April 13, 2004

Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 4th St., NW Suite 210
Washington, DC 20001

In response to letter of reconsideration of BZA Application 17100 by the ANC's Nick Alberti and Joseph Fengler. The points outlined in the letters submitted originally were addressed on February 3, 2004 to the Board of Adjustments satisfaction. Below are the responses to their concerns:

(1) The space has been in continuous use.
(2) The block is not saturated with businesses.
(3) The Church will curtail the amount of outdoor events.
(4) The property is commercial and was built for that intent.
(5) The property is extraordinary and exceptional as proved by the photos submitted. To transform the property into residential units would be very costly and would not provide adequate space for living quarters. As for the referenced properties assumed to be similar to this one, none of them were commercial or semi-detached, which would require additional structural changes to mimic the projects in the other block.
(6) Based upon the letters of support from the Capitol Hill Restoration Society and the Federation of Community Civic Association, along with several letters and a petition of support signed by residents in the 100 block 15th, St, NE and the surrounding streets would dispel any rumor or feeling of the residential character being diminished or have a negative impact on the quality of life. Furthermore the community believes that the Coffee Shop would be a benefit to the neighborhood.
(7) We do not want or plan to apply for a Liquors License, nor sell Tobacco products.
(8) Our Coffee shop is different from any of the other businesses described in the letter. Our menu alone sets us apart from the convenience stores, pizza delivery, and carryout restaurants. We will serve items that are made fresh; sandwiches, coffee, salads, soups, ice creams, fruits and fresh baked pastries.

We feel that the concerns were answered sufficiently, proof and support were provided to the satisfaction of the board. Therefore the remedy sought by the ANC's is abased and unwarranted.

BZA
Case No. 17100
Exhibit No. 39

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17100
EXHIBIT NO. 39

This oddly seems like a ploy to have our license revoked because information was relayed to us that a zoning application has been submitted to make the entire 100 blk of 15 St. NE completely residential. This would force the building owner to make the property fit for residential use no matter what the cost or force them to sell; this in itself would be considered predatory behavior. The ANC's have the duty of representing all residents in their boundaries and do not have the authority to alienate certain residents or to inconspicuously place announcements for other community and ANC meetings that are of great concern to a few chosen residents, but should know all the concerns of the community members they serve.

On November of 2003, Mr. Cody Rice contacted me about a meeting that was going to discuss whether the ANC's would vote in favor of the issuances of a Restaurant License for my Coffee Shop. Before the meeting took place Nick Alberti the ANC of the area where my Coffee Shop is located called me and said that I would not get support for my business and that I should think about moving else where. The night of the meeting Mr. Alberti allegedly brought residents from 15th, street with him to be in opposition of my application. As a result only one or two people lived on 15th, street and the others lived adjacent to the area.

After hearing testimony the board was split and did not take a vote. At the conclusion of the meeting a resident came to me and stated that she did not know what the meeting was about but she came because she was invited. That resident was Ms. Jones who lives directly across the street from my shop (116 15th, St. NE) stated that she was in support of my Coffee Shop and welcomed it to the neighborhood and did so by signing the petition of support.

We believe that this is a personal attack by individuals in authority whom have used the D.C. Governments system of checks and balances to create a hardship for us. If the community does not support the claims then on who's behalf are these individuals acting on? The mere fact of the block being bookend by two businesses has no merit, because they're licenses are attempting to be revoked also. Which once again brings us to the information we received of an application being submitted to the Board of Zoning which request that the 100 block of 15th, Street NE be zoned residential.

In closing we would like to thank the Board of Zoning for their time and cooperation because of the length time consumed in this matter. Sincerely,

x William S. Musgrove
Bishop William S. Musgrove
Jesus Is the Way Church
127 15th, St. NE

x Sandra D. Douglas
Sandra D. Douglas
Proprietor
129 15th, St. NE