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December 3, 2004

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Via Hand Delivery

Board of Zoning Adjustment
District of Columbia Office of Zoning
One Judiciary Square, Suite 210 South
441 Fourth Street N.W.
Washington, D.C. 20001

Dear Members of the Board:

On behalf of the Applicant DAG Real Estate Holding Company LLC, please find enclosed an original and 20 copies of the Application for Special Exceptions for property located at 3101-3103 Rhode Island Avenue NE, together with the Applicant's authorization letter and exhibits encompassing all of the elements required for the application. The Special Exceptions requested are for enlargement of the gasoline service station at that location, and for use of the additional space as a fast food restaurant.

A check for the filing fee and two sets of mailing labels for owners of properties within 200 feet of the Applicant's site are attached.

Pursuant to §3116.1 of the Zoning Regulations, we are requesting expedited consideration. We believe this is justified and necessary because the Applicant's proposed addition to the service station was initially approved by the Zoning Administrator and a building permit was issued. After the Applicant began construction, the Department of Consumer and Regulatory Affairs determined that the permit had been approved erroneously and issued a Stop Work Order. Thus, the Applicant, through no fault of his own, has experienced financial loss and inconvenience due to government error.

Thank you for your assistance. Should you have questions regarding this matter, please contact me at any time at (202) 585-6565 or by e-mail at jray@manatt.com.

Sincerely,

John Ray
Manatt Phelps & Phillips
Counsel to DAG Real Estate
Holding Company LLC

BZA
Case No. 17282
Exhibit No. 2

Board of Zoning Adjustment
District of Columbia
CASE NO. 17282
EXHIBIT NO. 2

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TABLE OF ENCLOSURES, EXHIBITS, AND FILING REQUIREMENTS

- Application Form 120.
- Owner's authorization of agent to act on his behalf.

Exhibit A. **(Requirement A)** DCRA letter directing Applicant to the Board of Zoning Adjustment, prefaced by Applicant's Summary and Background Statement.

Exhibit B. **(Requirement B)** Certified plat.

Exhibit C. **(Requirement C)** Detailed statement of existing and intended use.

Exhibit D. **(Requirement D)** Detailed statement explaining how the application meets the tests identified in the Zoning Regulations for the Special Exception relief being sought.

Exhibit E. **(Requirement E)** Site Photographs, in color, showing the front, rear, and sides of the Applicant's property.

Exhibit F. **(Requirement F)** Names/mailing addresses of owners of properties within 200 feet of the Applicant's property, as provided by the DC Office of Tax and Revenue. (Two sets of self-stick mailing labels are provided as separate attachments to the transmittal letter.)

(Requirement G) Name/mailing address of any person who has a lease with the owner for all or any part of any building located on the Applicant's property.

There are no leases in effect at this time.

(Requirement H) Documentation or a copy of the Certificate of Occupancy showing the current authorized use of the Applicant's building.

The Applicant will apply for a C of O for the gasoline service station when construction is complete.

Exhibit G. **(Requirement)** Plans and elevations.