

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15784 of Willie F. Jones, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Subsection 350.4) to allow a barber shop and hair salon on the first floor and basement in a DD/R-5-B District at premises 318 M Street, N.W. (Square 524, Lot 801).

HEARING DATE: February 10, 1993
DECISION DATE: February 10, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to the application, filed a written statement of issues and concerns in 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 variance from the strict application of the requirements of 11 DCMR 350.4. 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 Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

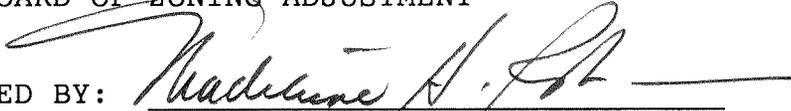
1. The hours and days of operation of the barber shop/hair salon shall not exceed 9:00 a.m. to 8:00 p.m., Monday through Friday, and 7:30 a.m. to 8:00 p.m. on Saturday.
2. The number of employees of the establishment shall not exceed 20 individuals.

- 3. The number of patrons visiting the site shall not exceed 50 per day.
- 4. Deliveries to the establishment shall not exceed two per week.
- 5. Parking for employees and patrons of the business shall be provided at the Bible Way Baptist Church Parking lot under written agreement with the Church.

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 appropriate in this case.

VOTE: 4-0 (Angel F. Clarens, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to grant; William L. Ensign not present, not voting).

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

ATTESTED BY: 
 MADELIENE H. ROBINSON
 Director

FEB 26 1993

FINAL DATE OF ORDER: _____

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 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.

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BZA APPLICATION NO. 15784

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 26 1993 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:

Edward M. Anderson
414 M Street, N.W.
Washington, D.C. 20001

Alverta Munlyn, Chairperson
Advisory Neighborhood Commission 2-C
1127 Sursum Corda Court, N.W.
Washington, D.C. 20001

A large, stylized handwritten signature in black ink, reading "Madeliene H. Robinson".

MADELIENE H. ROBINSON
Director

DATE: FEB 26 1993