

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16373 of Holmes Brown and M. A. Shaker, pursuant to 11 DCMR 3107.2 for a variance from the use provisions of Subsection 330.5, to allow general office use in a CAP/R-4 District at premises 403 East Capitol Street, SE (Square 817, Lot 30)

HEARING DATE: October 21, 1998
DECISION DATE: October 21, 1998 (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) 6B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to this application, filed a written statement of 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 variance from the strict application of the requirements of 11 DCMR Subsection 330.5. No person or entity appearing as a party to this case testified in opposition to the application. 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 3107.2 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Office use of the building shall be limited to the first floor and basement.
2. Office use shall be limited to nonprofit organizations, arts groups, architects, engineers, lawyers, appraisers, consulting firms lobbyists, international organizations and labor unions. The following offices shall

not be allowed: medical offices, medical clinics, real estate offices and insurance firms.

3. Office hours of operation shall be 9:00 a.m. to 6:00 p.m., Monday through Friday.
4. No more than seven persons (who do not reside on the premises) shall be employed at the site.
5. Vehicular trips to the premises by visitors, customers and delivery persons shall not exceed eight trips daily on a regular and continuing basis.
6. Landscaping shall be maintained in a neat and orderly appearance, as identified in photographs (Exhibit 33 of the record).
7. Exterior signs shall be limited to one small brass plaque on the first floor office door and the basement door.
8. Six on-site parking spaces shall be provided, as identified on Exhibit 36 of the record. The parking spaces shall be maintained to accommodate the owners and employees.
9. The second and third floors of the building shall be used as a single-family dwelling and shall not be used as a dormitory, rooming house, boarding house or apartment, as long as the building contains office use.

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** (Anthony J. Hood, Jerry H. Gilreath, Betty King and Sheila Cross Reid to grant).

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

Attested By: Tracey H. Rose
for **SHERI M. FRUITT-WILLIAMS**
Interim Director

Final Date of Order: DEC - 1 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 FOR 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.

S.O.16373/POH

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO.: 16373

As Interim Director of the Office of Zoning, I hereby certify and attest that on DEC - 1 1993 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Attested by: Tracy H. Rose
for **SHERI M. FRUITT-WILLIAMS**
Interim Director

Date: DEC - 1 1993

Attest/SO 16373/POH