BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Tudor Place Foundation, Inc. Application for Special Exception under Section 217 to continue the previously approved operation of a museum by a non-profit organization	))))))	BZA Case No. 16974 Hearing Dates: April 15, 22 and 29, 2003

REPLY IN SUPPORT OF MOTION
TO REOPEN THE RECORD
CONCERNING USE OF DOWER HOUSE

The party opponents have demanded the opportunity to respond to the supplemental statement of Leslie Buhler submitted by the Applicant for the Board's consideration on July 14, 2003 (the "Supplemental Statement") as an attachment to the Applicant's "Motion to Reopen the Record for Submission of Additional Statement Concerning Use of Dower House". We agree that the party opponents should have this right, and they have clearly exercised it in their submissions.

Specifically, the party opponents argue that the Supplemental Statement does not allege restaurant service for tour groups in the past. 1/ As the party opponents correctly infer from the Supplemental Statement, the Applicant has served food at its events on various occasions in the past. Evidence of this is also on the record in various references by the opposition to catering. (See TR 4/15,

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1/ See Snider, "Opposition to Applicant's Motion to Reopen Record", at 1.

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pgs. 121 and 141). The Applicant emphatically does not consider this to be "restaurant service", as the opponents like to argue, which implies a restaurant or cafeteria facility that is open to the public during regularly scheduled hours. The Applicant neither operates anything resembling this type of facility nor proposes to do so. Rather, the Applicant proposes to continue a type of occasional use that is more analogous to the activities conducted by private residents inviting guests to their residences. The party opponents' admission of surprise at such current use of the Dower House only confirms that no adverse impacts arise out of such use.2 If these activities were the cause of any perceptible adverse impacts, the party opponents surely would be aware of disturbing activities and would have cited specific examples for the record.3 The party opponents failed to cite any specific instance of an adverse impact associated with the use of Dower House for small receptions. Rather, the party opponents' arguments opposing the use of Dower House on the record were based exclusively on faulty legal arguments that the Court of Appeals has definitively rejected, as acknowledged by the Board.

The party opponents further assert, without basis, that the Applicant intends to expand its operations to have lunch for tour groups, and suggest that the

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2 See Snider, "Opposition to Applicant's Motion to Reopen Record", at 2.

3 The only specific example of adverse impacts cited by the party opponents on the record is the Glickman wedding more than 3 years ago on May 6, 2000. The Applicant has previously acknowledged that there were problems during this event. The Applicant's proposed findings of fact address this concern by, among other things, including a prohibition on wedding rentals for more than 75 people.

Applicant's proposed findings of fact would not allow this. To the contrary, there is no evidence on the record or in the Supplemental Statement suggesting that the Applicant intends to "expand" such operations, nor does the Applicant propose to do so. The existing order permits food service, and the party opponents have admitted knowledge of such fact in referencing catering trucks in their various submissions. (See TR 4/15, pgs. 121 and 141.) Indeed, it is implausible to expect that the various rental events, receptions and weddings permitted under the existing order were intended to be devoid of food. Accordingly, the party opponents' request to modify their own proposed findings of fact specifically to now exclude food service at Dower House is unwarranted and unjustified.

The party opponents also argue that the Supplemental Statement should not be admitted because it was unsigned and unsworn. In response to such concern, the Applicant hereby submits as Exhibit A hereto a sworn and notarized copy of such Supplemental Statement.

In view of the above, the Applicant respectfully requests that the Board reopen the record for the submission of the Supplemental Statement, as well as the party opponents' responses thereto. By doing so, the Board will have satisfied its duty to consider and inquire into all relevant facts in making its decision while having appropriately given all parties an opportunity to be heard on such matters.

Respectfully submitted,



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Counsel for the Applicant,
TUDOR PLACE FOUNDATION, INC.

July 28, 2003

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Response to Party Opponents' Response to Motion to Reopen the Record for Submission of Additional Statement Concerning Use of Dower House to be served, this 28th day of July, 2003, on:

Don W. Crockett
3070 Q Street, NW
Washington, D.C. 20007
Don.Crockett@hq.doe.gov
By E-Mail

Ronald R. Snider
1607 31st Street, NW
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Norton Katz
1671 32nd Street, NW
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By Hand Delivery

Gordon C. Wilson

Exhibit A

SUPPLEMENTAL STATEMENT OF LESLIE BUHLER
CONCERNING USES OF DOWER HOUSE

I attended the Board of Zoning Adjustment deliberations on June 3, 2003 concerning Tudor Place's application, and I am very concerned that the Board may be considering imposing conditions on the use of Dower House that were not discussed at the hearings or in the written submissions. Because these restrictions were not considered in the evidence, the Board may not appreciate what a severe impact such restrictions would have on the operation of Tudor Place. I am providing this information in the hope that it will better inform the Board's deliberations.

Dower House has (1) the only heated and air-conditioned multifunction rooms available anywhere on the property, and (2) the only accessible working kitchen on the property (the only other working kitchen is inconveniently located above the second story of the "servant's apartment" over the garage). Therefore,

- Dower House is the only indoor venue where we can comfortably hold our education programs year round (including adult lectures, children's workshops that are open to the public, and school group programs).

- Dower House is the only place where we can offer indoor space for use by approved outside groups (which has in the past included use by the Georgetown Garden Club, the DC Preservation League and the Smithsonian Women's Committee).

- Dower House is also the only space on the property where a seated indoor lunch or dinner can feasibly take place, which is an important feature of our private tours of the main house when weather conditions do not permit holding such activities outdoors.

Due to the small size of Dower House, all of the functions that use this space are necessarily quite small, and, to my knowledge, have no adverse impacts on the neighborhood. For example, the small size of the functions often enables parking needs to be accommodated on site in a parking area behind Dower House (which, together with other parking on the property, can readily accommodate approximately 25 cars without the need to "stack" vehicles). To the extent that use of on-street parking is associated with Dower House events, such usage is minimal and generally indistinguishable from usage associated with events at the main house. Approximately 50% of the guests at Dower House functions enter from the side of Dower House facing the main house rather than from the front entrance of Dower House on the street.

I have not heard anything during the BZA proceedings or the numerous meetings leading up the BZA proceedings suggesting that any adverse impact is associated with our limited use of Dower House. To the contrary, as the opponents acknowledge: "no one has objected to the operations of Tudor Place tours and events over the past two years". (Snider Findings of Fact, paragraph 24). Such operations during the last two years have regularly included Dower House educational events, small receptions and uses accessory to tours.

I urge the Board to consider carefully the above matters before constraining our use of the Dower House beyond the uses proposed in our Application. The additional limitations that the Board has been discussing may seem as minor refinements to the Board, but they in fact would have a devastating effect on the ability of Tudor Place to carry on its core educational functions and maintain financial viability.

Please let me know if there is any further information we could provide that would be helpful to the Board in reviewing the above matters.

I hereby certify that the above statement is true to my personal knowledge.

Respectfully submitted,

Leslie L. Buhler
Executive Director
Tudor Place Foundation, Inc.

Subscribed and sworn to
before me, the undersigned
officer, this 22nd day of July, 2003.

Notary Public, MD

My commission expires:

ALISSA S. FIELDS
Notary Public, State of Maryland
My Commission Expires Oct. 1, 2006