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October 28, 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:

FINAL OCTOBER 28 FINDINGS OF 31st. ST. PARTIES

and the

October 28 31st St Parties' proposed order as to 1670 31st St

Very truly yours,

Ronald R. Snider
for 31st. St. Parties

BZA
Case No. 16974
Exhibit No. 142

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 142

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**

FINAL OCTOBER 28 FINDINGS OF 31ST. ST. PARTIES

This Board reopened the proceedings for all issues relating to 1670 31st. St. The 31st. Parties make this final findings submission on issues as to 1670 31st (Dower House) and incorporate by reference previous findings submissions on this and all other aspects of this proceeding.

NO HISTORICAL CONNECTION

1. The records of the District of Columbia and a Tudor Place publication show no historical connection because the Peter Family did not own 1670 for 93 years, did not build the house, and did not even control it until after 1966 when the life estate of Beall was extinguished. There is no connection between the 1816 mansion and the 1869 victorian structure built by some one else.

2. The original Tudor Place 8.5 acres was purchased by Peter from Lowndes on 6-5-1805. The name "Dower House" is a recent affectation by Tudor Place. The property known as 1670 31st. St. and recently "Dower House" was sold by Kennon to Dodge et al as evidenced by D.C. Land Record D-1, Folio 152 on 9-23-

1868. It is unknown what the Peter family did with 1670 in the first 63 years of ownership. It is only clear that nothing of this use remains today. The 1670 31st property (Dower House) was purchased by Armistead Peter III on October 25, 1961. Most importantly, this deed in combination with a survey establishes that lands above Tudor Place including 1670 31st. St. N.W. were sold by Armstead Peter III's grandmother 1868. The single family home at 1670 31st. St. was purchased in 1961. No one in the Peter family owned the property for 93 years. The Peter family did not build Dower House because it was it built in 1869.

APPLICANT FAILED TO PROVE NO ADVERSE AFFECT DURING REOPENING

3. The Buhler testimony during reopening does not show how the foundations proposed order will avoid any adverse affect as is required by Section 217.1.

6. A substantial difference between the old order and the new proposed order is the change of the word "receptions" to "Tudor Place Functions." Ms. Buhler admitted that she made this change in drafting the new order during her final cross examination. She further admitted that it was "technically correct" that the new order was unlimited in scope and permitted an unlimited number of uses which Tudor Place chose to designate as Tudor Place Functions.

4. The dictionary definition of functions will be followed by the zoning administrator in enforcing an order. The real meaning is that any function at Tudor Place is to be permitted at 1670 31st St. The definition of Tudor Place Function is arbitrary,

vague and indefinite and up to Tudor Place Foundation. Buhler admits this is technically correct. This Board concludes that this should not be permitted.

5. The proposed order allows an unlimited number (day and evening) of activities Tudor Place describes as "functions." In her testimony Ms Buhler identifies tour group box lunches, catered events, education for any purpose whatsoever, and fund raising. There is nothing in this proposed order that would prevent the applicant from installing a commercial kitchen and going into the restaurant business as feared by the opponents in this proceeding.

6. Applicant has failed to prove that its proposed order relating to uses at 1670 31st St N.W. will not have adverse affects.

7. Applicant has failed to show that the premises at 1670 31st St. N.W. comply with the 10,000 square foot minimum requirement of Section 217.

8. Applicant has failed to show that the structure at 1670 31st. St. N.W. is less than 15 feet tall and for this reason the property cannot qualify as an accessory use to a museum at 1644 31st. St. N.W.

9. Applicant has not shown that there is an historical relationship or connection between 1644 and 1670 31st. St. N.W. In any event, historical relationship, and historical connection are not a factors which are considered under section 217.

Ronald R. Snider

Date: 10/28/2003

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**

OCTOBER 28 31st ST PARTIES'

PROPOSED ORDER AS TO 1670 31st ST.

The Tudor Place Foundation (formerly Carostad Foundation) may use the premises for all uses allowed as a matter of right for a single family residence in an R-1-B zone of the District of Columbia.

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Signature

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**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **FINAL OCTOBER 28 FINDINGS OF 31st. ST. PARTIES** and the **October 28 31st St Parties' proposed order as to 1670 31st St** were served on October 28, 2003 upon:

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Ronald R. Snider
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