

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16306 of the Cafritz Company, pursuant to 11 DCMR 3108.1 for a special exception under Subsection 354.1 to establish a dry-cleaning pickup store in the basement of an existing building as an adjunct to an apartment building in an R-5-A District at premises 2800 Quebec Street, NW (Square 2225, Lot 802).

HEARING DATE: **January 21, 1998**
DECISION DATE: **January 21, 1998 (Bench Decision)**

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANC) 3C and 3F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, did not submit a written statement prior to the closing of the record on January 21, 1998. However, by letter dated January 27, 1998, the ANC requested that the Board reopen the record to receive its statement indicating that it received inadequate notice of the case. At its public meeting of February 4, 1998, by a vote of 3-0, the Board granted the request to reopen the record to allow for the submission of ANC 3C. The submission of ANC 3C indicated that the ANC had no objections 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 Subsection 354.1. No person or entity appeared at the public hearing in opposition to this 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 be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The applicant shall submit a corrected Surveyor's plat for the subject site.
2. The hours and days of operation shall be 7:00 a.m. to 12 noon and 4:00 p.m. to 7:00 p.m., Monday through Friday, and on Saturday, 9:00 a.m. to 6:00 p.m.
3. One parking space shall be made available for the vehicle that will drop off and pick up clothes.

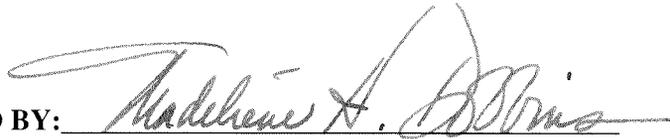
4. No signage shall be posted on the outside of the building advertising the dry cleaning service.

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 (Betty King, Susan Morgan Hinton, Sheila Cross Reid and Maybelle Taylor Bennett to grant; Laura M. Richards not present, not voting).

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

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: FEB 19 1998

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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, 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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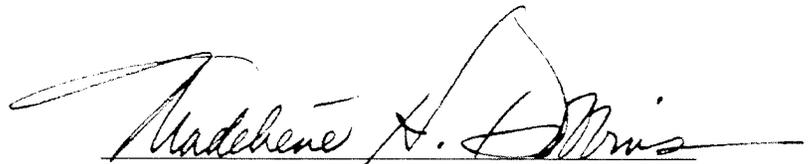


BZA APPLICATION NO. 16306

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on FEB 19 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Bernard C. Dietz, Esquire
1001 Connecticut Avenue, N.W., Suite 219
Washington, D.C. 20036

Mr. Phil Mendelson, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008


MADELIENE H. DOBBINS
Director

DATE: FEB 19 1998