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A PROFESSIONAL LIMITED LIABILITY COMPANY

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OF COUNSEL:
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STEVEN G. RAIKIN (DC)

RECEIVED
D.C. OFFICE OF ZONING
2001 FEB 26 AM 9:09

February 23, 2001

BZA
Case No. 16659
Exhibit No. 29

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210-S
Washington, DC 20001

Re: Application No. 16659, 4418-4420 Connecticut Avenue, NW

Dear Members:

On February 5, 2001, the Board of Zoning Adjustment held a public hearing concerning the aforementioned application. The Board suspended voting until March 6, 2001, in order to allow the applicant time to produce evidence of a good faith effort to meet certain conditions set forth by the Office of Planning.

First, the Board requested that the applicant relocate the dumpster to the position displayed in the original site plan. This has been done.

Second, the Board requested that the applicant submit a landscaping contract evidencing a good faith effort to replace the existing, but perishing, Leland Cypress Evergreens. A copy of a landscaping contract, proposing to remove the dead trees, prune the existing trees, and plant fifteen (15) Photinia Fraseri and eight (8) Burford Holly is attached.

Finally, the Board requested that the applicant submit a landscaping contract to evidence a good faith effort to maintain the property and the foliage on it. A copy of a landscaping contract proposing to water, fertilize and prune the new foliage is attached.

The applicant has dutifully complied with all of the Board's requests. We therefore, respectfully request that the Board grant a special exception for an accessory parking lot.

At the hearing, the Members of the BZA suggested that if the Applicant demonstrates full compliance with the October 11, 1995 BZA Order (enclosed for your convenience), that the Board would give serious consideration to granting the exception for an additional five years.

Board of Zoning Adjustment
District of Columbia
CASE NO.16659
EXHIBIT NO.29

Insofar as we have so demonstrated our full compliance, we respectfully request that the special exception be for another five (5) years.

For your review, I am also enclosing a proposed draft Summary Order.

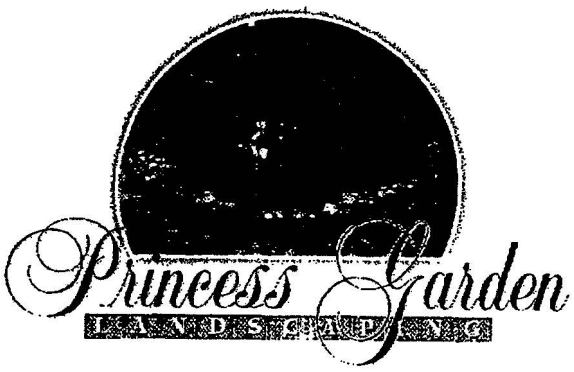
Sincerely,

Benny L. Kass
Attorney for Applicant

Enclosures

cc: Jack Klein

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538 Devonshire Court
Severna Park, Maryland 21146
office 410.320.4126
fax 410.729.0497

PROPOSAL

February 13, 2001

TO:	FOR:
Borger Management, Inc. **1111 14th Street N.W. Suite 200** **Washington, D.C. 20005**	**4420 Conn. Ave. N.W.** **Washington, D.C.**
Phone: Fax:	Phone:

We hereby submit specifications and estimates for: **Rear Parking Lot Landscaping**

1. Cut down and remove all dead trees.
2. Remove water sprouts from the base of all trees to remain.
3. Prune and shape trees and shrubs to remain.
4. Move loose rock to foot path area and secure.
5. Clean up and remove all loose and / or foreign debris.
6. Furnish and install - extending and from left (existing cypress) to the right - 5' off the existing retaining wall - 15 Photinia Fraseri, height 30-36". Also install 8 Burford Holly, height 24-30", random along the slope.
7. Mulch all new plantings and exposed soil areas with 3" shredded hardwood mulch.

We Propose to furnish material and labor, complete, in accordance with the above specifications, for the sum of:
ONE THOUSAND SIX HUNDRED EIGHTY FOUR DOLLARS $ 1,684.00

Payment is to be made as follows: BILL ON COMPLETION, NET 15 DAYS

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be executed only upon written order, and will become a charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

This proposal may be withdrawn by us if not accepted within 20 days.

Authorized Signature: Michael C O'Hare
Michael E. O'Hare

Acceptance of Proposal: The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be as outlined as above.

Authorized Signature: By: Joel E. Borger Ex. V.P. 2/14/01
Title Date



538 Devonshire Court
Severna Park, Maryland 21146
office 410.320.4126
fax 410.729.0497

PROPOSAL

February 13, 2001

TO:	FOR:
Borger Management, Inc. **1111 14th Street N.W. Suite 200** **Washington, D.C. 20005**	**4420 Conn. Ave. N.W.** **Washington, D.C.**
Phone: 202-898-1880	Fax: 202-898-1549

We hereby submit specifications and estimates for: **Rear Parking Lot Grounds Maintenance for 2001**

JUNE	Check all plantings for injury. Water if necessary, fertilize shrubs, police grounds for trash and debris. Prune as needed.	$250.00
AUGUST	Check all plantings, weed as needed, prune and shape shrubs, police grounds for trash and debris. Water if necessary.	$250.00
NOVEMBER	Prune as needed, weed, police grounds for trash and debris, including leaves.	$250.00

*** This contract is based on the 'Rear Parking Lot Landscaping' installation being done in April of 2001.**

We Propose to furnish material and labor, complete, in accordance with the above specifications, for the sum of:
SEVEN HUNDRED FIFTY DOLLARS **$ 750.00**

Payment is to be made as follows: BILL AS WORK PROGRESSES

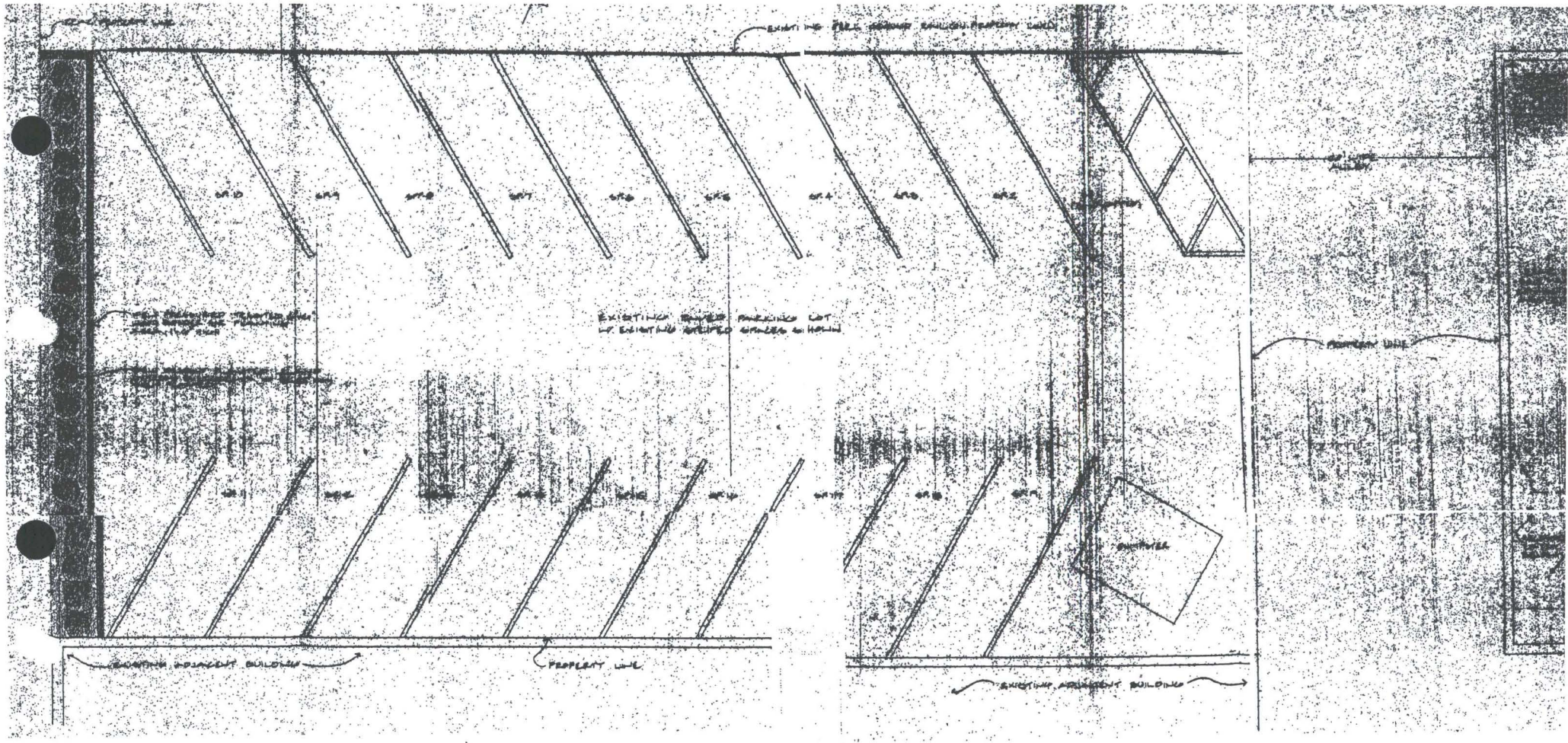
All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be executed only upon written order, and will become a charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

This proposal may be withdrawn by us if not accepted within 10 days.

Authorized Signature: Michael E O'Hare
Michael E. O'Hare

Acceptance of Proposal: The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be as outlined as above.

Authorized Signature: By Jay E Borger Ex. V. P. 2/14/01
Title Date


PROPERTY LINE
EXISTING ADJACENT BUILDING
PROPERTY LINE
EXISTING ADJACENT BUILDING
PROPERTY LINE

Application No. 16659 of 4418-20 Connecticut Avenue Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to re-establish an accessory parking lot in an R-1-B District at premises rear 4418-20 Connecticut Avenue, NW (Square 1971, Lot 825)

HEARING DATE: March 6, 2001
DECISION DATE: March 6, 2001

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to the application, submitted a written statement indicating that it would not object to the application on the condition that the owner take action to ensure that all trash on the premises is picked-up and the garbage container stays closed.

As directed by 11 DCMR 3324.2. the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 213. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board
further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following conditions:

1. Approval shall be for a period of five years.

2. Nineteen parking spaces shall be provided on the site.

3. The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m.

4. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

5. Wheel stops shall remain installed.

6. All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped.

7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

8. The garbage container (dumpster) shall remain at the location identified on the site plan, which is attached hereto and incorporated by reference.

9. Landscaping shall be provided as identified on the site plan.

10. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

11. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

12. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE:

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

FINAL DATE OF ORDER: March ____, 2001

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