SNIDER & ASSOCIATES
INTELLECTUAL PROPERTY LAW
1054 31ST STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20007 U.S.A.

Ronald R. Snider **TELEPHONE 202-347-2600**

sniderpatent@yahoo.com **FACSIMILE 202-347-7870**

August 26, 2003 **VIA FACSIMILE**

Jerrily R. Kress, FAIA
Director, Office of Zoning
441 4th Street;, N.W.
Suite 210-S
Washington, D.C. 20001

Re: BZA No 16974

Dear Ms. Kress:

Included are the requisite number of copies of:

AUGUST 26, 2003 TESTIMONY OF
FRANCES B. SNIDER IN OPPOSITION TO 1670 31st. ST. USE

and

AUGUST 26, 2003 TESIMONY OF
RONALD R. SNIDER IN OPPOSITION TO 1670 31st ST. USE

Very truly yours,

Ronald R. Snider
for 31st. St. Parties

RECEIVED
D.C. BOARD OF ZONING ADJUSTMENT
2003 AUG 26 PM 5:59

BZA
Case No. 16974
Exhibit No. 127

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 127

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	X))))) X	Application No. 16974

2003 AUG 26 AM 9:59

AUGUST 26, 2003 TESTIMONY OF
FRANCES B. SNIDER IN OPPOSITION TO 1670 31ST ST. USE

I understand that I need to provide additional comments regarding my concerns about how Tudor Place is being operated. Frankly, I do not know what else I can possibly say. As my previous communications have stated, Tudor Place is located in a neighborhood that is zoned residential. To me, that means that no one should be operating a business here.

It is my understanding that Tudor Place management is proposing to use 1670 31st Street ("Dower House") to provide food to those touring the property, as well as for separate dinners and the like. That sounds very much like a restaurant operation to me. I have heard that at least one Tudor Place staff member has said that the operation "will go under and will need to be sold" if food service cannot be offered, and the operation expanded in other ways.

It would be nice to have Tudor Place continue as a house museum (albeit more in line with what Mr. Peter described in his will). However, if that is not possible without a restaurant on the premises, events that clog the street with traffic, noisy parties, and unattractive tents marring the view, then perhaps the property should be sold to a private individual.

If Tudor Place is allowed to violate the zoning in these ways, it sets a precedent for the neighborhood. Once the precedent is set, then I could use my house for similar purposes. A few

weddings and bar mitzvahs a year would supplement my Social Security check nicely. I might even think about turning it into an inn. Maybe I could work out a package deal with Tudor Place. The guests could sleep here and eat at Dower House.

I declare upon penalty of perjury that the above statements are true and correct to the best of my knowledge.

Frances B. Snider

Frances B. Snider
1607 31st Street. N.W.
Washington, DC 20007

August 26, 2003

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**

AUGUST 26, 2003 TESTIMONY OF
RONALD R. SNIDER IN OPPOSITION TO 1670 31st St. USE

The Board's order of August 7, 2003 requires submission of testimony of the parties by August 26, 2003. At this time, Tudor Place has not stated what zoning permission it wants in this reopened record.[1]

It is believed that applicant wishes to serve food (catered or prepared on site) at 1670 to any group designated as a "tour" group at any time of day or evening without restriction as to the number of such tours or restriction upon the number of persons attending. This is in addition to the uses now enumerated. Applicant has admitted that it wants to use income from 1670 for support of 1644.

FINANCIAL

Tudor Place again [2] asserts financial need as a

---

[1]. There is no proposed order. Tudor Place has only stated that it wants more money and would like to have the right to use 1670 to an extent greater than the Board has indicated it will allow.

[2]. In the Chairman's comments at R 4/15, P103, lines 8-14 it was made clear that the case was not presented on the basis of hardship or that they have to get revenues from events. Financial need as a matter of law is not a consideration in cases where the

justification.[3]

Tudor Place characterizes itself as a museum (Buhler TR 4/15, P-52, L10), but the financial record shows that it has failed in its primary mission as set forth in the Peter Will. Tudor Place should concentrate its efforts on its primary purpose of attracting visitors to the house and gardens and not on turning 1670 31st. St., which has no historical significance, into a party house or restaurant.

The 2001 income tax return shows that Tudor place had income from admissions of only $24,264[4] and the 2002 return shows only $17,518.[5] Admissions are decreasing. Now, instead of promoting the primary museum propose, i.e. increasing the number of tourist visit to the museum, Tudor Place has now transformed itself as a charity dedicated to "core educational functions" (see footnote 2).

The attached analysis of the 2001 and 2002 tax returns

---

issue is limited to adverse impact and affects on a neighborhood.

[3]. The Buhler statement attached to the Motion To Reopen The Record, Tudor Place asserts "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." See also "Supplemental Statement of Leslie Buhler Concerning Uses of Dower House" filed July 29, 2003

[4]. At the admission rate of $6.00, this amounts to 4,044 people for the entire year or a mere 13 persons per day if it is assumed that the museum is open 330 days per year.

[5]. Admissions fees in 2002 were $17,518 which at the stated rate of 6 dollars per admission shows that there were only 3,000 visitors.

(Exhibit 1) which shows that applicant had net income of $64,273 in 2001 and shows a net loss of $63,174 in 2002. However, the analysis shows also that with income dropping by $59,502 applicant increased its salary and consulting expenses by $70,187. If it were not for those increased personnel costs Tudor Place would have made an actual profit even in 2002. If it were not for the clear excessive salary structure and mismanagement at Tudor Place, there not be a financial problem.[6] To make matter worse, the increase of expenditure resulted in decreased admissions (24,246 to 17,518).

In reality applicant is seeking to have activities at 1670 make up for its mismanagement and to place that burden on the surrounding neighbors through suffering from the adverse impact.

Also attached is a copy of a letter to the editor (Exhibit 2) from the Georgetown Current which shows how the 2001 tax return proves applicant has the means to function as a historic house museum for which it was intended.[7]

Tudor Place is now asking this Board to permit it to engage revenue generating activities at 1670 --wholly unrelated to the mission or the museum at 1644 31st. St.-- to support extravagant

---

[6]. The executive director has a salary of $75,000 and her Pension Plan was increased from $1,500 in 2001 to 6,372 in 2002 (+4,872).

[7]. The Current letter analyzing the 2001 tax return shows that there was more than adequate non-taxable income and exclusion from real estate taxes (Gross income $982,440 plus D.C. Tax exclusion of $182,000 or a total of $1,164,440). The 2002 Return shows that the value placed on Docent services and use of facilities was another $179,048.

expenditures on undefined "core educational functions"[8]. This application and those which proceeded it were for the operation of the museum, not this new use for education, such as children's art lessons.

PARKING

Tudor Place proposes to have unrestricted tours and event of or 50 people or less in the evening hours. I observed and counted Evening parking along 31st. St. on the June 2003 dates shown on the attached sheets (Exhibit 3). The data shows parking becomes difficult between Q and R Streets by approximately 8:00 P.M. when there are generally between 6 and 14 spaces between Q and R Streets after 8:00 PM. During the months of September through the end of May when people are not on vacation, I have observed that there are even fewer spaces available this time of evening. If Applicant is permitted groups it designates as "tour" evening parking on 31st. St. will be a continual problem.[9]

I have personally inspected the drive way and rear yard at 1670 31st. St and I have noted that the drive way is narrow and

---

[8]. Ms. Buhler's "Supplemental Statement" filed July 14, 2003 identifies adult lectures, children's workshops, school group programs, the DC Preservation League, and the Smithsonian Women's Committee. On the other hand, both the 2001 and 2002 tax returns tell the IRS that educational activities are "all associated with its historic buildings and grounds."

[9]. Based upon Ms. Buhler's July 14, 2003 statement, it would appear that Tudor Place now wishes to modify the proposed order to permit it to call anything a "tour" and use it as an excuse to have a party (lunch, dinner with alcoholic refreshment) at 1670 at any time.

can at best accommodate 10 cars if parked bumper to bumper[10]. The back yard can accommodate only 2 or 3 cars and is unpaved. The drive way and parking located at 1644 is much further away than 31st. St as shown on the maps in this record. Therefore, even small events with as few as 20 cars will fill up the available places along 31st. St. at approximately 8:00 PM.

I find this a personal adverse affect because my wife has bad knees and simply cannot walk long distances that are required when 31st. St. is parked full.

OTHER RESTAURANT IMPACT IN AREA

Attached is survey sheet (Exhibit 4) showing the restaurants and their occupancy capacities which are located between P and R Streets on Wisconsin Avenue. The number of seats is at least 893. The proposed addition of another 50 seats on the residential 31st. St. will have an adverse impact on the neighborhood which must consider the already congested restaurant density in the immediate neighborhood. This is a function of the D.C. Board that grants restaurant licenses, not the BZA.

PARTY HOUSE

If applicant receives permission for dinner parties, it is not unreasonable to assume that alcoholic beverages will be included. Applicant may therefore go to the Alcoholic Beverage Contort Board and claim zoning clearance and request a liquor license.

---

[10]. This means that first in, last out will have to be the rule for 1670 parking. I would rather park on the public street.

In Dupont Circle on the south side O Street and west of 20th street is located an establishment known as "The House on O Street" or the "mansion." Through blatant manipulation of the zoning regulations, it serves liquor, rents out portions for events and causes a disruption to the otherwise residential area. We do not need this on 31st. St.

TRAFFIC

Attached is a photograph (exhibit 5) of a traffic jam along 31st. St. during an event which featured valet parking. Valet assisted parking simply does not solve the problem, and 1670 is part of the problem because this application permits it to be used jointly with 1644 as long as a high limit of persons is not exceeded for both properties. Under these conditions, applicant under this order will give notice to residents such as myself and my option is to stay at home or stay away from home while Tudor place has its adverse impact special event.

I hereby declare upon penalty of perjury that all of the above statements are true and correct to the best of my knowledge.

Ronald R. Snider

Date: 8/26/2003

ANALYSIS OF 2001 AND 2002 TAX RETURNS

Income

Item	Year 2001	Year 2002	Change
1) contributions and gifts, 1d	458,288	432,584	
2) Interest, 4	464,413	445,310	
3) Admissions (Part VII)	24,264	17,518	-6,746
4) Fees (Part VII)	21,904	19,445	
Sub total	968,869	914,857	
5) Sales of inventory, 10c	13,571	8,801	
TOTAL	982,440	922,938	-59,502

Salary and Consulting

Salaries, Part II line 26	414,696	451,829	
Pension Plan Contributions	64,849	85,987	
Sub Total	479,545	541,816	+62,271
Consultants, Form 990 Part II	99,775	107,691	+ 7,916
TOTAL	579,320	649,507	+70,187

DIFFERENCE

Increased Salary and Compensation	70,187
Decreased Income	-59,502
DIFFERENCE	10,685

EXHIBIT 1

ing them. In fact, we are lawbreakers' worst nightmare and valuable linchpins of our city's quality of life. Often at home during the day, we contribute to the community as Neighborhood Watch members, care-

repealing the master business license.

Kwame Brown, a resident of Sou
a spokeperson for small minority bu
Hoffman is a free-lance writer and c
lives in Chevy Chase.

LETTERS TO THE EDITOR

Tudor Place is viable without event income

In your lead editorial on June 11, you argued that Tudor Place must have its special-event income to have financial viability.

The 2001 tax return shows that there was income of $524,152 (interest $464,413; admissions $24,264; fees $21,904 and other $13,571) and contributions of $458,288 for a total of $982,440. There was a profit of $64,273.

The docents work for free, and the city receives no property tax on a property that is assessed at more than $19 million. Even at residential rates, the city subsidizes Tudor Place for another $182,000 per year. This was all without any of the special rental events that are being contested before the Board of Zoning Adjustment.

Tudor Place has employees who received compensation of $414,696 in wages and $64,849 in pension-plan contributions, according to the tax returns.

The real problem at Tudor Place is the income from admissions, which was only $24,264.

Since this organization is tax-exempt, it has all of the $982,440 as income, plus the exemption from property tax. Tudor Place suffers from excessive salary cost, and it fails to perform its primary function of attracting and admitting the public during the normal daytime operations, which are not objected to by those who oppose the application.

Armstead Peter's will and scenic easement were for the purpose of opening Tudor Place to the public, not for the purpose of rental special events which affect the integrity of the property and disrupt the adjacent neighborhood.

Ronald R. Snider
Georgetown

City residents don't need automobiles

With Flexcar and Zipcar in the neighborhood and Giant delivering food from the Internet, it's a mystery why so many Washingtonians keep paying for cars, registration, parking, insurance, repairs and fuel. The burdens of car ownership being so many and yet so widely endured without question suggest that the best thing the D.C. Department of Transportation can do about parking would be to arrange for mass hypnosis.

Phil Wolf
Stanton Park

GU should share new boathouse with public

I am responding to Christine Kilby's letter in your June 11 issue, in which she objected to Georgetown University's being given public lands fronting the Potomac River for private use as a boathouse.

It obviously wou
ful for the universit
a facility and equall
for the public to hav
beautifully cared fo
such an attractive m

I am wondering,
wouldn't be possibl
for both the universi
public to enjoy the s
house facilities. This
careful structuring, b
university has ample
while the community
I anticipate that both
great benefit. It woul
university's interest i
structure while provi
lic ownership of a pri
real estate.

A

LETTERS
THE EDIT

The Current publishes
representing all points
Letters should be sig
must include the write
and business telepho
bers, as well as home
Because of space lim
submissions should b
more than 400 words
be subject to editing.
intended for publicatio
be addressed to: Lett
Editor, The Current, P
Box 40400, Washingt
20016-0400. You ma
mail to current@erols

EXHIBIT 2

6/4/03

6:41	22	Between Q + R on 31st.		
7 45	10	"	"	
8:30	6	"	"	

6/5/03				
5:58	23	Between Q + R on 31 St.		
6:35	15	"	"	
7 20	9			
8 15	9			

6/6/03		Between Q + R on 31st		@ + Dog
7:00	15	"	"	0
8:00	8	"	"	0

6/8/03				
8:20	22	"	"	3

6/9/03		"	"	
5:15	27			7
8:25	"			1

6/10/03				
6 45	25	"	"	7
7 30	22			4
8 00	22			2
8 45	14			1

EXHIBIT 3
SHEET 1

6/11	Q to R	Q to alley
5:20	29	9
7 35	21	5
8 15	14	1

6/12/03	Q to R		Q to alley
7.35	26	(RAIN!)	7

EXHIBIT 3
SHEET 2

OCCUPANCY	ADDRESS	RESTAURANT
17	3214	Thomas Sweet
35	3217 P Street	Marvelous Market
40	1522 Wisconsin	Cafe Bonaparte
200*	1530 Wisconsin	Georgetown Club
60	1564 WISCONSIN	Red Ginger
30	1608 WISCONSIN	BASIL Thai
75	1623 WISCONSIN	Georgetown Cafe
24 est	1645 WISCONSIN	Patisserie Poupon
178	1715 WISCONSIN	Japan Inn
148	1721 WISCONSIN	Ledo Pizza / Confusions Co
86 ~~48+38~~	1736 WISCONSIN	New Star Management
		BISTROT LEPIC

* Estimate given by CLUB operator answering door was 300

17• +
35• +
40• +
200• +
60• +
30• +
75• +
24• +
178• +
148• +
86• +

EXHIBIT 4

893• *



EXHIBIT 5

CERTIFICATE OF SERVICE

I hereby certify that a copy of the 31st. St. Parties

AUGUST 26, 2003 TESTIMONY OF FRANCES B. SNIDER IN OPPOSITION TO 1670 31st. ST. USE

and

AUGUST 26, 2003 TESIMONY OF RONALD R. SNIDER IN OPPOSITION TO 1670 31st ST. USE

were served on August 26, 2003 upon:

Gordon C. Wilson
Hogan and Hartson
555 Thirteenth Street, N.W.
Washington, D.C. 20004
By First Class Postage

Donald W. Crocket
3070 Q Street
By HAND

Norton Katz
1671 32nd Street, N.W.
By HAND

Jerrily R. Kress, FAIA
Director, Office of Zoning
441 4th Street;, N.W.
Suite 210-S
Washington, D.C. 20001
By Hand (requisite number of copies)

