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MEMORANDUM

DATE: February 14, 2005

TO: District of Columbia
Commissioners - Board of Zoning Adjustment

FROM: Raymond W. Poles
Community Activist
3143 Newton Street, NE

SUBJECT: BZA Case No. 17282 - Additional Comments, Recommendations For The Public Record

Foremost, thank you again for allowing my neighbors and me to address you at the recent public hearing concerning BZA Case No. 17282. Additionally, we are obliged that you have allowed for the opportunity to place additional comments/recommendations in the public record.

To this extent, it is anticipated that the following will be considered and/or implemented before a final decision is rendered concerning the opening and operating of the "Gasoline Service Station, Food Mini-Mart, and Proposed Additional Retail Services" located at 3101 - 3103 Rhode Island Avenue, NE.

1. It must be understood that the "Amended Voluntary Agreement..." dated February 3, 2005 was not approved, blessed and/or agreed upon by residents of the 3100 block of Newton Street, NE; this was made clear at our meeting of the Concerned Neighbors Coalition on January 31, 2005 at the Woodridge Library.

2. Let it be clear and known that the joint SMD meeting that was held at the Friendship Edison Charter School on January 24, 2005 was not a referendum for what was presented by Attorney John Ray at the recent BZA meeting that the community was in favor of the gasoline station and a fast-food restaurant (i.e. Subway, Blimpies or some other low-end carryout). The attending representatives of the 3100 Block of Newton Street, NE agreed with the opening of the gasoline station in principle and for economical development reasons only but not the fast-food component.

   WE, residents of the block, favored more upscale businesses (i.e. Starbucks, Chipotle, etc.) if a fast-food like business was to be opened at all. Hence, we stand willing to work with Mr. Mamo on such type business(es) if such a permit is granted

BZA
Case No. 17282
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17282
EXHIBIT NO. 38

and will initiate the solicitation of such business(es).

3. Members of the 3100 Block of Newton Street, NE are not represented by The Women's Wing Organization whose Vice President, Leah Byndon submitted a letter of support dated January 12, 2005 and appears as Exhibit No. 27, BZA Case No.17282 for "the proposed facility at the property located at 3101 - 3103 Rhode Island Avenue, N.E." This individual has not attended nor addressed any of the meetings conducted by the Concerned Neighbors Coalition. We have no knowledge of this individual; hence; the letter of support is being challenged in its inference to represent the residents of Newton Street and must not be considered as such. To my knowledge, this person does not reside in the 3100 Block of Newton Street, NE.

4. Post permits (which are required by law): A site visit of the proposed gasoline station was conducted on February 13, 2005 around 2:00PM during which time no permits were posted. A memorandum dated February 5, 2005 to Mr. Arthur Jones, resident in the 3100 block of Newton Street, NE from Ms. Margaret Gentry, consultant to Mr. Joe Mamo, requested copies of the permits (see attachments). However, missing were the electrical, plumbing, excavation, hvac and mechnical permits.

5. Trash on the Newton Street boundary of the gasoline station needs to be removed as well as other bulky items on the property (same boundary). Additional trees need to be cleared in the alley across from the rear and side of a residence. It provides coverage in the night for current drug activity.

6. Construct a wall, eighty-two (82) inches in height and mounted with a four feet (4 ft.) chain-linked fence from the gasoline station to Newton Street, receding to cover the last entrance towards Rhode Island Avenue; the purpose of which is to deter drug runners from scaling the wall if pursued by the police. A wall and fence should be be built of equal size from the building facing the alley and then back towards Rhode Island Avenue.

7. According to law, "Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) three (3) sided brick enclosure;" a substitute of other material(s) is not in keeping with the intended spirit of the law; hence, no deviation from this should be allowed. Also, it is requested that the dumpster is relocated at the other end of the facility as presented at the hearing; the dumpster will be further from residential property such that rats, raccoons, opossums, squirrels, etc. will not impact the immediate neighborhood as much.

8. Currently, graffito needs to be removed from the rear of wall in the alley, and the wall should be painted and kept up regularly since it is, at times, used as "tag-space" that can be seen by residents who face the wall.

9. There needs to be a camera(s) in the rear of the building facing the alley. Camera(s) should be arranged so as to have a complete visual of the rear property at

at all times. This, too, will discourage any unauthorized activity in the alley.

10. The total operational hours of this proposed gasoline station and food mini-mart should open not earlier than 6:00AM and close by 10:00PM on any given day of operation. This will provide still the immediate community and near-by residents a "sense of community" without continuous commerce of this nature, twenty-fours hours a day.

11. While the community continues to pursue Chief Charles Ramsey to locate a sub-station at the proposed gasoline station site, an armed security person(s) needs to be present on the premises during operational hours to deter individuals who may loiter on the property or interfere with customers.

12. No drug paraphernalia, alcohol and sexual items/products should be sold on the premises or promoted by the business(es) as such further invites unwelcome activities in the community at large.

Your indulgence with regard to these additional comments and recommendation is appreciated greatly.

cc: Councilmember Vincent Orange
David J. McGettigan, AICP
John Ray, Esq.
Raymond Blake
Arthur Jones

Attachments

MEMORANDUM FROM:

MARGARET GENTRY
GOVERNMENT RELATIONS &
COMMUNICATIONS SERVICES

TO: Mr. Arthur J. Jones
3110 Newton Street N.E.
Washington, D.C. 20018

DATE: February 5, 2005

SUBJECT: Building permits

Please find attached the copies of the building permits that you requested at the meeting of the Coalition of Concerned Neighbors.

Should you have questions or need any additional information, please feel free to call me at 202.320.8534.

Margaret Gentry
Consultant to
Mr. Joe Mamo

907 Sixth Street S.W., # 415
Washington, D.C. 20024
E-mail: margaretgentry@hotmail.com
Voice: (202) 320-8534
Fax: (202) 554-8283

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/90/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B458792

PERMIT

Date 2/3/04 (Type) ALTERATION AND REPAIR

Address of work 3103 RHODE ISLAND AVE. NE. Lot 45 Square 4380

Permission is hereby granted to SCHAEFER AND MARO (Owner) TOTAL PERMIT FEE $

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit. NO. FILING FEE $

Authorized work and conditions of performance thereof: DATE

FEE PAYABLE $ 1050.00

FOR INSPECTIONS CALL [illegible] 42-4641

ONE STORY ADDITION TO EXISTING COMMERICAL BLDG. AS PER PLANS.
CLEARED FOR EIS.
SEPARATE ELEC.,PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED.

Builder— Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories 1

Zone C-2-A To be occupied as GAS STATION/C-STORE

Height of terrace above grade Projections:

Address of owner 3103 R.I. AVE. NE.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

DAVID CLARK

DIRECTOR

Chief, Permit Issuance Branch

By

Permit Clerk

E. DYER

PERMIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B466090

PERMIT

Date 9/23/04 (Type) MISC.

Address of work 3101 - 3103 RHODE ISLAND AVE. NE.

Lot 45 Square 4308

TOTAL PERMIT FEE $

FILING FEE $

Permission is hereby granted to MANO / RAG (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

NO. DATE

FEE PAYABLE $ 60.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL: 442-4641

REVISE PERMIT #B429991

RENOVATION OF EXISTING BLDG. PER BZA APPROVAL ASPER D. NOBLE 9/23/04

Builder—

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories 1

Zone To be occupied as GAS. STA.

Height of terrace above grade Projections:

Address of owner SAME

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By E. King Permit Clerk

D. CLARK
DIRECTOR

E. KING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B466183

Date 9/27/04 (Type) MISC.

3103 RHODE ISLAND AVE, NE

MANO/DAG

When stamped "PAID" by the D.C. Treasurer, this coupon will become your receipt and when presented to the Permit Clerk will entitle you to your permit.

Lot Square

TOTAL PERMIT FEE $

FILING FEE $

NO. DATE

FEE PAYABLE $ 33.00

XXXXXX 442-4641

UPDATE PERMIT #B458792 TO REVISE GAS STATION TANK & PUMP PLANS FOR (2) TANKS. SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED.

THIS IS NOT A PERMIT

GAS STATION

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D CLARK 32301
DIRECTOR

Credit: Permit 1215 Bldg. Struct. & Equip.

Receipt# 120263 Amount $*****33.00
09/27/04 at 12:08 Clk# 11
Reg# Store# 001 D.C. GOVERNMENT
EB222 BUILD,STRUCTURE & EQUI

B429994

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
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DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT PERMIT NO. B429991

Date 9/29/99 (Type) ALTER AND REPAIR

Address of work 3103 R.I. AVE. N.E. Lot 45 Square 4308

TOTAL PERMIT FEE $ 3030.00

FILING FEE $ 150.00

Permission is hereby granted to JERRY SCHAEFER AND EYOB HAMO (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit. NO. DATE

FEE PAYABLE $ 2780.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL 727-7582

RENOVATE AND REPAIR OF EXISTING GAS STATION AS CONVENIENCE STORE, SELF SERVE GAS CASHIER AS PER PLANS. "NO PUMP & TANK WORK UNDER THIS PERMIT", SEPARATE ELECTRICAL, PLBG AND MECH. INSTALLATION PERMITS ARE REQUIRED.

Builder— Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories

Zone C-2-A To be occupied as GAS STATION & CONVENIENCE STORE

Height of terrace above grade Projections:

Address of owner 3103 R.I. AVE. N.E.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

By D. MINOR
Permit Issuance Branch
Permit Clerk

Lee JORDAN
DIRECTOR

PERMIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B426648

PERMIT

Date 9/10/99 (Type) A/R

Address of work 3103 RHODE ISLAND AVE NE

Lot 45 Square 4308

Permission is hereby granted to JERRY SCHAFFER/ EYOB MANO (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

NO.

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 1,750.00

FOR INSPECTIONS CALL [redacted] 442-4641

Authorized work and conditions of performance thereof:

INSTALL NEW UNDERGROUND STORAGE TANKS (2@ 12,000 GAL.) & FUEL PUMPS AT EX. GAS STATION, AS PER PLANS. THIS PERMIT IS REVOCABLE AT ANYTIME AT THE DISCRETION OF THE TRANS. DEPT. OR DC POLICE DEPT.

Builder—

Value $

No. of Bldgs.

Width of Bldg.

Length

Height

No. of Stories 1

Zone C2A

To be occupied as GAS STATION

Height of terrace above grade

Projections:

Address of owner 3103 RHODE ISLAND AVE NE

Deposit No.

Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By

Permit Clerk

L. JORDAN

DIRECTOR