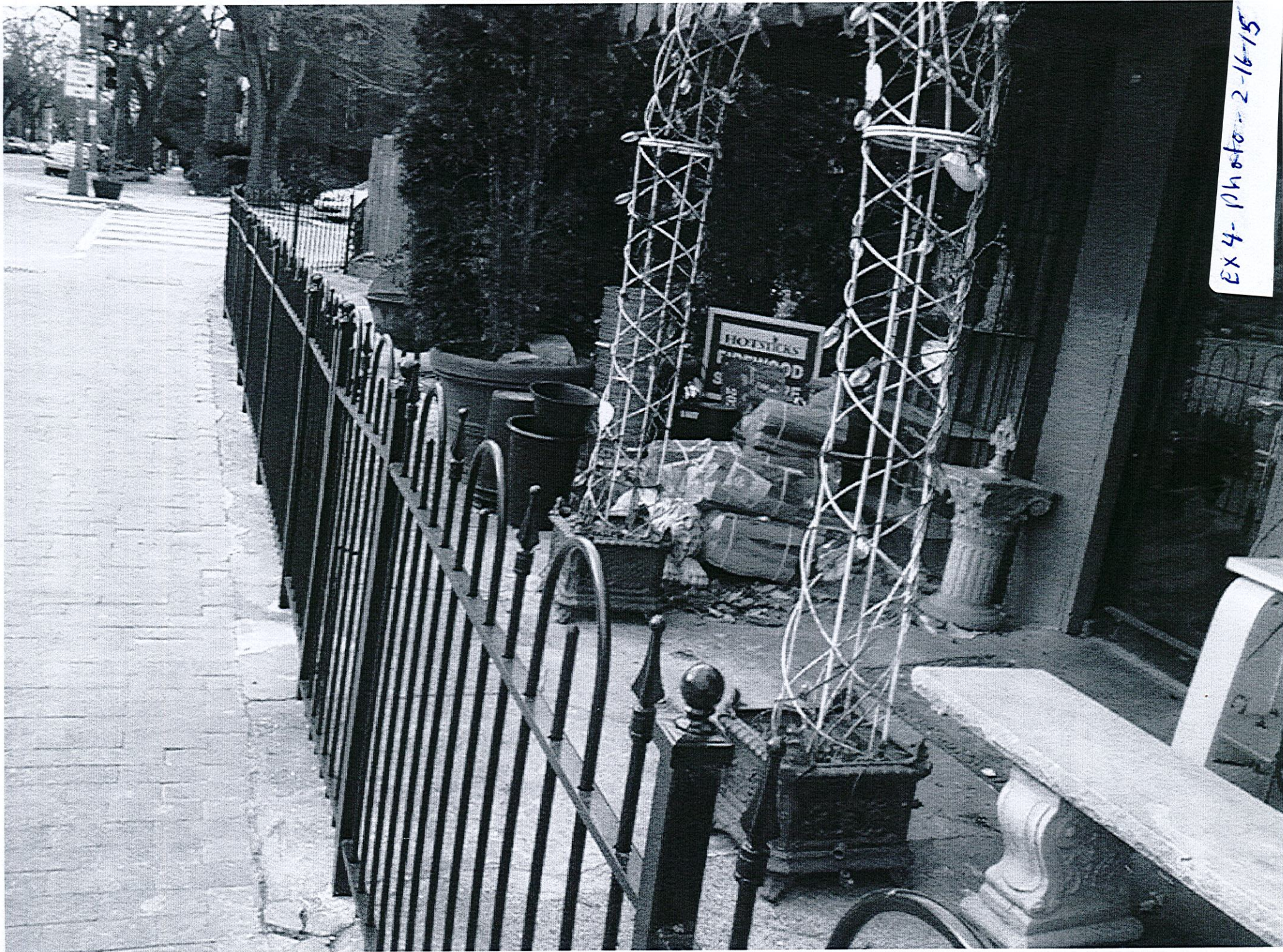
EX2- photo - 1-24-15





EX3 - Photo - 1-24-15





EX 4- Photo - 2-16-15





EX. 5- Photo-2-16-15





EX 6- Photo-Nov 2013





EX. 7 - photo - Nov. 2013