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October 17, 2000

Sheila Cross Reid, Chair
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

'00 OCT 17 P4:45

Re: BZA Case No. 16592, The Carbarn 3600 M Street, N.W.
Square 1203, Lot 47

Dear Ms. Reid:

This will request party status in BZA Case No. 16592, The Carbarn, for Ms. Florence Mahoney, who owns and lives at 3600 Prospect Street, N.W.

I am Ms. Mahoney's legal counsel. She is concerned about the effects of the proposed special exception and variance which would permit the owner of the Carbarn to use a portion of the property, which is an outdoor terrace in the R-3 District, for a restaurant and conference facility. Ms. Mahoney is a 101 year old lady who lives next door to this facility and has often been disturbed by the noise, music and other raucous activity late at night. In addition, street parking on Prospect Street is often difficult for visitors because of the heavy use of the available spaces by party-goers at the Carbarn.

The applicant has not met his burden under the Zoning Regulations for a special exception or variance. Hardship, (the test for a use variance) has not been shown. The applicant has proffered no evidence to prove that the Carbarn could not be operated successfully without the use of the portion of the terrace that resides in the R-3 Zone. There is sufficient space inside the building and on the portions of the Terrace in the C-2-A District for the owner to make commercial use of the property.

In addition, the applicant has not met his burden of showing that the relief he seeks "can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." Similarly, the applicant has not met the test for a Special Exception, *i.e.*; that it "will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations..."

BZA
Case No. 16592
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16592
EXHIBIT NO.39

On the contrary, for some time, the Carbarn has illegally used the terrace for weddings and other receptions. Impact on the neighborhood has been quite marked. Granting of the zoning relief requested will enable the applicant, not only to increase the size of events at the facility, but to use the pavilion constructed in the R-3 portion for the staging of additional events simultaneous with the interior events. Tenting materials and heaters will enable the Carbarn to use the pavilion in the winter as well. Accordingly, numbers and sizes of events will dramatically increase, turning a peaceful residential neighborhood into a commercial strip.

I have been advised by neighbors that previous attempts at enforcement were often unsuccessful, particularly in the evening and on weekends. Accordingly, Ms. Mahoney has no option but to oppose the application.

Thank you for your assistance.

Yours very truly,

Stephen N. Gell

Stephen N. Gell

cc: John Ward, Esq.
Steve Lopez, Esq.