To: Geoffrey Griffis
c/o Office of Zoning
FAX — 727-6072
O - 727-6311

From: Gene Berry
547-3503

Please add the following
letter to the file for
BZA Case # 17079

Thanks —
Gene Berry

1 of 9 pages

BZA
Case No. 17079
Exhibit No. 80

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 80

100 Fifth Street, SE
Washington, D.C. 20003
December 21, 2003

Geoffrey Griffis, Chairperson
Board of Zoning Adjustment
441 Fourth Street, NW
Suite 220
Washington, D.C. 20001

Re: BZA Case #17079, Mark Phillips

Dear Chairperson Griffis:

We expected after discussion with the Office of Zoning staff following the public hearing on December 2, 2003, that the transcript would be available for review before the deadline for submission of additional documents of record in opposition to Mr. Mark Phillip's request for a special exception. By the close of business Friday, and at the time I write this letter, the transcript is not available. Because opposition party comments are due Monday, I would like to address at least some of the inaccurate, misleading and false statements in the record, as well as reiterate a few points that bear repeating due to the importance of the decision you are about to render.

Mr. Phillips has tried to paint a picture for you of someone who has "raised his children" in the neighborhood; "only obtained three parking permits," followed all the rules, tried to fit unobtrusively into the neighbor, has never rented more than two rooms at one time, and was unaware of neighborhood concerns about his operation. Mr. Phillips' children were in fact "raised" by his ex-wife in Gaithersburg, Maryland, and other than averaging a weekend visit once a month (sometimes two), the children never lived on Capitol Hill in his house. Mr. Phillips' contends **he** received only 3 parking permits the entire time he has run his current B & B, but it is unclear how many his partner, Keith Wilkinson, who is responsible for the day-to-day operations of the establishment, has obtained since the B & B began operation. (On information and belief, the following permits have been obtained by one or the other of the two proprietors: Z6-002746, Z6-003357, Z6-052735, Z6-042980, Z6-049300, Z-023292, Z6-000623. Additional parking permits were obtained by others for guests of the B & B, e.g., Z6-023490, and further prove the adverse impact to the neighborhood of additional parking because to the B & B.) Mr. Phillips has not followed the rules for visitor residential parking permits. On information and belief, Mr. Phillips has also not followed the rules and let more than two rooms at a time.

According to an article in the *The Hill* published May 22, 2002, Mr. Wilkinson stated, "We are offering only four rooms, each with private bath and historically decorated and furnished with real antiques." The article, written by Duncan Spencer, touts the "thousands of dollars in inside and outside restoration, plus state-of-the-art communications and Internet services, will open as a showplace executive inn...aiming at an exclusive clientele of professionals..." Hardly your quaint B & B, and of course, advertising "daily cocktail hour" and

"afternoon tea" further separated it from the neighborhood B & B fitting in unnoticed in a residential neighborhood.

Mr. Nettler, Mr. Phillips' attorney, also made a point of providing you with a copy of the HOP of other B & B's, e.g., Maison Orleans. I would like to point out that this B & B, which is licensed for and provides only 3 rooms, also **provides off-street parking for guests**. Likewise, other B & B's, such as Doolittle House on East Capitol, also **provide off-street parking**.

Mr. Phillips' "expert" witness stated that she knew that Mr. Phillips never rented more than two rooms at a time. I believe Mr. Phillips is a subscriber for her "The Inn Keeper" reservation services, but Mr. Phillips also used other means of renting rooms, which would make it problematic for her to know unequivocally that Mr. Phillips rented only two rooms at a time the entire time he has operated his business. (In addition to the attached MSN website, and 4 examples of an unknown number of **ebay** auctions for rooms, which I have attached, there were and are other advertised venues, and methods of accepting reservations.)

As I mentioned above, I wanted to review the transcript before submitting this letter. Just from memory I offer the following additional comments: Mr. Netter is incorrectly informed as to the number of HOP licenses in the immediate neighborhood; on the 400 block of A Street, only one residence has off-street parking, which further proves the adverse impact on the neighbors of any additional cars parked on the street as a result of an increase in the number of rooms if you allow this request for a special exception; one board member asked the astute question "why would you advertise four rooms if you could only rent two," to which Mr. Phillips pushed the limits of common sense with his incredulous comment that it allowed someone who might want a more feminine room to choose that; finally the adverse impact on the next door neighbors who share a common wall from the day in and day out noise of 4 rental rooms with up to 10 people in addition to the two proprietors living in the house is self-evident.

In summary, we feel the adverse impact on the neighbors if this special exception is granted has been proven by the information in the record, and by the common sense of the Board. We ask that you give "great weight" to ANC 6B's overwhelming 7-1-1 decision to oppose the special exception requested by Mr. Phillips, as well as the unanimous decision of the Capitol Hill Restoration Society to oppose this special exception, and deny this application for a special exception. In making your decision we also ask you to consider the unanimous neighborhood opposition to the granting of this special exception voiced in individual letters and two separate petitions, as well as Ward 6 Councilmember Sharon Ambrose's opposition to this special exception. The expectations of homeowners who have purchased their homes in a residential neighborhood are completely and unequivocally altered by the intrusion of a commercial establishment with its concomitant inconvenience, burden to the city infrastructure, and negative effect on property values and quality of life. We ask that you consider the entire record and do the right thing.

Sincerely,



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Are you ready for MSN 8?



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Stuart Little 2
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Welcome to the pre-opening site for FourSeventeen - A Victorian Townhouse. We are close to completing a major historic renovation project on our 1893 Victorian Row House on Capitol Hill, Washington DC. From October 14th, 2002 we will open our home as a deluxe Victorian Townhouse Inn. Each of our four rooms are uniquely decorated, and furnished with a combination of period antique and transitional style furniture. The house has original pine floors throughout, accented with fine oriental style rugs. The house retains all of it's original fireplace mantels, and has period lighting to complete the atmosphere. Located in Washington DC's historic Capitol Hill district, minutes from the Capitol building; Supreme Court; Library of Congress & Folger Library making us a convienient base for business & leisure travel alike. Please take the opportunity of reviewing the pictures we have posted, and to review details of the rooms & price list/ booking conditions. Please feel free to contact us via the group should you have questions, or wish to make a reservation. We look forward to hearing from you, and to welcoming you to FourSeventeen - A Victorian Townhouse. Regards Keith Wilkinson & Mark Phillips

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Welcome

Welcome to 417 - A Victorian Townhouse Inn. Whether you are a manager, member, or visitor here, we hope you enjoy this MSN group.

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Capitol Hill Wash-DC Bed and Breakfast

Item # 1387798228

Tickets & Travel:Travel:Lodging:Bed & Breakfast







Currently	**US $125.00**	First bid	**US $125.00**
	Buy It Now for **US $125.00** This option disappears once a bid is placed.		
Quantity	**1**	# of bids	**0** bid history
Time left	**4 days, 5 hours +**	Location	**Washington**
		Country/Region	**United States /Washington**
Started	Oct-10-02 11:41:03 PDT	mail this auction to a friend	
Ends	Oct-15-02 11:41:03 PDT	watch this item | you're watching 6 items	
Seller (Rating)	**sunbeamusa(272)** ★		
	view comments in seller's Feedback Profile | view seller's other items | ask seller a question		
High bid	--		
Payment	Money Order/Cashiers Checks. Personal Checks.		
Shipping	Seller ships internationally (worldwide). See item description for shipping charges.		
Seller Services	Revise item | Sell similar item		
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Seller assumes all responsibility for listing this item. You should contact the seller to resolve any questions before bidding. Auction currency is U.S. dollars (US $) unless otherwise noted.

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Purchases protected up to $500.
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SQUARE TRADE
October 11, 2002

eBay User ID:
sunbeamusa

SquareTrade Certified Seal Member
Safe, Honest and Guaranteed. Click here.

Perfect Romantic Getaway in Washington DC

Item # 2156663934

Travel:Lodging:Bed & Breakfast

Current bid	**US $99.00**	Starting bid	**US $99.00**
Quantity	**1**	# of bids	**0** Bid history
Time left	**6 days, 8 hours +**	Location	**Washington**
		Country/Region	**United States /Washington**
Started	Jan-30-03 16:13:23 PST	Mail this auction to a friend	
Ends	Feb-06-03 16:13:23 PST	Watch this item | you're watching 5 items	

Seller (rating): **sunbeamusa(281)** ★

View seller's feedback | view seller's other items | ask seller a question

High bidder: --

Payment: Money order/cashiers check, or personal check.

Shipping: Seller ships internationally (worldwide). See item description for shipping charges.

Seller services: Revise item | Sell similar item

Item Revised: To review revisions made to this item by the seller, click here .

Description

Destination:	**United States**	Type:	**Bed & Breakfast**
	Washington D.C.	Maximum Occupancy:	**4**
	--	Length of Stay (days):	**1**
Date Range:	**January 30, 2003**		
	March 15, 2003		

Perfect Romantic Getaway in Washington DC

Washington DC Victorian Townhouse

Item # 1385834833

Tickets & Travel:Travel:Lodging:Bed & Breakfast

Currently	**US $125.00**	First bid	**US $125.00**
Quantity	**1**	# of bids	**0** bid history
Time left	**2 days, 9 hours +**	Location	**Washington**
		Country/Region	**United States /Washington**
Started	Oct-02-02 17:35:06 PDT	mail this auction to a friend	
Ends	Oct-09-02 17:35:06 PDT	watch this item | you're watching 5 items	

Seller (Rating) **sunbeamusa(271)** ★

view comments in seller's Feedback Profile | view seller's other items | ask seller a question

High bid --

Payment Money Order/Cashiers Checks. Personal Checks.

Shipping Seller ships internationally (worldwide). See item description for shipping charges.

Seller Services Revise item | Sell similar item

Item Revised To review revisions made to this item by the seller, click here .

Seller assumes all responsibility for listing this item. You should contact the seller to resolve any questions before bidding. Auction currency is U.S. dollars (US $) unless otherwise noted.

Description

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Learn More

SQUARE TRADE
October 7, 2002

eBay User ID:
sunbeamusa

SquareTrade Certified Seal Member
Safe, Honest and Guaranteed. Click here.

Capitol Hill Wash-DC Bed and Breakfast

Item # 1392100618

Tickets & Travel:Travel:Lodging:Bed & Breakfast

Price	Buy It Now for **US $125.00** each	Location	**Washington**
Quantity	**1 available**	Country/Region	**United States /Washington**
Time left	**4 days, 2 hours +**		
Started	Oct-22-02 18:06:56 PDT		email this item to a friend
Ends	Oct-27-02 17:06:56 PST		watch this item | you're watching 15 items

Seller (Rating) **sunbeamusa (275)**

view comments in seller's Feedback Profile | view seller's other items | ask seller a question

Payment	money order/cashiers check, or personal check.
Shipping	Seller ships internationally (worldwide). See item description for shipping charges.
Seller Services	Revise item | Sell similar item
Item Revised	To review revisions made to this item by the seller, click here .

Seller assumes all responsibility for listing this item. You should contact the seller to resolve any questions before purchasing. Currency is U.S. dollars (US $) unless otherwise noted.

Description

SQUARE TRADE
October 23, 2002

eBay User ID:
sunbeamusa