

February 25, 2022

Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington, DC 20001

Re: **Second Amended Burden of Proof - Mamma Lucia's of Chevy Chase
§901.2- Special Exception for Fast Food Establishment Use
Address: 5504 Connecticut Avenue NW, Washington DC
Square, Suffix, Lot: Square 1859, Lot 0086
Zoning District: MU-3A**

In further support of Applicant Mamma Lucia's of Chevy Chase's ("Mamma Lucia's") previously filed request for a Special Use Exception for the approval of a Fast Food Establishment Use under §U-511.1(e) for its retail premises located at 5504 Connecticut Avenue, N.W., Washington, DC, Square 1859, Lot 0086, Zoning District MU-3A ("Premises"), Mamma Lucia's states as follows:

In its Amended Burden of Proof, Mamma Lucia's requested that the Board of Zoning Adjustment waive the condition that the refuse dumpster that it uses for its business be "housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater." Attached hereto are photographs of the alleyway where Mamma Lucia's landlord places the subject shopping center's trash dumpsters. As is evident by the photographs, it appears unlikely that there is sufficient room in the alleyway to enclose the refuse dumpster or to install the opaque gate. Given the narrow dimensions of the alleyway, the construction of a three-(3) sided brick enclosure around the dumpsters is not feasible. Even if such a structure

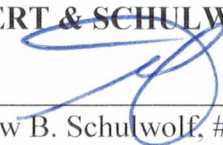
could be built, there is likely insufficient room in the alleyway to access the dumpsters, remove the dumpsters and dispose of their contents.

Mamma Lucia's incorporates herein by reference the other grounds raised in its Amended Burden of Proof filed in support of its request that the Board of Zoning Adjustment waive any condition to the granting of a Special Exception that the shopping center's dumpsters be enclosed as set forth in §U-511.1(e)(3).

Respectfully submitted,

ALBERT & SCHULWOLF, LLC

By: _____


Andrew B. Schulwolf, #446644
110 North Washington Street
Suite 300
Rockville, Maryland 20850
(p) 301-519-1919
(f) 301-519-9222
andrew@albertandschulwolf.com
Counsel for Mamma Lucia's







55