

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15259 of Mazyar Tahoori and Hossein A. Partoazam, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to change a nonconforming use from retail sale of ready to wear apparel to photo processing on the first floor in an R-3 District at premises 1263 - 35th Street, N.W., (Square 1221, Lot 845).

HEARING DATE: March 21, 1990  
DECISION DATE: March 21, 1990 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2E and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2E. ANC 2E, which is automatically a party to the application, by letter dated March 8, 1990, submitted written issues and concerns in conditional support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The facility shall be operated as a neighborhood film developing center and for computer design applications only. There shall be no self-service operation or on-site photography at the subject premises.

2. The hours of operation shall not exceed from 9:00 A.M. to 6:00 P.M., Monday through Friday, and from 11:00 A.M. to 5:00 P.M. on Saturday and Sunday.
3. There shall be no chemicals or chemical containers stored outside the premises. Empty chemical containers and used chemicals shall be transported away from the site and shall not be placed in the trash on or adjacent to the premises for pickup.
4. Paper trash shall be bundled and set out for recycling.
5. Illuminated or neon signs shall not be used on the premises. All signage shall be presented for Commission of Fine Arts for its review.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh, and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: APR 5 1980

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMP 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15259order/BHS18

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

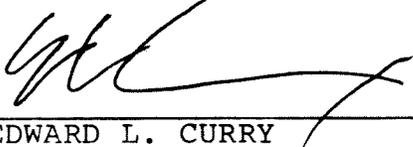


APPLICATION No. 15259

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated \_\_\_\_\_, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mazyar Tahoori & Hossein Partoazam  
1263 - 35th Street, N.W.  
Washington, D.C. 20007

Rory F. Quirk, Chairperson  
Advisory Neighborhood Commission 2-E  
1041 Wisconsin Avenue, N.W.  
Washington, D. C. 20007

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

DATE: APR 5 2007