

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15965 of E.J. Temai and G.R. Mostaghim, pursuant to 11 DCMR 3108.1, as amended, for a special exception under Section 2003 to change a nonconforming use from light auto repair, retail sales and repair of used tires to have security and automobile accessory sales and installation in an R-4 District at premises 601 Rhode Island Avenue, N.W. (Square 442, Lot 852).

HEARING DATE: July 13, 1994  
DECISION DATE: July 13, 1994 (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 did not submit written 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. 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 3108, and 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 hours of operation shall be between from 9:00 a.m. and 6:00 p.m., Monday through Saturday.
2. The number of full-time employees shall not exceed six.
3. The lot shall be kept free of refuse and debris at all times.

4. Trash shall be picked up at least once per week.
5. All employee and customer parking shall be located on the site. No more than four customer vehicles shall be parked on the site at any one time.
6. The existing chain link fence shall be moved back three feet from the property line.
7. The area between the fence and property line around the perimeter of the site shall be planted with columnar arborvitae a minimum of five feet in height at three-foot intervals. The landscaping shall be maintained in a healthy growing condition.
8. There shall be only one vehicular entrance to the premises. Vehicles shall enter the site through the existing driveway entrance on Rhode Island Avenue only.
9. There shall be no body work done on the subject premises.
10. All installation work shall take place in the interior of the 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 appropriate in this case.

VOTE: 5-0 (Laura M. Richards, Angel F. Clarens, George Evans, Jerrily R. Kress and Craig Ellis to grant).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

JUL 29 1994

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.

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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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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 29 1994 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:

A. Ejtemai  
12331 Hatton Pt Road  
Ft. Washington, Maryland 20744

Sherri Boissiere  
5825 14th Street, N.W. #101  
Washington, D.C. 20001

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

A handwritten signature in cursive script, reading "Madeliene H. Robinson".

**MADELIENE H. ROBINSON**  
Director

DATE: JUL 29 1994