A-PLUS ARCHITECTURE

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2004 DEC -3 PM 12:46

November 23, 2004

District of Columbia Office of Zoning,
BOARD OF ZONING ADJUSTMENT (BZA)
441 Fourth Street, NW, Suite 210-S
Washington, DC 20001

Re: Special Exception or Variance to re-establish Gas Station at site previously used as a Gas station, 4675 South Capitol Street, SW, Washington, DC

Dear Director Kress, et. al.:

On the behalf of Power Fuel & Transport, LLC, owner and permit holder for the above referenced property/project, we are requesting that a Special Exception or Variance (whichever is appropriate) be granted for the re-establishment of a Gas station at the above referenced location.

It is believed by the applicant that the burdens of proof are sufficiently met given the following factors:

1) The subject site is in a C3A Zone, and the site has a Certificate of Occupancy as a Gas station (C of O # B100638, dated 12/07/76)
2) The subject site was purchased by the current owner in 1995, however due to a December 1998 EPA compliance date, the then-existing original underground storage tanks and fueling pumps were removed.
3) The gasoline business was established prior to 12/20/85, and had six (6) fueling points – and it is not proposed to be enlarged. The new pumps would be the same in number as the "original" number of fueling points (6).
4) The owner is now able, logistically and financially to replace / re-install new Underground Storage Tanks (UST's) and new fueling pumps
5) The owner / applicant has been issued a change of ownership Certificate of Occupancy (C of O # CO62730) for the gasoline station use.
6) New Plans were prepared and a DC-DCRA Building Permit allowing the replacement / re-installation of the Tanks and Pumps was issued to the owner / applicant (Building Permit # 463152, dated 6/24/04)
7) DCMR 11, Sec. 2500.2.B, "Accessory Uses and Buildings", sets forth the conditions under which:

"B. A pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter of a gasoline services station may be located in any open area of a lot not within twenty five (25-Ft) of a residence district unless separated therefore by a street or alley".

BZA
Case No. 17281
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17281
EXHIBIT NO. 3

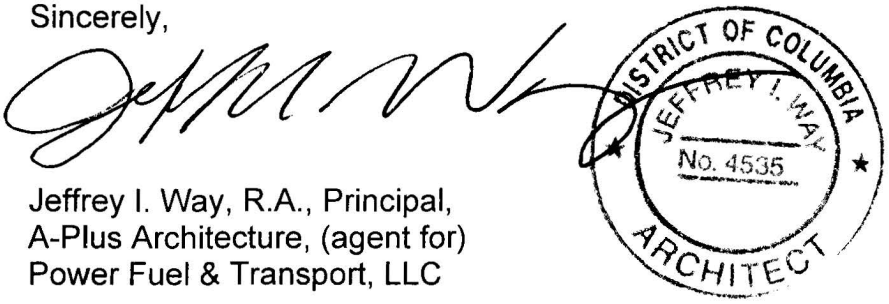
In conclusion, the owner / applicant believes the gasoline station use, the approved plans, and the issued permits and approvals are valid.

The DC-DCRA Zoning Administrator, (Mr. Atoye Bello) has advised / directed the owner / applicant to submit this application to DC Office of Zoning to ascertain and obtain your formal position and recommended outcome regarding this matter. We would appreciate your most favorable consideration – and that you grant the approval requested in our application.

We believe that the application and accompanying materials & documentation supports our stated position: that the re-establishment of this Gasoline Station is not inconsistent with the general intent and purpose of the Zoning Regulations and Map.

On the behalf of the owner / applicant, I can be reached on 301-261-3121 for discussion and/or for information. Thank you.

Sincerely,



Jeffrey I. Way, R.A., Principal,
A-Plus Architecture, (agent for)
Power Fuel & Transport, LLC