Application No. 16974 - Tudor Place Foundation, Inc.

Hearing Dates: April 15 and 22, 2003

RELIEF SOUGHT: Pursuant to 11 DCMR § 3104.1, for a special exception to continue the operation of a museum by a non-profit organization (last approved by BZA Order No. 16477, dated January 14, 2000), under section 217, at premises 1644 31st Street, N.W. and 1670 31st Street, N.W.

ZONING:	R-1-B District
SQUARE & LOT:	Square 1281, Lots 827 and 830
COUNCILMEMBER:	Letter of Support from Mr. Jack Evans, Ward 2.
US DEPT OF INTERIOR:	Letter of Support from the Nat'l Park Service. Exhibit No. 75
OFFICE OF PLANNING:	**OP recommends APPROVAL of the application for five years with other CONDITIONS. Exhibit No. 48.**
ANC-2E:	**The ANC recommends APPROVAL of the application for five years. Exhibit No. 53.**

PARTIES: **On April 15, 02, the Board determined that the parties of the case would be:**

1. **31st Street Neighbors, To be represented by Ronald Snider**
2. **32nd Street Neighbors – To be represented by Norton Katz**
3. **Q Street Neighbors – To be represented by Don Crockett**
4. **Advisory Neighborhood Commission 2E is automatically a party to the case.**

NOTES:

Ronald R. Snider requested that the Board dismiss the application because the Applicant did not follow the proper pre-hearing procedure for posting the property, neither did the Applicant file the correct documentation for creating a new lot of record at the site. Mr. Snider's request consisted of the following two Motions:

Case No. 16974
Exhibit No. 86

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 86

(1) **Motion to Dismiss for Failure to Properly Post the Property**

The Board determined that although there were snafus with the posting of the property, the street frontages of the property were posted in a timely manner and the community residents were aware of the project. Therefore, the Board voted to deny the request.

Motion to Dismiss for Failure to Apply for Lot 835

The site previously consisted of Lots 827 and 830. The Applicant combined the lots and created a new lot (Lot 835). At the April 15th hearing, the Applicant did not file a plat showing the new subdivision. The Board determined that creating the new lot would not alter the materials facts of the case. The Board, by unanimous agreement, DENIED the Motion to dismiss.

The Hearing

The Applicant presented the case and was cross-examined by the parties at the April 15th hearing. Additionally, the Office of Planning's representative presented testimony and was questioned by the parties. When the hearing resumes, Advisory Neighborhood Commission 2E is scheduled to present testimony. During the hearing process, the Board requested the following:

1. The Applicant is to provide background information (if appropriate, a plat) concerning the creation of Lot 835.

2. The Applicant is to maintain the posting of the property until the public hearing on April 22nd.

3. The Applicant is to file letters of complaint or concern that were received from neighborhood residents.

4. The Applicant is to verify the capacity of the valet parking (e.g., location, number of spaces, any special arrangements).

5. The representative from the Office of Planning is to provide a copy of the letter that he received from the Department of Transportation.

6. The Applicant is to develop a revised site plan that identifies the buildings on the site and other improvements (such as access to the service area).

The hearing is scheduled to CONTINUE on APRIL 22, 2003 third case in the morning.

Letters/Petition in Support

Petition supporting the application, Exhibit No. 54
Mindy Kotler Smith, Exhibit No. 41
Laura Harper, Exhibit No. 36
Anthony Moffett, Exhibit No. 35
Twenty (20) letters filed by the applicant in support, Exhibit No. 34
William D. Rogers, Exhibit No. 28
Cynthia S. Ely, Exhibit No. 27

Letters of Opposition/Concern

Friends and Neighbors of Tudor Place, Exhibit No. 60
Robert Levine, Exhibit No. 55
Mr. and Mrs. Joe L. Zaring, Exhibit No. 51 and 61
Ambassador Robert B. Keating, Exhibit No. 47 and 60
Ross Watson, Exhibit No. 40
J. Dapray Muir, Exhibit No. 39
Richard R. Snider, 56 Opposition Petitions, Exhibit No. 37

Background

On December 1, 1999, the Board approved the previous Order associated with the site, No. 16477. The Order was issued on January 14, 2000 with 17 CONDITIONS. Exhibit No. 12. The Order was approved for THREE YEARS, expiring on January 14, 2003. The Georgetown Residents Alliance filed a petition in the DC Court of Appeals challenging the Board's decision. The Court of Appeals on July 11, 2002 affirmed the Board's decision. Exhibit No. 11.

Participating Board Members: Geoffrey H. Griffis, David A. Zaidain, Curtis L. Etherly, Jr. and Carol J. Mitten.

The Applicant's attorney is Eric Von Salzen, Hogan & Hartson