

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16314 of Tyrone Davis, as amended, pursuant to 11 DCMR 3108.1 for a special exception under Subsection 2003.1 to change a nonconforming use (sewing shop, dress making design with no more than five students) to another nonconforming use (sale of clothes – retail), on the first floor of an existing structure in an R-1-B District at premises 3603 18th Street, N.W. (Square 4202, Lot 191).

HEARING DATE: February 18, 1998
DECISION DATE: February 18, 1998 (Bench Decision)

SUMMARY ORDER

The Board determined that the proposed use is a neighborhood facility, therefore the appropriate relief in this case is a special exception under Subsection 2003.1. The application was amended to eliminate the request for a use variance under Subsection 201.1. No evidence was taken on this area of relief.

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 Commission (ANC) 5A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 5A. ANC 5A, which is automatically a party to this 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 2003.1. 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

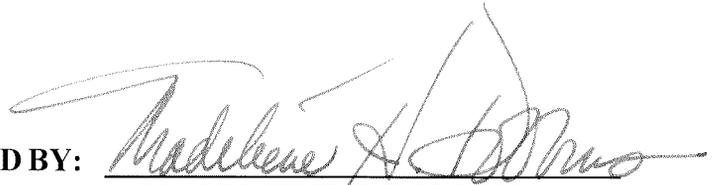
1. The hours of operation of the boutique shall be from 9:00 a.m. to 5:00 p.m. Tuesday through Saturday.
2. No more than four persons shall be employed.

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, any is appropriate in this case.

VOTE: 4-0 (Betty King, Jerrily R. Kress, Susan Morgan Hinton and Sheila Cross Reid 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: MAR 5 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 AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

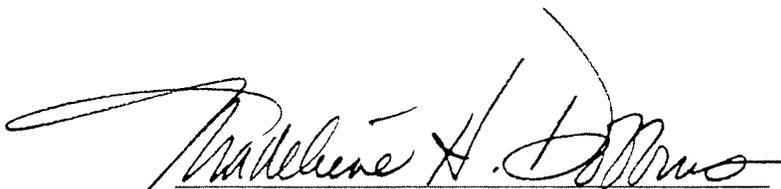
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BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16314

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on MAR 5 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:

Mildred Linzy
5613 Durkaine Drive
Lanham, MD 20706


MADELIENE H. DOBBINS
Director

DATE: MAR 5 1998