

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15996 of Palmer W. and Dana D. Jackson, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 for a change of nonconforming use from office, import and export, to office, retail and related retail services on the first and second floors in an R-4 District at premises 1901 9th Street, N.W. (Square 393, Lot 800).

HEARING DATE: November 9, 1994
DECISION DATE: November 9, 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) 1B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to the application, did not submit a written statement related 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 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 from 10:00 a.m. to 8:00 p.m.
2. There shall be a maximum of five employees working at the site.

3. The applicant shall provide four off-street parking spaces at the rear of the property.
4. The neon business sign shall not be larger than three square feet.
5. There shall be no signage located in the windows of the second story.
6. The property shall be kept free of refuse and debris and maintained in a neat and orderly appearance.
7. Trash shall be collected at least twice per week.
8. Use of the property shall be limited to a beauty salon with retail sale of beauty products and costume jewelry.

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: 4-0 (Maybelle Taylor Bennett, Craig Ellis, Susan Morgan Hinton and Angel F. Clarens to grant; Laura M. Richards not present 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:

NOV 22 1994

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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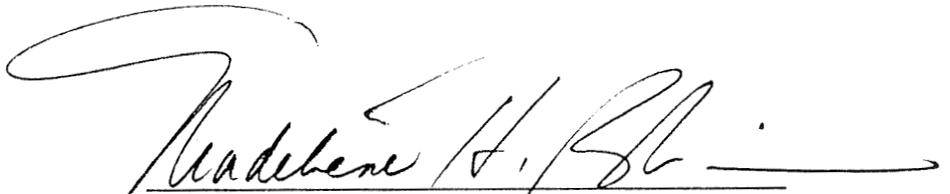


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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 22 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. and Mrs. Palmer W. Jackson
4700 Blagden Avenue, N.W.
Washington, D.C. 20011

Mary Treadwell, Chairperson
Advisory Neighborhood Commission 1-B
P.O. Box 73710
Washington, D.C. 20056-3710


MADELIENE H. ROBINSON
Director

DATE: NOV 22 1994