

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16496 Application of H and M Enterprises, pursuant to 11 DCMR 3108.1, (new **3104.1**) for a special exception from Section 354.1 and pursuant to 3107.2 (new **3103.2**) for a variance under Section 354.4 to allow a retail florist shop within an apartment house in an R-5-D District at premises 1629 Columbia Road N.W. (Square 2589, Lot 467).

HEARING DATE: October 13, 1999
DECISION DATE: October 13, 1999

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 the 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, (new **3119.2**) 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 354.1, and a variance from Section 354.4. 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 3108.1 (new **3104.1**) and 3107.2 (new **3103.2**) 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 **CONDITION**:

Hours of operation shall be from 9:00am to 6:00 pm Monday through Friday and 9:00 am to 4:00pm Saturday.

Pursuant to 11 DCMR 3301.1, (**new 3101.6**) the Board has determined to waive the requirement of 11 DCMR 3331.3 (**new 3125.3**) 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 (Jerry Gilreath, Robert Sockwell, and Sheila Cross Reid to grant.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: OCT 28 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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER HAVING BECOME FINAL PURSUANT SECTION 3125.6.

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.: 16496

As Director of the Office of Zoning, I certify and attest that on OCT 28 1999 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 this matter, and who is listed below:

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

Linda Gofli, Chairperson
Advisory Neighborhood Commission 1C
Marie Reed School
1728 Kalorama Road, NW
Washington, D.C. 20009

Attested by: *Jerrily R. Kress*

JERRILY R. KRESS, FAIA
Director

Date: OCT 28 1999

Attest/SO /POH