

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15397, as amended, of the Woodner Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Sub-section 354 to allow a video rental store on the first floor as an adjunct of an apartment building in an R-5-C District at premises 3636 16th Street, N.W., [Square 2624, Lot 827 (831)].

HEARING DATE: December 12, 1990
DECISION DATE: December 12, 1990 (Bench Decision)

SUMMARY ORDER

The Board amended the application to allow the request for a special exception under 11 DCMR 354 to establish a convenience store as an adjunct to an apartment building. The applicant had originally requested a use variance under 11 DCMR 350.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register and by mail to ANC 1E and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 1E. ANC 1E, which is automatically a party to the application, filed a written statement indicating no objection to 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 354. No other 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 3108, and that granting the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not adversely affect the use of neighboring property in accordance with the Regulations and Maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. The video rental store shall occupy approximately 400 square feet on the ground floor of the southernmost wing of the Woodner Apartment Building.
- B. Customers of the video rental store shall be limited to residents of the Woodner Apartments.
- C. The hours of operation shall not exceed from 2:00 P.M. to 9:00 P.M. Monday through Friday and 2:00 P.M. to 10:00 P.M. on Saturday.
- D. The number of employees shall not exceed one (1).

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 (Charles R. Norris, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Lloyd D. Smith 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: JAN 15 1991

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 DCMR 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15397

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated JAN 15 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Aboela Mahamed
4806 32nd Street, N.W.
Washington, D.C. 20008

Ken Fealing, Chairperson
Advisory Neighborhood Commission 1-E
P.O. Box 43529, Columbia Hgts. Station
Washington, D. C. 20010

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JAN 15 1991