

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15440 of Magued A. Kandil, pursuant to 11 DCMR 3108.1, for a special exception under Section 203 to establish a home occupation as the office of a construction business on the second floor of a dwelling in an R-4 District at premises 1534 New Jersey Avenue, N.W., (Square 501, Lot 55).

HEARING DATE: January 30, 1991  
DECISION DATE: January 30, 1991 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission (ANC) 2C, and in proximity to ANC 5C. ANC 2C, which is automatically a party to the application, did not file a written statement of issues and concerns. Nor did ANC 5C submit a written statement of issues and concerns, or request to be treated as an affected ANC.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2C and 5C, and to owners of property within 200 feet of the site.

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 203. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to 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 the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. No more than two (2) vehicles may be used in the practice of the home occupation;
2. No more than one person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation; and

3. The practitioner shall store all materials or finished products within the floor area designated for the home occupation, in the basement or in an accessory structure.

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 (Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris and Carrie L. Thornhill to grant; Maybelle Taylor Bennett, 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: \_\_\_\_\_

FEB 1 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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.

15440Order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15440

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated FEB 11 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Magued A. Kandil  
1534 New Jersey Avenue, N.W.  
Washington, D.C. 20001

Clifford Waddy, Chairperson  
Advisory Neighborhood Commission 2C  
Garrison Elementary School  
1200 S Street, N.W., #201  
Washington, D.C. 20009

A handwritten signature in black ink, appearing to read "E. L. Curry".

Edward L. Curry  
Executive Director

DATE: FEB 11 1991

Attes.7/BHS