

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16190, of Martin and Deborah Ter Elst, pursuant to 11 DCMR 3108.1, for a special exception under Section 203 to establish a home occupation for a painting contractor business in an R-5-A District at premises 6906 Willow Street, N.W. (Square 3357, Lot 830).

HEARING DATE: January 8, 1997  
DECISION DATE: January 8, 1997 (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) 4B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4B. ANC 4B, 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 203. 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, 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. Approval shall be for a period of ten years.
2. The number of employees shall consist of two people.

3. The hours and days of operation shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday.
4. Storage of materials associated with the home occupation on the exterior of the building shall be limited to three ladders.
5. The applicant shall store no more than 20 gallons of oil based paint or other combustible materials inside the building.
6. No signage shall be placed on the exterior of the premises.

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 (Angel F. Clarens, Laura M. Richards and Susan M. Hinton to grant; Sheila Cross Reid not present, not voting).

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

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: JAN 29 1997

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 SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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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.

16190.ord/RHB/bjw

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 16190

As Director of the Board of Zoning Adjustment, I certify and attest that on JAN 29 1997 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated as a party in the public hearing concerning this matter, and who is listed below:

Martin Ter Elst  
6906 Willow St., N.W.  
Washington, D.C. 20012

Anthony Muhammad, Chairperson  
Advisory Neighborhood Commission 4B  
Rabaut Administration Bldg.  
P.O. Box 60581  
Washington, D.C. 20039-0581

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

MADELIENE H. DOBBINS  
Director

DATE: JAN 29 1997

16190.att/bjw

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