

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 22, 1965

Appeal No. 8335 Sheridan-Kalorama Neighborhood Council, Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and carried with Mr. Scrivener not voting, the following Order was entered at the meeting of the Board on September 28, 1965.

EFFECTIVE DATE OF ORDER -- March 16, 1966.

ORDERED:

That the appeal from the decision of the Director of Licenses and Inspections given on July 23, 1965, of premises 1809 Phelps Place, NW., lot 42, square 2532 was previously used for dormitory purposes and he therefore was obligated to approve the application for a certificate of occupancy for a rooming house, be granted.

From the record of the appeal and the testimony adduced at the public hearing, the Board makes the following:

FINDINGS OF FACT:

(1) From 1925 until 1963 the premises involved were used in the following manner by the Holton Arms School: teaching on the first floor for several years, after which all floors are used as a residence for members of the faculty and staff of the school.

(2) In 1961 the building was sold and in 1963 the Holton Arms School moved to a new location and vacated the building.

(3) Prior to May 12, 1958 the zoning of the property was A-semi-restricted and since that date has been R-3. A private school was permitted in the A-semi-restricted district and is permitted in the R-3 District upon appeal for an exception to the Board of Zoning Adjustment. A rooming house is not permitted in the R-3 District except by variance procedure.

(4) On November 14, 1963 a Certificate of Occupancy was granted to Thomas and Eva Powell, as lessees of the owner, to operate a rooming house in the premises. The Zoning Administrator states that the application for Certificate of Occupancy was approved because the prior use by Holton Arms School was for sleeping purposes. The Zoning Administrator made this ruling on the basis of three affidavits signed by members of the real estate firm handling the property.

OPINION:

This appeal presents the same question that was presented and decided in Appeal No. 8296 and for the reasons stated in our decision in that case, the action of the Department of Licenses and Inspections in issuing a Certificate of Occupancy for a rooming house at the subject premises was in

error and must be reversed and the Certificate of Occupancy of November 14, 1963 declared null and void.

Use of the subject premises for teaching purposes and subsequently for use as a residence for faculty and staff of a school is a school use and does not constitute a rooming house use.

The appeal of the Sheridan-Kalorama Neighborhood Council is therefore granted and the Certificate of Occupancy heretofore issued is declared null and void.