GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Tudor Place Foundation, Inc. Application for Special Exception for Tudor Place at 1644 31st Street, and Dower House at 1670 31st Street, NW Square 1281, Lot 835	)	Application **No. 16974**

OPPOSITION TO APPLICANT'S MOTION TO REOPEN RECORD

The 31st. St. parties oppose applicant's motion to reopen for the following reasons.

I. The Rules do not permit reopening

(1) Reopening will violate all of the provisions of 11 DCMR 3112, 3113, 3114, and 3115 which provide for appeal procedures. This request is in fact a new request which requires a hearing, notice to surrounding neighbors, posting of the property and consideration of other city agencies.

(2) This record was closed months ago, except for a parking study, 11 DCMR 3117.12.

(3) Post hearing proposed findings of fact and closing of the record is complete, 11 DCMR 3121.

(4) There is nothing in the hearing procedures which allows for reopening, 11 DCMR 3117. This request does not even allow the parties in opposition to be heard, but merely requests consideration of an unsigned and unsworn statement by Ms. Buhler.

II. The "Supplemental Statement of Leslie Buhler is an improper attempt to communicate with the Board members

BZA
Case No. 16974
Exhibit No. 114

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 114

The unsigned and unsworn attachment to counsel's Motion is a not permitted under this Boards admonitions that applicant's are not to communicate with board members outside of the record. It should never have been submitted, should not be read by the board members, and should be returned to counsel and not considered a part of this now closed record.

III. No proof of any prior use.

Counsel attempts to justify this motion on the ground that there were no objections to operations for the past 2 years (Buhler attachment). However, there is also no proof that there was any restaurant service for tour groups during that two year period or at any other time. The unsworn Buhler statement does not even allege such use. The non-objection to operations over the past two years certainly does not go to restaurant use which was a surprise at the hearing. The 31st. St. parties post hearing submissions on this point are as follows:

Findings of Fact

O. RESTAURANT USE AT 1670

29. Tudor Place now admits that it wishes to expand its operations to having lunch for tour groups. This is a surprise to neighbors in opposition, and the order is silent. Since the order has not asked for food service, it should be excluded. The order should be explicit in excluding this use in a residential neighborhood.

MS. BUHLER: And we would like to be able to use it on a, to able to, we've had, we have tour groups that come in that

want to have lunch and if it's raining we have another place for people to have lunch other than at Dower House. (TR 4/15 p. 109 lines 17-21).[1]

Brief

O. RESTAURANT USE AT 1670

The proposed order has made no mention of serving meals to tour groups. The testimony has indicated that this is an intention of MS.Buhler. There is no proof that this at 1670 will not have even more adverse affects, and the order shall specifically exclude food services for tours.

Conclusion

This motion must be denied and returned to counsel.

Respectfully Submitted,

Ronald R. Snider

for 31st. St. Parties

[1]. This statement is directed to the future, not the past. The word "would" is an admission that such use was future tense.