

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16381** of H and M Enterprises, pursuant to 11 DCMR 3108.1 for a special exception under Section 354, to establish a retail pet food store (commercial adjunct/convenience store) in part of the basement in an R-5-B/R-5-D District at premises 1629 Columbia Road, NW (Square 2589, Lot 476

**HEARING DATES:** October 21, 1998 and December 16, 1998  
**DECISION DATE:** December 16, 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 Commission (ANC) 1C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to this application, submitted a written statement in support of the application

As directed by 11 DCMR 3324.2, the Board 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 Section 354. 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 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**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 3-0-0** (Jerry H. Gilreath, Betty King and Sheila Cross Reid to grant; John G. Parsons, not participating.)

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

ATTESTED BY: *Sheri M. Pruitt-Williams*  
**SHERI M. PRUITT-WILLIAMS**  
**Interim Director**

**FINAL DATE OF ORDER:** JAN 22 1999

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16381**

As Interim Director of the Office of Zoning, I hereby certify and attest that on JAN 22 1999 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:

Vincent B. Turner  
1629 Columbia Road, NW, Apt. 431  
Washington, DC 20009

Erma B. Moss  
3302 Curtis Drive, #201  
Suitland, MD 20746

H & M Enterprises  
P.O. Box 30180  
Bethesda, Maryland 20824

Todd Mosley, Chairperson  
Advisory Neighborhood Commission 1C  
P.O. Box 21652  
Washington, DC 20009

ATTESTED BY: *Sheri M. Pruitt-Williams*  
**SHERI M. PRUITT-WILLIAMS**  
Interim Director

DATE: JAN 22 1999