

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 17079-A of Mark Lee Phillips** pursuant to 11 DCMR § 3104.1 for a special exception to increase the number of sleeping rooms in a bed and breakfast (home occupation) from two (2) to four (4) or six (6) under subsection 203.8 and the provisions governing special exceptions within the Capitol Hill Overlay District under subsection 1202.1, in the CAP/R-4 District at premises 417 A Street, S.E. (Square 818, Lot 27).

**HEARING DATE:** December 2, 2003  
**DECISION DATES:** January 6, 2004 and February 3, 2004  
**RECONSIDERATION DATES:** July 6, 2004 and September 14, 2004

**ORDER DENYING RECONSIDERATION**

The application was submitted September 5, 2003 by Mark Lee Phillips ("Applicant"), the owner of the subject property. The application requested a special exception to increase the number of sleeping rooms from two to four in an existing home occupation bed and breakfast facility at 417 A Street, S.E. (Square 818, Lot 27).

Following a public hearing on December 2, 2003 and a public meeting on January 6, 2004, the Board granted the special exception by a vote of 4-0-1. An order was issued April 19, 2004.

Parties in this proceeding are the Applicant, Advisory Neighborhood Commission ("ANC") 6B, and a group of residents living on A Street or 5<sup>th</sup> Street near the subject property: Christopher Anders and Aaron Schuham; Eugene Berry; Jacqueline Eiting; and William Martin.

By letter dated April 29, 2004 and submitted May 3, 2004, Eugene Berry requested reconsideration of the Board's decision and rescission of its order. The motion argued that the applicant did not satisfy the burden of proof with respect to the application, and that the Board had failed to give great weight to ANC 6B's opposition to the application or to the opposition of the Capitol Hill Restoration Society, persons living in the contiguous neighborhood, or the Ward 6 Councilmember.

At a public meeting on July 6, 2004, the Board considered the letter, but declined to act on the motion because it had not been served on the other parties, as required by 11 DCMR § 3126.3. By letter dated July 9, 2004, the Office of Zoning informed Eugene Berry that the Board could not act on the motion until Mr. Berry provided proof of its service on the parties and the parties had an opportunity to respond to the motion.

By letter dated July 15, 2004, Mr. Berry certified that the motion was hand-delivered to the owner and proprietor of the bed-and-breakfast facility, mailed to the Applicant's attorney, and delivered to Chris Anders, Aaron Schuham, William Martin, and Jacqueline Eiting.



§ 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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**BZA APPLICATION NO. 17079-A**

As Director of the Office of Zoning, I hereby certify and attest that on DEC 15 2004 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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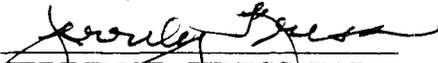
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rsn

ATTESTED BY:

  
**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning