

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15492 of Carol Middleton, pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions under Section 207 to establish a private school and Paragraph 400.8(b) to allow a roof structure that does not meet the setback requirements, a variance from the side yard requirements (Sub-section 405.9), and a variance to allow required parking spaces that do not meet the minimum size requirements (Sub-section 2115.1) for the construction of a karate school and an 8-unit apartment building in an R-5-B District at premises 1425 Euclid Street, N.W., (Square 2655, Lot 15).

HEARING DATE: April 17, and July 24, 1991
DECISION DATE: July 24, 1991 (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 Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site.

The site of the application is located in ANC 1B. ANC 1B, which is automatically a party to the application, did not submit written issues and concerns relative 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 variance from the strict application of the requirements of 11 DCMR 405.9 and 2115.1, 207 and 400.8(b). No person or entity appeared at the public hearing in opposition to the application 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 hours of operation shall not exceed from 8:00 A.M. to 10:00 P.M., Monday through Friday, and from 9:00 A.M. to 6:00 P.M. on Saturdays.

2. The maximum number of students on site for instruction at one time shall be seventy.
3. The maximum number of students practicing on site during hours classes are not in session shall be twenty-five.
4. The school facility shall not be leased to any other organization when not in use by the applicant.
5. The applicant shall advertise the program in the immediate area to encourage participation by residents of the neighborhood.
6. The color of the exterior facade and mansard roof shall be compatible with the existing residences in the immediate area.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 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: 3-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt and William L. Ensign 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: AUG 6 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

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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 SUPPLEMENMTAL 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.

15492Order/SS/bhs

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As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 6 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Cynthia Giordano, Esquire
Linowes & Blocher
800 K Street, N.W.
Washington, D.C. 20001

Carol Middleton
701 Richmond Avenue
Silver Spring, MD 20910

Maggie Hume
1600 - 16th Street, N.W., #302
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1327 Girard Street, N.W.
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Willia M. Miller
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Edward Cooke
1227 - 25th Street, N.W.
Washington, D.C. 20037

Stanley Mayes, Chairperson
Advisory Neighborhood Commission 1-B
519 Florida Avenue, N.W.
Washington, D.C. 20001

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

EDWARD L. CURRY
Executive Director

DATE: _____

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