

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 17, 1969

Appeal No. 10116 Irving Brotman, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting on September 23, 1969.

ORDERED:

That the appeal for permission to establish a chancery for the Government of Barbados at 1616 - 22nd Street, NW., Lot 24, Square 2512, be dismissed for lack of jurisdiction under the "Chancery Act," (Act of October 13, 1964, 73 Stat. 1091).

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. The attorney representing the appellant asserts that the Board of Zoning Adjustment is not prohibited to act in this appeal by the "Chancery Act," (Act of October 13, 1964, 73 Stat. 1091). It is alleged that the legislative history of the Act establishes the purpose and intent of the Act as preventing deterioration to, and the continuance of the preservation and establishment of a well defined residential neighborhood. In this respect, appellant contends that the subject property does not fall within the purview of the Act.
3. The subject property was acquired by the appellant in 1962 for intended use as a foreign chancery. It was subsequently renovated and listed for sale as a chancery with several brokers and has been so listed since 1962.
4. Appellant submits that from 75 to 90 percent of the buildings and premises within the immediate contiguous area of the 1600 block of 22nd Street, NW., are used as chanceries, embassies, or as military or political and economic missions of foreign governments. For this reason appellant considers a chancery use the best suited use for the property in question.

Appeal No. 10116  
Oct. 16, 1969  
PAGE 2

5. The Ambassador of Barbados testified that should this appeal be granted, all pertinent regulations of the D.C. Government would be complied with.

6. Appellant proposes to employ no more than six (6) persons. One parking space is currently provided. However, studies have been undertaken with regard to excavating under the rear of the building to provide additional parking spaces.

7. Opposition to the granting of this appeal was registered at the public hearing by the Dupont Circle Citizens Association. The owners of adjoining properties in the immediate area had previously filed approval to the granting of this appeal.

OPINION:

We are of the opinion that this appeal must be dismissed by this Board for lack of jurisdiction pursuant to the Chancery Act (Act of October 13, 1964, 73 Stat. 1091). We are not convinced nor do we adopt appellant's argument that the Act does not apply to property situated in circumstances as those set out above. It is our belief that Congress intended to restrict Board action in this and all other appeals wherein it is proposed to establish a chancery use in districts or zones restricted by the provisions of the Act.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:   
CHARLES E. MORGAN  
Secretary of the Board