

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15819 of Eddie F. Wood, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 for a change of nonconforming uses from a barber shop to an office, and from an auto repair/metal shop to a welding and ornamental iron shop on the first and second floors in an R-4 District at premises 530 and R-530 13th Street, S.E. (Square 1043, Lot 825).

HEARING DATE: May 12, 1993  
DECISION DATE: June 6, 1993

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) 6B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to the application, submitted 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 special exception pursuant to 11 DCMR 2003. A person who appeared at the public hearing to testify in opposition to the application did not provide the Board with adequate information in order for the Board to confer party status. No other 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The assembly, restoration and storage of ornamental iron work shall be confined to the rear interior portion of the existing structure.

2. The front portion of the structure shall be used as office space.
3. The equipment used for the iron work business shall be such that it would not create adverse external effects such as noise, vibrations or odor.
4. There shall be no signs placed on the subject property, except that the applicant shall be allowed to erect on the front or rear wall of the structure, a plaque measuring a maximum of 144 square inches indicating the name of the establishment.
5. There shall be a maximum of four employees working at the site at any one time.
6. The hours of operation shall be between 7:00 a.m and 6:00 p.m., Monday through Saturday.

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 appropriate in this case.

VOTE: 3-0 (Maybelle Taylor Bennett and Angel F. Clarens to grant; Carrie L. Thornhill to grant by proxy; Sheri M. Pruitt and Paula L. Jewell not voting, not having heard the case).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

JUL 6 1993

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.

BZA APPLICATION NO. 15819

PAGE NO. 3

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, 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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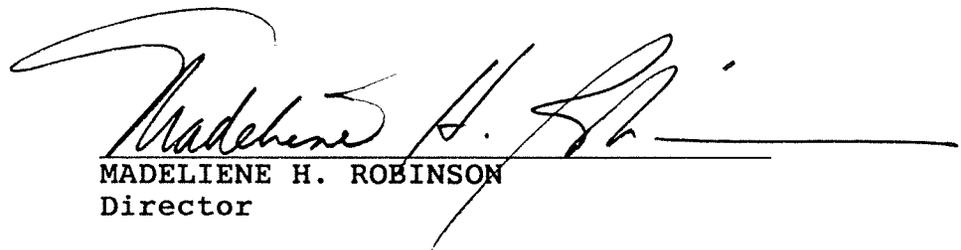
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 6 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Susan K. Rollins  
Eddie F. Wood  
532 13th Street, S.E.  
Washington, D.C. 20003

Will Hill  
701 14th Street, S.E.  
Washington, D.C. 20003

Jamie Platt, Chairperson  
Advisory Neighborhood Commission 6-B  
921 Pennsylvania Avenue, S.E., #108  
Washington, D.C. 20003

  
MADELIENE H. ROBINSON  
Director

DATE: JUL 6 1993