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October 3, 2003

STEVEN E. SHER
DIRECTOR OF ZONING
AND LAND USE SERVICES
202-663-7278
Internet Address:
ssher@hklaw.com

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

Re: BZA Application No. 17047 – 33 Patterson Street, N.E.
Objection to Receipt of Letter from Edward L. Donohue

Dear Members of the Board:

This office represents 30 60 M Street Associates L.P., a party in opposition to the above-referenced application. We are in receipt of a copy of a letter, dated October 3, 2003, to the Board, enclosing a letter, dated September 28, 2003, regarding use of parking spaces in Square 672, Lots 256 and 846. We object to the receipt of those letters into the record. The Applicant's submissions were due to the Board three weeks ago and the record was not left open for any information from other persons. The letters were faxed to us this afternoon at 1:01 P.M.

Moreover, the attached letter offering parking spaces to the Applicant is from the DHCD Employee's Association. The subject properties are listed in the records of the D.C. Office of Tax and Revenue as being owned by the District of Columbia (see the attached pages from the Real Property Assessment Data Base for lots 256 and 846 in Square 672). The letter gives no indication of what authority the Association may have to lease the spaces which it does not own. Additionally, the letter does not itself constitute a lease and the description of the lease indicates that it is for a term of one year which may be renewed under specified circumstances.

We have not had an opportunity to discover all of the potential ramifications of the proposed use of these spaces and it would therefore be prejudicial to 30 60 M to rely on this letter and approve the case. The inability to examine and understand the nature of the proposed parking is precisely why we suggested to the Board that the

BZA
Case No. 17047
Exhibit No. 73

Board of Zoning Adjustment
District of Columbia
CASE NO. 17047
EXHIBIT NO. 73

leases for the space needed to be with the owner and needed to be subject to be part of the record before the Board.

We therefore urge the Board not to decide the application on the basis of any material in the letters at issue. We further renew our request, as set forth in our post-hearing submission and proposed order filed earlier today, that the Board either deny the application or approve it subject to the detailed conditions set forth.

Sincerely,

Norman M. Glasgow, Jr.

Dennis R. Hughes

Attachments

cc: Jay Hellman
Jennifer Steingasser, D.C. Office of Planning
ANC 6C
Stephen Gell

WAS1 #881271 v1

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Property Detail

Address: M ST NE
SSL: 0672 0256

Record Details

Neighborhood:	R.L.A. NE	**Sub-Neighborhood:**	
Use Code:	64 -		
Tax Type:	RL -	**Tax Class:**	00 -
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	Davis, Troy	**Assessor Phone No.:**	
Gross Building Area:		**Ward:**	6
Land Area:	7,500	**Triennial Group:**	2

Owner and Sales Information

Owner Name:	DISTRICT OF COLUMBIA
Mailing Address:	1133 N CAPITOL ST NE; WASHINGTON, DC 20002-7561
Sale Price:	Not Available
Sale Date:	Not Available
Instrument No.:	

Tax Year 2004 Preliminary Assessment Roll

	Old Value	Proposed New Value (2004)
Land:	$247,500	$297,000
Improvements:	$7,500	$7,500
Total Value:	$255,000	$304,500
Taxable Assessment: *	$0	$0

* Taxable Assessment after Tax Assessment Credit and after $30,000 Homestead Credit. Click here for more information.

** If you believe you should be receiving tax relief through the Homestead deduction program and if you are domiciled in the District and this property is your principal place of residence, you can access the link below, complete the form, and return it per the instructions. For additional information regarding the Homestead program, call (202)727-4TAX. Click here to download the Homestead Deduction and Senior Citizen Tax Relief application *

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Anthony A. Williams

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Property Detail

Address: NORTH CAPITOL ST NE

SSL: 0672 0846

Record Details

Neighborhood:	R.L.A. NE	**Sub-Neighborhood:**	
Use Code:	64 -		
Tax Type:	RL -	**Tax Class:**	00 -
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	Davis, Troy	**Assessor Phone No.:**	
Gross Building Area:		**Ward:**	6
Land Area:	28,516	**Triennial Group:**	2

Owner and Sales Information

Owner Name:	DISTRICT OF COLUMBIA
Mailing Address:	1133 N CAPITOL ST NE; WASHINGTON, DC 20002-7561
Sale Price:	Not Available
Sale Date:	Not Available
Instrument No.:	

Tax Year 2004 Preliminary Assessment Roll

	Old Value	Proposed New Value (2004)
Land:	$2,352,570	$2,823,080
Improvements:	$20,250	$20,250
Total Value:	$2,372,820	$2,843,330
Taxable Assessment: *	$0	$0

* Taxable Assessment after Tax Assessment Credit and after $30,000 Homestead Credit. Click here for more information.

** If you believe you should be receiving tax relief through the Homestead deduction program and if you are domiciled in the District and this property is your principal place of residence, you can access the link below, complete the form, and return it per the instructions. For additional information regarding the Homestead program, call (202)727-4TAX. Click here to download the Homestead Deduction and Senior Citizen Tax Relief application *

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