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February 13, 2001

Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, D.C. 20001

BZA
Case No. 16643
Exhibit No. 70

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Re: Georgetown Flea Market
BZA Application No. 16643

Dear Members of the Board:

The purpose of this letter is to confirm the applicant's commitment and proposal relating to accessible parking in close proximity to the Georgetown Flea Market.

I. Applicant's Commitment to Provide On-Site Parking

As stated at the public hearing, the applicant concurs with, and is agreeable to, the imposition of a condition that twenty-five on-site parking spaces be available for use by patrons of the Flea Market and that these spaces would be provided in the parking area behind the existing school, with convenient access off of 34th Street. In addition, the applicant has reconfirmed the number of metered spaces located off Whitehaven Street, which is located approximately one block from the Flea Market site.

It is submitted that the twenty-five parking spaces, in and of themselves, are reasonably sufficient to address the parking concerns raised at the public hearing. Safeway's own parking study showed at least six spaces always available on its site. Assuming, arguendo, that the opposition's testimony and survey are correct and that the Georgetown Flea Market patrons are substantial users of parking space on the Safeway lot, then there would be an additional twenty-five spaces available on the Safeway lot due to the new parking now available to Flea Market patrons.

Notwithstanding attempts on the part of the operator of the Flea Market, unfortunately, as of this date, there has been no agreement reached with Safeway on the parking issue. The operator of the Flea Market submits that its parking proposal is eminently reasonable, that the Office of Planning's request was reasonable and it is hoped that Safeway will ultimately come to the same conclusion.

II. Additional Parking

The applicant has recounted the parking spaces available on Whitehaven Street, approximately one block from the Flea Market. There are twenty-five metered spaces and fourteen unmetered spaces, for a total of thirty-nine parking spaces. These spaces are free of charge and otherwise unused and available on Sundays.

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III. The ANCs and a Substantial Majority of the Community Support the Flea Market's Request.

As was set forth at the public hearing, the Flea Market enjoys overwhelming community support including that of the local ANCs and community organizations.

IV. The Operator of the Flea Market Proceeded in Accordance with Direction of D.C. Public School System Personnel in Not Obtaining a Certificate of Occupancy Twelve Years Ago.

The applicant is requesting that, after due consideration, the Board will grant the requested variance relief so that the Flea Market may remain in operation after being established pursuant to the direction of personnel of the D.C. Public School System, as testified at the hearing. This direction resulted in Mr. Sussman not obtaining a certificate of occupancy when one could have been obtained as a matter-of-right, which would have obviated the need for this variance application.

V. Conclusion.

In view of the foregoing, it is respectfully requested that the relief be granted, that the Georgetown Flea Market be able to continue in operation as it has been for these many years and that parking be provided in an area to the rear of the School at a minimum of twenty-five spaces, which will further reduce the number of vendors on-site by approximately twenty during the peak season.

Respectfully submitted,

WILKES ARTIS, CHARTERED

By: _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

227208

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing letter were mailed this 13th day of February, 2001, to:

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