

Before the Board of Zoning Adjustment, D. C.

Application for reconsideration of appeal No. 11759 of Emanuel & Charlotte Levine from a determination of the Zoning Administrator made on August 7, 1974, that premise 1758 Corcoran Street, N. W., Lot 64, Square 155 cannot be used as a real estate management office and in the alternative, a use variance to permit the same (Application No. 11723).

HEARING DATE: October 16, 1974

EXECUTIVE SESSION: October 25, 1974 & January 21, 1975

ORDERED:

That applicant-appellants' motion for reconsideration be and is hereby DENIED for lack of four affirmative votes.

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

ATTESTED BY:

  
JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: JAN 24 1975

Before the Board of Zoning Adjustment, D. C.

Appeal No. 11759 of Emanuel & Charlotte Levine pursuant to Sections 8102 and 8206 of the Zoning Regulations, from a determination of the Zoning Administrator made on August 7, 1974, that premise 1758 Corcoran Street, N. W., Lot 64, Square 155 cannot be used as a real estate management office.

HEARING DATE: October 16, 1974

DECISION DATE: From the Bench at Public Hearing October 16, 1974

FINDINGS OF FACT:

1. The subject property is located in the R-5-B District which does not permit office use for commercial purposes.

2. The appellant resides at 1758 Corcoran Street, N. W. and rents the second story as an apartment.

3. The appellant also owns and manages and rents 13 houses on Corcoran Street, N. W.

4. The appellant submits that her use of the property which is subject to this appeal comes within the definition of a "Home Occupation."

5. The Zoning Administrator testified and the Board finds that the appellant manages the house where she resides, and, in addition, manages other properties in partnership with another person who she employs as an assistant in her home.

6. The Board takes notice of Section 1202 of the Zoning Regulations, where the term of art "Home Occupation" is defined as, "an occupation in connection with which there is: used no more than one sign or display which does not exceed 144 square inches in area; no stock in trade is kept nor any commodity sold upon the premises; no person employed other than a member of the immediate family residing on the premises; and, no mechanical equipment used except such as is permissible for purely domestic or household purposes."

7. The appellant could make use of 1758 Corcoran Street, N. W., as an office as a matter of right as provided by Section 3101.54 if her use of that property were consistent with the definitions of "Home Occupation."

8. The Board finds that the appellant operates an office use at 1758 Corcoran Street, N. W.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above Findings of Fact, the Board is of the opinion that the appellant's office use does not come within the definition of a "Home Occupation," and concludes that the use in question as an office use is not permitted in the R-5-B zone, therefore, the Zoning Administrator was correct in his determination that the appellant required a use variance to permit the use in question.

ORDERED: That the Zoning Administrator decision be and is hereby affirmed.

VOTE: 5-0

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

ATTESTED BY: James E. Miller  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: **NOV 05 1974**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.